

# **PART A: Introduction**

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## **Introduction**

### **What is a District Plan?**

The District Plan is the primary document that manages land use development and subdivision in the District. The Horowhenua District Council (Council) is required to prepare a District Plan to help carry out its functions under the Resource Management Act 1991 (RMA). These statutory functions are set out in Section 31 of the RMA as follows:

*Section 31 of the RMA - Functions of territorial authorities under this Act –*

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
    - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision*

District Plans are statutory documents which set out the framework of objectives, policies, and methods (including rules) which represent the Council's and community's aspirations and response to the resource management issues of the District. District Plans are part of a hierarchy of resource management policy and planning tools established under the RMA.

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### **The Horowhenua District Plan**

The Horowhenua District Plan is intended to assist the Council manage the environmental, social, cultural and economic effects of the use, development, and protection of land (and associated resources), including the control of the subdivision of land. To do this, the District Plan defines the various zones (Residential, Greenbelt Residential, Rural, Commercial, Industrial and Open Space) across the District and sets rules (specific to the District) for what activities are permitted to occur in each zone. Therefore the District Plan has a very strong influence on the location and nature of activities that occur in the District. In addition to the regulatory controls (i.e. rules), the District Plan identifies where non-regulatory methods can be used to implement the policy direction such as informing people about the risks from natural hazards and being prepared for a civil defence emergency, or providing information on energy efficiency.

### **The Philosophy of the Horowhenua District Plan**

This District Plan is a second generation RMA plan and is formulated to address the resource management issues that have emerged or changed since the first generation RMA plan was made operative (September 1999). The aim of this Horowhenua District Plan is to provide a user-friendly and easily understood document that clearly explains the land use planning framework for the District. The District Plan provisions give a level of certainty to landowners and the community about the location, nature and scale of land use development and subdivision, while also requiring resource consents for some situations where a case-by-case examination of the resource management issues is necessary for good decision making as required under the RMA.

### **Purpose and Principles of the RMA**

The overarching purpose of the RMA, and therefore the District Plan is to promote sustainable management of natural and physical resources, which is defined in Section 5 of the RMA as the following:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The District Plan and its administration must also promote the principles of the RMA and these are set out in Sections 6, 7, and 8 of the RMA. In summary these principles are:

- The recognise and provide for the matters of national importance listed under Section 6;

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- To have particular regard to other matters listed in Section 7; and
- To take into account the principles of the Treaty of Waitangi as stated in Section 8.

### **Māori Values**

The RMA recognises the importance of ensuring the incorporation of Māori values in resource management decision making. The following Iwi and their hapū exercise mana whenua within the boundaries of the Horowhenua District (listed in alphabetical order):

- Muaūpoko
- Ngāti Apa
- Ngāti Raukawa
- Rangitāne

### **Statutory Acknowledgements**

A treaty settlement is an agreement between the Crown and a Māori claimant group to give effect to a deed of settlement for all of the group's historical claims against the Crown over land or other resources taken in breach of the Treaty of Waitangi.

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that a Māori claimant group has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of a Māori claimant group with a statutory area is outlined in the schedules to a Claims Settlement Act.

The purposes of statutory acknowledgements are:

- to require consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements;
- to require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;
- to enable the governance entity and any member of the Māori claimant group to cite the statutory acknowledgements as evidence of the association of the Māori claimant group with the relevant statutory areas; and
- to provide a statement by the Māori claimant group, for inclusion in a deed of recognition, of the association of the Māori claimant group with a relevant statutory area.

From the effective date, consent authorities must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 95 to 95G of the RMA as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory area.

Local authorities with jurisdiction in an area that includes a statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. The attachment of information is for the purpose of public information only, and the information is not part of the statutory plan or subject to the

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provisions of the First Schedule of the RMA. Accordingly, statutory acknowledgements within the District are included in an Appendix to the District Plan (Schedule 11).

