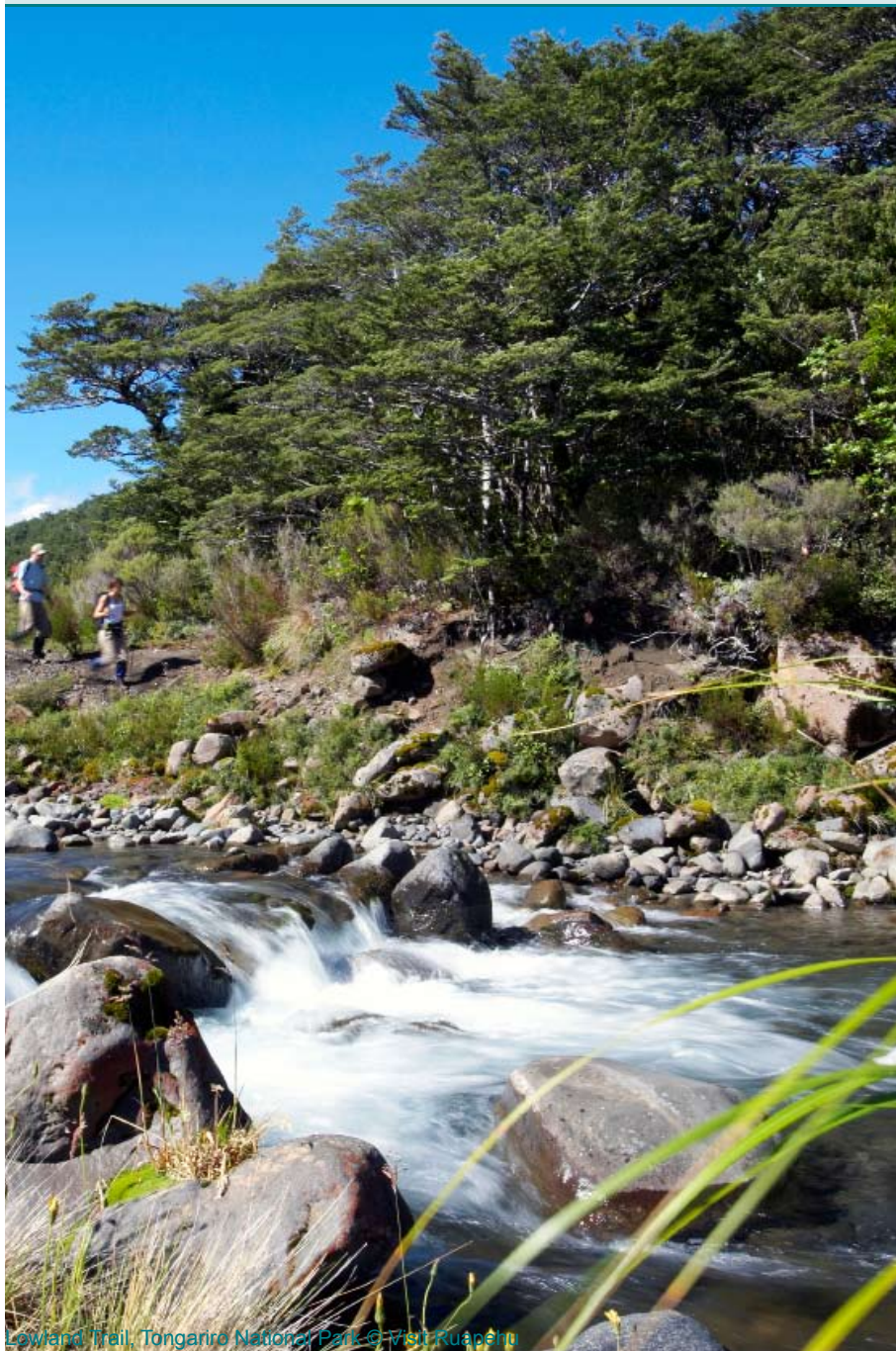




Ruapehu District Plan

Notification
Report for
Proposed
Plan Change
June 2010



Lowland Trail, Tongariro National Park © Visit Ruapehu

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The Ruapehu District ... where adventure begins

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Appendices

- One – Proposed Plan Change
- Two – Section 32 Report
- Three – Key Sections of the Resource Management Act

Introduction

The following report, along with the proposed plan change and the Section 32 Report contain a significant amount of information. As such, I'll start this report by outlining what information is contained where; and what is being requested of Council.