A relevant consent authority must forward to the governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on, a statutory area. The information provided must be the same as would be given under section 95E of the RMA to persons likely to be affected, or as may be agreed between the governance entity and the relevant consent authority. It must be provided as soon as reasonably practicable after the application is received, and before a determination is made in accordance with sections 95 to 95G of the RMA. The governance entity may, by notice in writing to a relevant consent authority, waive its rights to be notified and state the scope of that waiver. A statutory acknowledgement does not affect the obligation of a consent authority to notify an application in accordance with sections 95 and 95G of the RMA and to form an opinion as to whether the governance entity is a person that is likely to be adversely affected under those sections.

The governance entity and a member of the Māori claimant group may, as evidence of the association of the Māori claimant group with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on, the statutory area. The non-existence of a statutory acknowledgement does not mean that other areas are unimportant to the governance entity or the Māori claimant group.

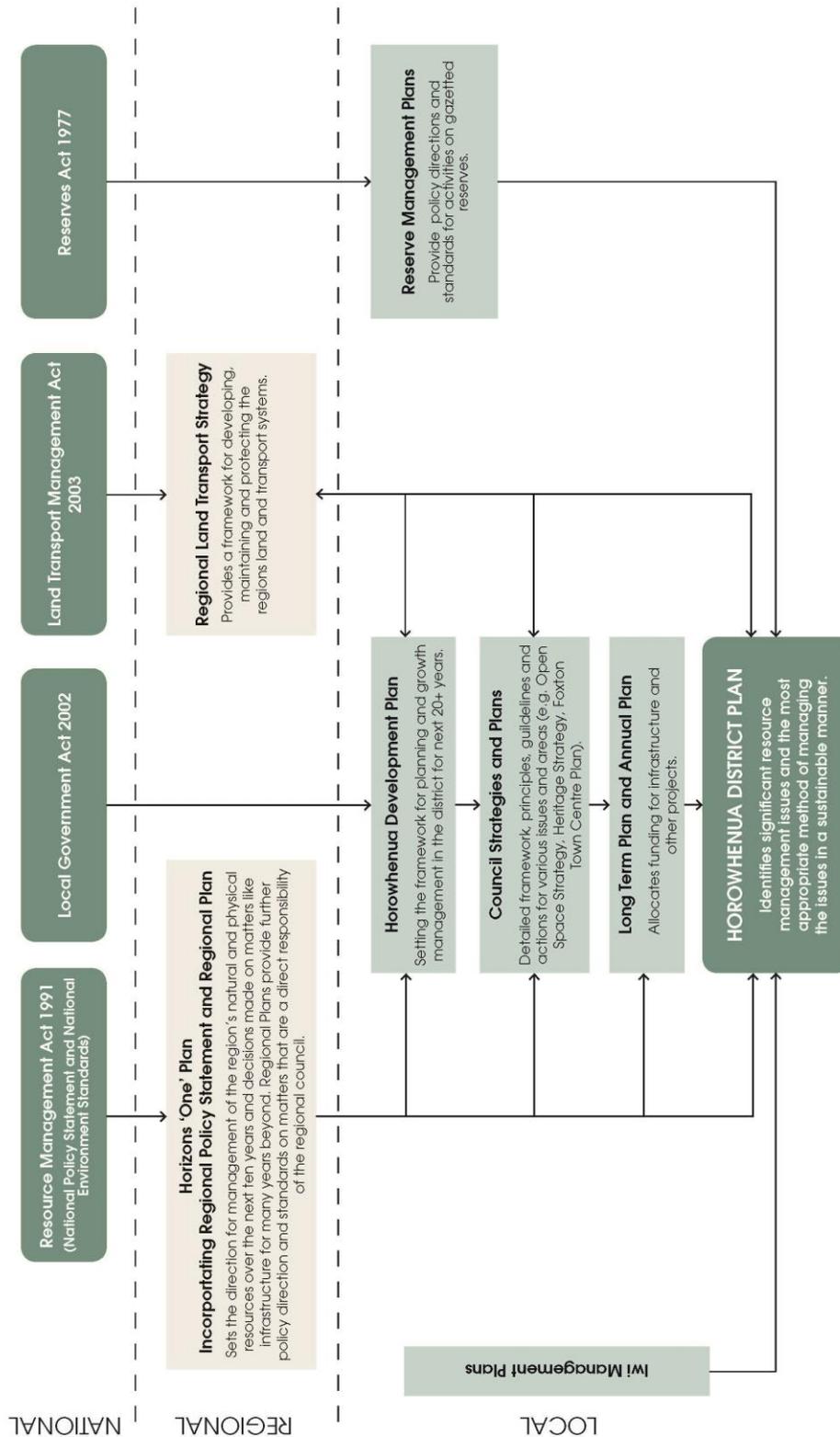
### **Hierarchy and Relationship of Resource Management Policy and Plans**

The RMA establishes a hierarchy of policy statements and plans at the national, regional and city/district level. This hierarchy requires the land use planning and subdivision control in District Plans to respond to the direction provided in national and regional level documents. Section 75 of the RMA requires that a District Plan must give effect to:

- (a) *any national policy statement;*
- (b) *any New Zealand coastal policy statement; and*
- (c) *any regional policy statement.*

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Figure A–1: Relationship between Legislation and Council Documents



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### **National Level**

#### *National Policy Statements*

National Policy Statements (NPS) are not mandatory, but the Minister for the Environment may prepare NPSs to provide national level policy direction on resource management matters that are of national significance. Currently three NPSs have been issued and these have provided national direction on the following matters:

- the need to operate, maintain, develop and upgrade the national electricity transmission network – NPS on Electricity Transmission (2008);
- the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and the benefits of renewable electricity generation – NPS on Renewable Electricity Generation (2011);
- to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits – NPS on Freshwater Management (2011).

#### *New Zealand Coastal Policy Statement 2010 (NZCPS)*

The NZCPS is prepared and administered by the Minister of Conservation. The NZCPS provides national level policy direction for local authorities in the management of the coastal environment.

#### *National Environmental Standards*

National Environmental Standards (NESs) are regulations issued under sections 43 and 44 of the RMA and apply nationally. They prescribe technical standards, methods or other requirements for environmental matters. Each regional, city or district council must enforce the same standard. There are several NESs that the Council is required to administer:

- NES on Telecommunication Facilities
- NES for Electricity Transmission Activities
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

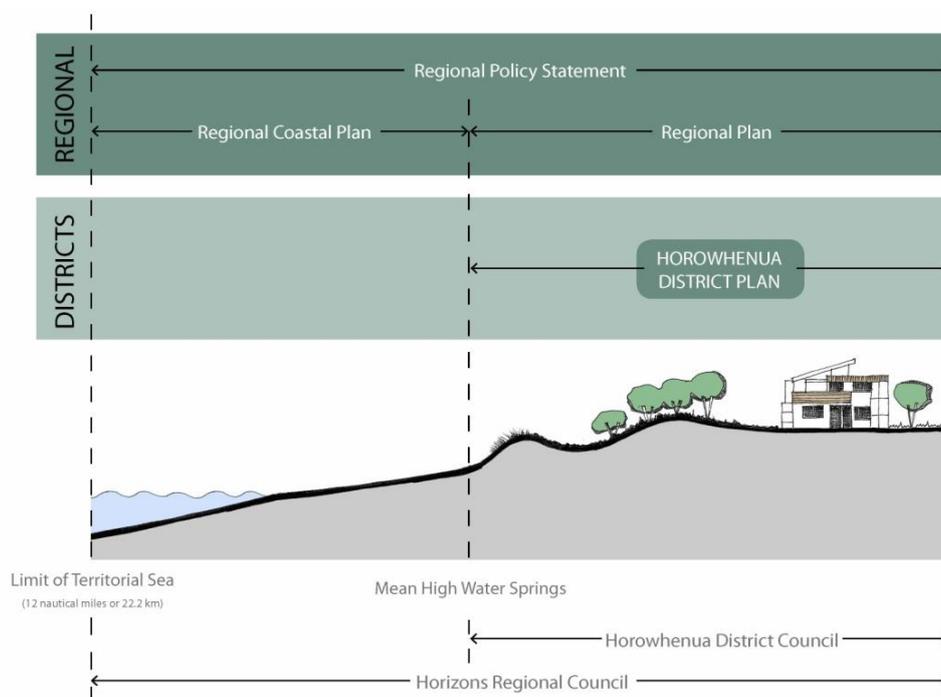
The District Plan does not contain any rules that could duplicate or conflict with the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g. Chapter 22 - Utilities and Energy).