Notification Report

The first section of this report (the Executive Summary) is simply a summary of the main changes that are being proposed to the District Plan. These changes were all generally discussed at the Councillors Workshop earlier this year.

However, the Notification Report is primarily a request to Council to notify the changes proposed to the District Plan.

This is explained fully in Section 2 below (see page 10), along with an outline of what the plan change process involves. An explanation is also provided in this section as to why a plan change is proposed as opposed to a full District Plan Review.

Section 3 of this report provides a summary of each section of the proposed plan change. It should be noted that this is simply a summary of the provisions (objectives, policies, rules, conditions and assessment criteria), for specific details the Proposed Plan Change (Appendix One) should be referred to. It also needs to be stressed that the individual chapters can not be read in isolation. For example, development in the Rural Zone will be affected by Rural Zone provisions¹, but may also be affected by the Subdivision, Natural Hazards, and/or Outstanding Natural Features and Landscapes provisions.

The last section - Section 4 - addresses the statutory requirements for Council when undertaking a plan change. This section addresses issues such as:

- What is a District Plan;
- Why the District Plan is being reviewed;
- What consultation was undertaken;
- How the plan change addresses the various requirements of the RMA.

Proposed Plan Change – Appendix One

The plan change itself forms Appendix One of the document. Changes are proposed to all sections of the District Plan except the Indigenous Vegetation Chapter, which will continue to have effect. Note, the reason for not addressing the Indigenous Vegetation provisions are set out in Section 2 (see page 10).

Section 32 Report – Appendix Two

The RMA requires that when a Council undertakes a plan change that they must produce a report evaluating the proposed provisions. This is known as a Section 32 Report and is included as Appendix 2.

¹ Note – throughout the report the term 'provisions' is used to refer to Objectives, Policies, Rules, Conditions, and Assessment Criteria.

Section 1: Executive Summary

Summary of Main Changes

The key issues that have been addressed are as follows²:

Rural Zone

- Rural Subdivision
Removal of the 1ha minimum lot size for rural subdivision (Discretionary Activity). It is proposed that this is replaced with new provisions that class subdivision as a Discretionary Activity (which enables Council to either approve or refuse consent), and allows for up to 4 additional allotments (depending on the size of parent allotment and the specifics of the site). Allotments must be at least 5,000m², and also have an average lot size of 4ha.
- Impact of development on land managed by DOC
Around the following areas a 500m buffer has been proposed:
 - Otamarautara Stream Scenic Reserve
 - Pukepoto Ecological Area
 - Erua Forest Sanctuary
 - Waimarino Scientific Reserve
 - Tongariro National Park
 - Pokaka Scenic Reserve
 - Rangataua No.2 Conservation Area
 - Mangamingi Stream Conservation Area
 - Tongariro Conservation Area
 - Rangataua Conservation Area
 - Erua Conservation Area
 - Pureora Forest Park (and public conservation land contiguous with the park)

Advice Note: These areas are shown on the District Plan Maps.

Any development proposed within this 500m buffer, except rural activities and houses on approved building platforms³, will require resource consent as a Discretionary Activity. In general, it is not intended that these provisions will prevent development within these areas. Rather, the resource consent process will be used to ensure that any development that does occur, does not detract from the landscape, biodiversity and general amenity characteristics of these areas.

In addition, new objectives and policies have been proposed which aim to ensure development does not adversely affect Conservation Land.

- Reverse Sensitivity – the proposed provisions protect a number of existing activities, for example:
 - the Karioi Pulp,
 - the Tangiwai Sawmill,
 - animal boarding kennels,
 - factory farms; and
 - development in close proximity to the High Voltage Transmission lines

² The proposed changes are discussed in more detail in the Section 3.

³ Under rule SU3.2.1.3

from subdivision or development, especially new housing or tourist accommodation, locating in close proximity to these activities and consequently creating issues, for example, complaints about smell or noise.

- Forestry – forestry plantings to be setback 25m from the boundary of adjoining properties. Other minor amendments are also proposed to the Forestry Provisions.
- Outstanding Natural Features and Landscapes (ONF&L)
Where land falls within an ONF&L it is proposed that consent would be required for a number of activities that are otherwise permitted within the rural zone, for example, Industrial Activities, Prospecting and Exploration. Note, the ONF&L have been shown on the Planning Maps for the first time.