### **Regional Level**

Horizons Regional Council has prepared a single policy and regulatory document which covers all its RMA responsibilities. It is named the 'One Plan' because it combines the previous six separate plans and Regional Policy Statement into one document.

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The District Plan must give effect to the Regional Policy Statement matters set out in the One Plan. The Regional Plan rules manage freshwater and coastal water, soil conservation, and air resources. Therefore the One Plan contains rules on discharges to water, land and air, water takes, and activities within the Coastal Marine Area (CMA), which is the coastal area defined by the mean high water mark and the New Zealand coastline 12 nautical mile limit.



**Figure A-2: Areas of Responsibilities (Regional and District Plans and Policy Documents)**

The One Plan sets out the responsibilities between the Horizons Regional Council and territorial authorities for issues which have overlapping functions (i.e. natural hazards and indigenous biodiversity). Section 62(1)(i) of the RMA allows regional councils to determine which local authority shall be responsible for land use management of the issues where there are overlapping functions. The District Plan minimises instances of overlapping rules with the One Plan.

### *Natural Hazards*

The One Plan sets the policy direction for the management of natural hazards risk and land use planning. Council (and the other territorial authorities within the region) is required to implement the One Plan policy through rules (and other methods) in the District Plan.

### *Indigenous Biodiversity*

The One Plan sets the policy direction to maintain indigenous biodiversity throughout the region. The land use management and control to implement the policies is also retained by the Horizons Regional Council.

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Figure A-3: Map of Horowhenua District and Neighbouring City/Districts

### Local Level

Horowhenua District shares territorial boundaries with Kapiti Coast District, Tararua District, Palmerston North City, Manawatu District, Masterton District and Carterton District. Each of the territorial local authorities has differences in their resource management issues. The individual district plans provide for their communities to respond to the significant resource management issues that face their districts. Some resource management issues are the same or similar and these local authorities can work together to share information and resources. Land use planning at, and close to, territorial boundaries are part of the management of cross boundary issues. The District Plan provides for this specific resource management issue in Chapter 14.

### Other Agencies and Organisations

Other agencies and organisations have responsibilities and functions under other environmental legislation (e.g. the Conservation Act 1987 and the Historic Places Act 1993). Advocacy and information from these agencies are important for the consideration of resource management decisions.

### The Department of Conservation

The Department of Conservation is required to promote the conservation of natural and historic resources, both within and outside conservation land, and to promote these benefits

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to present and future generations. The Department of Conservation has responsibilities under a range of legislation, including the Conservation Act which requires the preparation and administration of Conservation Management Strategies for each respective conservancy.

### **Heritage New Zealand**

Heritage New Zealand Pouhere Taonga (Heritage New Zealand) is New Zealand's national historic heritage agency and guardian of Aotearoa New Zealand's national heritage. Heritage New Zealand maintains a historic places register which is divided into four parts, including:

- Historic places
- Historic areas
- Wahi Tapu
- Wahi Tapu Areas

The Heritage New Zealand List (formerly known as the Historic Places Trust's Register) enables information about the heritage items listed to be stored. The List identifies and informs owners, the public, community organisations, government agencies and local authorities about significant heritage. The information and evaluation of the heritage items assists heritage to be protected and conserved.

Heritage New Zealand also administers the regulatory arm of the Heritage New Zealand Pouhere Taonga Act 2014 with respect to the consideration and determination of applications to destroy, damage or modify archaeological sites or areas.

### **The Ministry for the Environment**

The Ministry for the Environment is the Government's principal adviser on the environment in New Zealand, and on international matters that affect the environment. The Minister for the Environment has responsibilities under New Zealand's environmental legislation. In relation to the RMA key responsibilities include the development of National Policy Statements and National Environmental Standards, to which the District Plan must give effect to.

The Minister is also required to decide on whether proposals (e.g. application of resource consents, notices of requirement, plan changes/variations) are matters of national significance. These decisions impact the applicant and respective local authority, as the proposals can either follow the RMA process locally, or be elevated to a "call-in" process or Board of Inquiry process.

### **Environmental Protection Agency**

The Environmental Protection Agency (EPA) was established in 2009 and is responsible for processing proposals of national significance under the RMA, administering the Emissions Trading Scheme, and regulating the introduction and use of hazardous substances and new organisms under the Hazardous Substances and New Organisms Act (HSNO).

The particular relevance to the District Plan is the EPA's role of facilitating the decision making process for proposals of national significance. Proposals may involve resource consent applications, notices of requirement, plan changes or variations for nationally significant resource management issues. Applicants or local authorities can request that a proposal of national significance be managed by the EPA subject to the acceptance by the

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Minister for the Environment. If the proposal is accepted, the proposal would follow a nine-month process to be determined by either a Board of Inquiry (BoI) or the Environment Court.

### **Other Agencies**

There are a number of other agencies and organisations with an interest and involvement in land use planning. For example, the New Zealand Transport Agency would be interested in land use planning where the safe and efficient functioning of New Zealand's State Highways is a consideration as part of the decision making. Other agencies and organisations which may get involved in land use planning issues include Transpower New Zealand, Powerco, KiwiRail, Civil Aviation Authority, the Ministry of Economic Development and the Ministry of Education. This list is not exhaustive or limited to those identified.

### **How This Plan Works**

The District Plan is divided into the following Parts:

- Part A – Introduction
- Part B – Objectives and Policies
- Part C – Rules
- Part D – Assessment Matters
- Part E – General Provisions
- Schedules/Appendices
- Planning Maps

#### **Part A – Introduction**

The introduction sets the scene for the District Plan and explains why this document is necessary and how it fits into the overall RMA framework. Definitions that assist the interpretation of the District Plan are listed in this part of the District Plan.

#### **Part B – Objectives and Policies**

Part B sets out the policy framework as it responds to the “Significant Resource Management Issues” identified for the Horowhenua District. The issues are grouped into topics and are represented in different Chapters comprising:

- Matters of Importance to Tangata Whenua
- Rural Environment
- Natural Features and Values
- Open Space and Access to Water Bodies
- Coastal Environment
- Urban Environment
- Greenbelt Residential Environment
- Natural Hazards
- Hazardous Substances and Contaminated Land
- Land Transport

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- Water and Surface of Water
- Utilities and Energy
- Historic Heritage
- Cross Boundary Issues

The District Plan sets out “objectives” being the state or outcome that the District Plan aims to achieve or maintain for a particular zone or resource. The “policies” are the course of action being followed through the District Plan to achieve the objectives. Each set of policies has an “explanation” that offers further clarity and understanding of the policy framework.

The District Plan also lists a variety of “methods” to show how the policies would be implemented. For example, a non-regulatory approach would be the provision of information, whereas a regulatory approach would be the use of rules and resource consent requirements.

At the end of each policy section is a list of Anticipated Environmental Results. These environmental results are what are anticipated to be achieved by the implementation of the objectives and policies. The results can also form a useful reference point for monitoring the effectiveness of the policies and methods and also assist in assessing the outcomes proposed by resource consent applications.

### **Part C – Rules**

The RMA specifically allows the use of rules in District Plans. The District Plan rules are contained in Part C. Each Zone has a sequence of rules, standards and conditions that permit or require a resource consent application for land use activities.

### **Part D – Assessment Matters**

Assessment matters set out in Part D of the District Plan, are a guide for applicants, submitters, and decision-makers (i.e. Council) as to the nature of issues that should be assessed as part of resource consent applications.

### **Part E – General Provisions**

The General Provisions assist individuals in preparing a resource consent application. The introductory pages provide information on the different ‘activity statuses’ and the information required to be submitted with an application including any accompanying plans and assessments. This part of the District Plan includes definitions for terms used within the Plan and also explains key RMA processes such as notification, further information requests and Council Hearings.

### **Part F – Schedules**

The schedules include information referred to in Rule provisions and the Planning Maps, such as a list of heritage sites, heavy industries and design guides.