Residential Zone

- Removal of the three existing Residential Zones – Residential High, Residential Medium and Residential Low.

The Residential Low Zone will be incorporated in the Rural Zone, and the Residential Medium and High Zones will be merged into one Residential Zone.

However, different residential densities are proposed for the different townships within the District, as follows:

- Taumarunui, Ohakune, Rangataua and Waiouru = 450m² minimum lot size.
- National Park, Raetihi and Owango = 600m²
- Comprehensive Residential Development – on sites greater than 2000m².
- The rezoning of 9.9ha of Rural Zoned land located between Rochfort Park and Snowmass to Residential.
- Rezoning of Rural land at the northern end of Ward Street, National Park to Residential.
- Rules allow for sites that have already been subdivided under the Residential High Zone rules, but not yet built on, to be developed under similar rules to the existing Residential High rules.
- Provides for '*Domestic Scale Renewable Energy Activities*' – these are mini wind turbines, or solar panels, but subject to noise and height restrictions. Similar rules are proposed for all of the zones.
- Miro Street Catchment – specific stormwater provisions to minimise downstream flooding risks.
- Requirement that new houses have a window/s in the front elevation.

Commercial Zone

- Height Controls – currently there are no controls on height in the Commercial Zone, the proposal is to include the following height limits:
 - Taumarunui, Ohakune and Waiouru – 12m
 - All other Commercial Zones – 8m
- Ohakune – it is proposed to extend the Commercial Zone in Ohakune to include all land that is bounded by Clyde Street (State Highway 49) and Mangawhero Terrace, Tay Street and Christie Park, Ayr Street and Arawa Street, and Clyde Street (State Highway 49) and the Mangateitei Stream.
- National Park - rezoning of the land between Carroll Street and Waimarino Tokaanu Road to Commercial but:
 - limiting the uses to Tourist Accommodation or Residential; and with

- specific standards in relation to yards, landscaping, neutral colours for external walls and the roofs, and noise insulation.
- No roller shutter doors on the front of retail premises (however, security shutters do not require resource consent).

Industrial Zone

- New Industrial Zone proposed along Racecourse Road, Manunui (around the old meat works)
- Objectives and policies now recognise the positive effects of industrial development in terms of economic growth and employment generation.
- Provision made for Emergency Services

Urban Settlement Zone

- No significant changes.
- Specific Permitted Activity status for existing shops in Ohura greater than 75m² (to ensure consent is not required should these shops re-open in the future).
- Provision allowing for 'Hospitals' in the Urban Settlement Zone replaced with an allowance for Residential Care Activities.
- Requirement that new houses have a window/s in the front elevation (the same requirement applies to the Residential Zone also).

Protected Areas Zone

- No major changes to the provisions for this zone, except allowance for domestic scale wind turbines and solar panels in Amenity Policy Areas and Reserves (under the RMA)

Active Reserve

- New zoning which manages development of sports grounds and other 'active' reserves, e.g. Taumarunui Domain, Raetihi Recreation Grounds.

Maori Land

- No major changes

Transport

- Amendments to parking requirements to address previous issues within the Commercial Zone.
- Greater emphasis on safety and encouraging alternative forms of transport.

Subdivision

- Changes to both the Rural and Residential subdivision requirements (see above).

- Greater focus on improved subdivision design, e.g. subdivisions designed so houses can orientated for good sun.
- Amendments to Objectives and Policies, with greater focus on environmental protection.

Signage

- Temporary signs can now remain in place for 8 weeks (instead of 6).
- Commercial Zones – signage may not extend more than 1m above the height of a building.

Hazardous Substances

- This chapter has been simplified significantly, and is based on the Hazardous Facilities Screening Procedure.

Riparian Management and Public Access

- The rules and conditions have been reformatted and amended with the intention of ensuring they are clearer to use, and are consistent with the RMA.
- Policies recognise that in some instances public access to rivers and lakes may not be appropriate, for example, if there are safety issues, or for biodiversity reasons.

Outstanding Natural Features and Landscapes

- All Outstanding Natural Features and Landscapes have now been mapped;
- It is proposed that the Rural Zone Rules will limit the activities that can occur as a Permitted Activity.