Designations (including conditions) are listed in order of Requiring Authority. The extent of land designated is spatially defined on the Planning Maps. A designation is a provision in a District Plan which provides notice to the community that a Requiring Authority to use land currently or in the future for a particular work or project. There may be conditions on a designation that define how the public work will be undertaken. Where the land is privately owned, a designation can limit the use of the land by its owners, overriding the provisions of

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the District Plan, in favour of the designated purpose. The RMA has specific processes to manage projects and works proposed within designations.

The District Plan has a series of design guides that are referenced in Zone and Overlay provisions. The design guides apply design principles to the individual context and character of Horowhenua's settlements and provide guidance for a range of developments, including but not limited to medium residential density, rural subdivision, and buildings and signs in the Foxton and Shannon town centres.

The Notable Tree Schedule, Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

### **Planning Maps**

The Planning Maps cover the entire District and systematically show the application of the different zones to individual properties at District-wide and settlement scale.

The Planning Maps also show where the overlays apply. Overlays are used for several different issues and purposes and include but are limited to:

- Residential Zone – Medium Residential Density Overlay
- Commercial Zone – Pedestrian Area Overlay, Town Centre Character Overlay
- Rural Zone – Landscape Domain Overlays, Flood Hazard Overlay, Outstanding Natural Features and Landscape Overlays

For example, if a property is identified on the Planning Maps as being within the Rural Zone, the same property also has a Landscape Domain Overlay as shown on the Landscape Domain Overlay Maps. The Landscape Domains have specific subdivision provisions based on the character and amenity expectations in the different Landscape Domains.

There are notations which identify other important land use planning details and the spatial extent of the applicability of these. Properties with heritage items and notable trees are identified on the Planning Maps. The extent of individual designations, flood hazard areas, outstanding natural features and landscapes are also shown on the Planning Maps.

All roads are shown as grey on the Planning Maps for ease of reference for Plan users. Although the roads are shaded grey, they are all zoned, which is the same zone as the land nearest to each point in the road. Where the Zone is different on either side of the road, then the boundary between the Zones is the centre line of the road.

### **How the Rules Work**

The District Plan zones all land in the District. There are six zones:

- Rural Zone
- Residential Zone
- Greenbelt Residential Zone
- Commercial Zone
- Industrial Zone
- Open Space Zone

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There are also ‘Deferred Zones’ for Residential and Greenbelt Residential areas which identify future urban growth areas. Areas identified as Deferred Zones will continue to apply the Rural Zone provisions until such time as the Deferred Zoning status is uplifted (typically when provision of adequate servicing infrastructure is made).

### Activity Status

All Zone Chapters list activities based on six classifications of activity as defined in the RMA. The different activity statuses are detailed below:

- **Permitted activities** are allowed by the District Plan and can operate without resource consent. All permitted activities must comply with the **Permitted Activity Conditions** specified in each set of Zone rules.
- **Controlled activities** require a resource consent. All controlled activities must comply with the relevant **Controlled Activity Conditions** which are specified in the District Plan. The Council must grant consent to a Controlled Activity, and the Council can only impose conditions relating to the matters it has reserved control over listed in the District Plan.
- **Restricted Discretionary activities** require a resource consent. Some restricted discretionary activities have **Conditions** that require compliance. The Council may grant or refuse consent to a Restricted Discretionary Activity, and if granting consent, may impose conditions. In deciding whether to grant or refuse consent, and imposing conditions if consent is granted, Council is “**restricted**” to the matters listed in the District Plan.
- **Discretionary activities** require a resource consent. The Council is not limited to a list of matters in its consideration, instead there is **full discretion** on all resource management issues. The Council may grant or refuse consent for a Discretionary Activity, and if granting consent, may impose conditions.
- **Non-Complying activities** require a resource consent. The RMA requires a non-complying activity application to pass the “**gateway**” test as set down in Section 104D. The Council may grant or refuse consent for a Non-Complying Activity, and if granting consent, may impose conditions.
- **Prohibited activities** are those activities which the District Plan expressly prohibits. No application may be made for such activities and no resource consent can be granted. The District Plan does not list any prohibited activities.

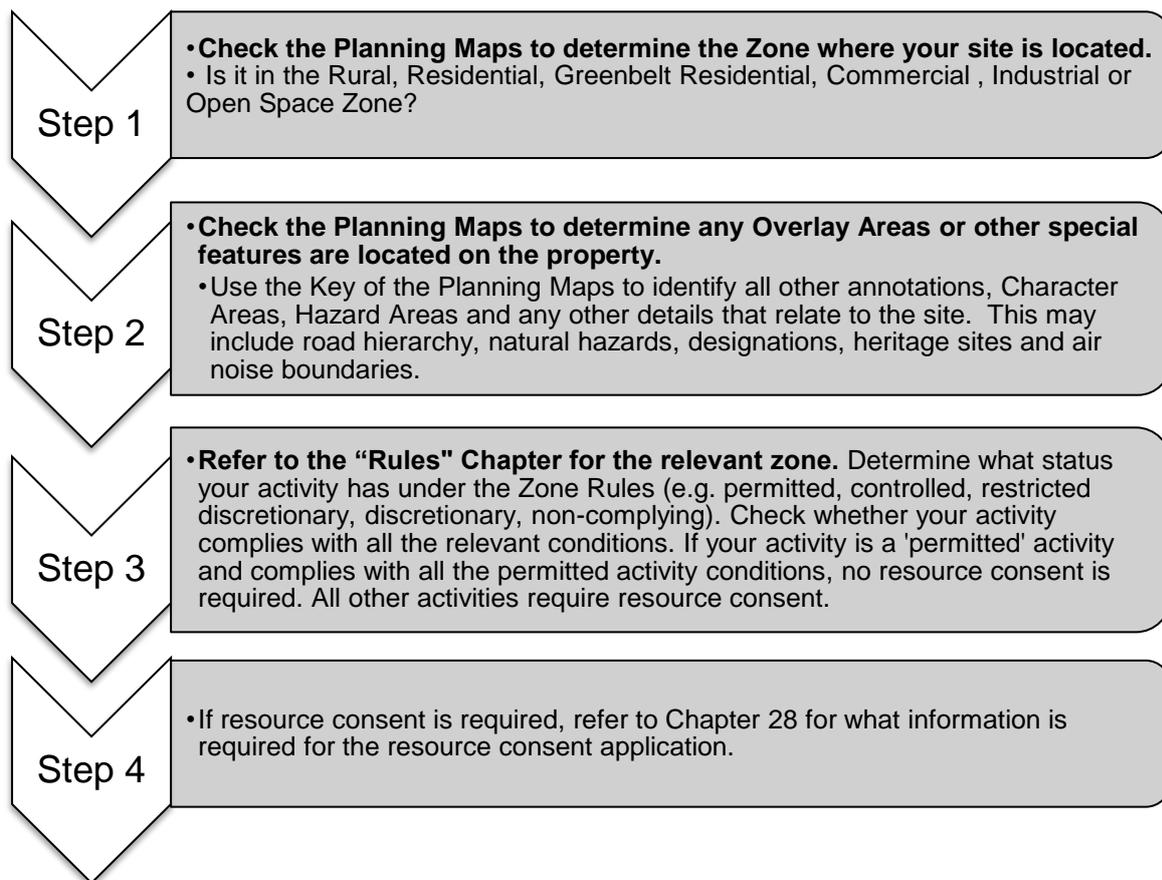
Some activities are specifically listed under the activity statuses as listed above in each Zone Rule Chapter.

### Do I need Resource Consent?

The following steps will assist Plan users to determine whether an activity is permitted or whether resource consent is required.

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### Existing Use Rights

Section 10 of the RMA allows the continuation of existing activities that do not comply with the District Plan, as long as these activities were lawfully established before the rule became operative or the proposed plan was notified. To continue operating under existing use rights, the effects of the activity are to be the same or similar in character, intensity, and scale. Section 139A of the RMA enables a certificate of compliance or existing use to be requested from the consent authority. A certificate of existing use requires sufficient information and description of the existing activity to enable the consent authority to assess and make a judgement.