Relocated Buildings

- It is proposed that relocatable buildings (residential, tourist accommodation and commercial) will need to be insulated to the same standard as new buildings;
- Greater focus on ensuring that buildings are completed in a timely manner.

Network Utilities

- This chapter has been reformatted and references have been made to the relevant National Policy Statement and National Environmental Standards.
- Objectives and Policies recognise the importance of network utilities, but also focus on ensuring network utilities do not adversely affect landscape and heritage values.

Special Activities

- Few changes to this chapter except sites identified as Special Activities are now all shown on the Planning Maps.

Surface of Water

- Motorised commercial activities now require resource consent as a Controlled Activity. Council has limited the matters of control to consideration of noise effects.
- Temporary and Permanent structures and moorings also require consent.

Natural Hazards

- New rules to address flooding issues at Ohura
- New rules to minimise the risk from Lahars along the Whangaehu River.

Heritage Conservation Areas

- New chapter with provisions aimed at protecting the railway cottages along Railway Row, Ruapehu Road and Egmont Street, while still enabling a level of development.

Heritage

- 93 heritage buildings have been identified, these include the:
 - Grand Chateau at Whakapapa,
 - Kakahi Maori Catholic Church; and
 - Okahukura Road Rail Bridge
- 8 heritage sites have been identified, these include the:
 - North Island Main Trunk Line (and associated heritage buildings and sites e.g. the Ohakune Railway Station and Signal Box), and
 - Mangapurua Valley Historic Area
- Buildings and sites grouped “A”, “B” or “C” – with consent required for some works associated with Group “A” and “B” Buildings and Sites, but no restrictions proposed for Group “C” sites. The buildings and sites are identified in Appendix 4 of the proposed plan change document.
- List of scheduled trees compiled – these trees are all in Council ownership. Consent required for significant work to or around these trees. The trees are identified in Appendix 5 of the proposed plan change document.

Energy

- New objectives and policies which:
 - Recognise the importance of building and subdivision design in relation to energy efficiency;
 - Provide support for renewable energy; and
 - Recognise that non-renewable energy sources contribute to national energy production.

Comment

Please note, this is a summary of the main changes, but does not include all of the proposed changes. More information is provided in the following sections:

- Section 3 – Summary of Changes
- Proposed Plan Change – Appendix 1
- Section 32 Report – Appendix 2.

Section 2 – Notification and the Process

Request to Notify Proposed Changes to the Ruapehu District Plan

The intention of this report is to request that Council agrees to formally notify the attached proposed changes to the Ruapehu District Plan, (see Appendix One).

The proposed changes to the Operative District Plan are broadly based on the provisions of the current Ruapehu District Plan (2000), with specific amendments proposed to address issues that have been problematic in the past, along with a general update to the District Plan. It is also proposed to change the format of the District Plan, and to amend and update the District Plan Maps.

It is important to note that as a result of the submissions process there may be a number of additional changes made. The intention of having a public submissions process is that the public can often provide valuable input into the process, and it is the public that the provisions ultimately affect. As such, the approach taken in relation to any specific rule may change as a result of submissions.

When the Proposed Changes will take Effect

Rules and Conditions

The RMA Amendments in 2009 specified that proposed changes to the rules and conditions in District Plans do not take effect until a decision has been made on submissions and this decision has been publicly notified. This is likely to be at least a year way.

However, the amendments to the RMA stipulate a number of exceptions where the rules and conditions take effect as of the date of notification. These exceptions include rules and standards relating to Heritage.

As such, the Heritage Rules and Conditions will be taken into consideration as of the date of notification.

Objectives and Policies

It is worth noting here that objectives and policies are treated differently to rules and standards. All of the proposed objectives and policies will have some effect from the date of notification, alongside the objectives and policies of the Operative District Plan. This will be relevant, for example, when subdivision applications are considered.

Why a Plan Change and not a full Review of the District Plan

Council has opted to review all sections of the Operative District Plan, except for the Indigenous Vegetation provisions. As such, the proposed amendments are considered to be a plan change, as opposed to a full District Plan Review.

The Indigenous Vegetation Chapter has not been reviewed at this stage due to the level of uncertainty with the proposed One Plan provisions. The One Plan proposes that the Regional Council will take the primary role in relation to Biodiversity. However, significant concerns have been raised by Federated Farmers at this approach.

Council's goal with this plan change is to address various specific issues with the Operative District Plan, for example, issues around rural subdivisions and development within the Residential High Zone.

Given the likelihood that the biodiversity provisions in the One Plan will be appealed, and no matter what provisions Council proposed these are also likely to be appealed, it is considered that the most prudent approach is to wait for the outcome of any appeal on the One Plan Biodiversity provisions. This will allow Council to concentrate on getting the main issues that are being dealt with through the plan change addressed, i.e. the rural subdivision rules, and subsequently propose a plan change to deal with Biodiversity.

In the interim, the existing Indigenous Vegetation provisions will continue to take effect, for example, for the clearance of indigenous vegetation.

In addition, specific objectives and policies have also been proposed in relation subdivision and development which protect biodiversity values.

Plan Change Process

If the Council agrees to notify the proposed changes to the District Plan, the document will go out for public consultation.

This will involve a public notice being placed in the local papers and letters being sent to land owners. Copies of the proposed plan changes, along with the Section 32 Report and this cover report will be made available on both the Council website and in Council Offices and Libraries, along with summary information.

In addition, there will be informal consultation through both public meetings and advertising in the newspaper. Also letters will be sent to land owners where there are specific changes that we consider that land owners should be made aware of, for example, the changes to the commercial zoning around Ohakune.

Once the plan change is notified, which should occur in late June, anyone can make a submission on the proposed plan change. The submission period will close approximately 8 weeks⁴ after the plan change is notified.

All submissions will then be summarised and made publicly available.

Further submissions can then be made on the submissions received. The process around further submissions has changed as a result of last years amendments to the RMA. The only parties that can now make a further submission are:

- Those representing a relevant aspect of the public interest;
- Anyone who has an interest in the plan change that is greater than that of the public in general; and
- The local authority (RDC).

Further submissions can only be made in support of or opposition to a submission, and parties wishing to make a further submission only have two weeks to do so.

As such, it is important that anybody interested in the plan change makes a submission during the initial submissions phase.

Once the submissions and further submissions periods have ended, Council staff and Aecom will prepare a report, which will recommend whether or not the changes requested in the submissions/ further submissions should be accepted. As part of this process there may be a need to meet with submitters and potentially commission specific reports.

A hearing will then be held where anyone who made a submission/further submission has the ability to make a verbal presentation to the Commissioners. The Commissioners then make a recommendation as to the amendments that should be made to the District Plan, having taken into consideration both the submissions received and the staff report.

Council then makes a decision. However, Council only has the ability to approve, refuse or re-hear the plan change. Council can not make alterations to the Commissioners Recommendations (the reasoning behind this is that Council have not heard the evidence).

Once a decision is made, anyone who made a submission may appeal the decision to the Environment Court.

⁴ The RMA requires 40 working days (working days exclude weekends and public holidays).

Section 3: Chapter by Chapter Summary

Please note that the information provided in this section is a summary of the proposed plan change. Please see the proposed plan change for specific details (See Appendix 1).

Also, note that consideration needs to be given to both the Zone Chapters, along with the other chapters dealing with specific issues. For example, if consideration is being given to the plan change in relation to a specific site in the Residential Zone, then the Residential Zone chapters needs to be considered alongside chapters such as Subdivision; the Relocated Buildings and Heritage Character Areas.

Also note that the plan change proposes amendments to all of the chapters of the Operative District Plan except for the Indigenous Vegetation Chapter.

Rural Zone

Objectives and Policies

These focus on the following areas:

- Ensuring that a range of activities can establish within the rural zone while ensuring that the environment is sustainably managed.
- Maintaining rural character and amenity values.
- Ensuring that subdivision and development in close proximity to 'Conservation Land' does not adversely affect these environments and the habitats within them.
- Ensuring that development adjoining State Highway 47 does not detract from the surrounding natural and landscape values.
- Avoiding reverse sensitivity issues, for example, avoiding new residential development occurring right next to an existing and lawful established activity that is, for example, noisy or smelly.
- Identifying the future growth area for Ohakune, and ensuring that development in the interim does not occur in locations that will make future development difficult.

A number of these objectives and policies in the Rural Chapter are new. It is worth explaining these further here.

Development in close proximity to 'Conservation Land'

There have been issues in the past with relatively high density rural residential development occurring within close proximity of land managed by DOC, especially adjoining the Tongariro National Park and the Erua Conservation Area.

To address this, specific objectives and policies have been proposed which will allow Council to more critically assess development which is occurring close to identified 'Conservation Land'⁵.

In addition, around the following areas a 500m buffer is proposed:

- Otamarautara Stream Scenic Reserve
- Pukepoto Ecological Area
- Erua Forest Sanctuary
- Waimarino Scientific Reserve
- Tongariro National Park
- Pokaka Scenic Reserve
- Rangataua No.2 Conservation Area
- Mangamingi Stream Conservation Area
- Tongariro Conservation Area
- Rangataua Conservation Area
- Erua Conservation Area
- Pureora Forest Park (and public conservation land contiguous with the park)

Advice Note: These areas are shown on the District Plan Maps.

Within these areas (listed above), rural activities will continue to be permitted, as will houses on consented house sites (as per Rule SU3.2.1.2). However, all other development will require resource consent. This is

⁵ The 'Conservation Land' is shown on the District Plan Maps. It consists of National Parks, Forest Parks, Scenic Reserves, and Conservation Areas, but excludes some DOC managed land, for example, Recreational Reserves, Quarries, and Local Purpose Reserves etc.

in recognition of the sensitivity of these areas to development and the demand for development adjoining these areas.

Reverse Sensitivity

The plan change proposes new provisions that will provide protection for existing activities, such as the Sawmill at Tangiwai, or animal boarding kennels, from sensitive activities, such as housing or tourist accommodation locating within close proximity resulting in complaints.

Future Urban

The land to the east of Ohakune, around Tainui Street and to the east of Ruapehu Road, has been identified as the future growth area for Ohakune.

The intention is that in the short to medium term growth will be focused in the existing urban areas of Ohakune (these are the areas identified as 'Residential' on the proposed Planning Maps). There is currently a reasonably large amount of undeveloped land within the urban area. In addition, infill subdivision will also allow for some additional development to occur within existing urban areas.

However, in the medium term it is anticipated that growth will occur in the Future Urban Area (around Tainui Street and to the east of Ruapehu Road).

To ensure that this development can occur in the future, rules are proposed which enable limited development - one additional allotment per site. However, this development must be located so that it does not prevent significant residential development occurring in the future e.g. ensuring that a house is not built where logically a road would be located.

It is hoped that through the submissions process some of the basic details will be able to be agreed with land owners, e.g. the location of roads, and possibly design principles.

Note: when this area is rezoned to enable development is dependent on the level of growth in Ohakune.

Subdivision

The subdivision rules have also been amended to limit the amount of subdivision that can occur on any one site. The 1ha minimum lot size for Rural subdivision (Discretionary Activity) is proposed to be replaced with new provisions that class subdivision as a Discretionary Activity (which enables Council to either approve or refuse consent), and allow for up to 4 additional allotments (depending on the size of parent allotment and the specifics of the site). Allotments must be at least 5,000m², and also have an average lot size of 4ha.

Rules

Overall the Rural Zone rules have not changed significantly. The rules still enable a variety of rural type activities to occur in the rural zone subject to conditions. For example:

- small scale commercial activities – limited to 40m²;
- visitor accommodation, however, the number of guests has been limited to 10 per night. This does not affect existing operators who currently can show that they cater for more than 10 guests per night.
- industrial activities but subject to conditions, for example relating to how large the operation can be, and how close it can locate to neighbouring properties.

However, specific rules have been included to address:

- Reverse sensitivity – specifically in relation to development adjoining:
 - Factory farms and animal boarding kennels or catteries
 - The Tangiwai Sawmill and the Karioi Pulp Mill
 - High voltage transmission lines (within 20m of these).

- Development adjoining the identified Conservation Land (see list on previous page)
- Development within 1000m of SH47 (note there has been amendments to this rule).
- Development within areas identified as Outstanding Natural Features and Landscapes.

Consistency with Other Documents

The One Plan addresses a number of issues of relevance to development within the Rural Zone. These include:

- Wastewater disposal – the minimum lot size for domestic waste water disposal is 5000m² (subject to conditions) before consent is required.
The minimum lot size for subdivisions has been proposed to tie in with this.
- Reverse sensitivity – the proposed reverse sensitivity rules have been prepared having regard to the One Plan.
- Urban growth and versatile soils – the approach proposed has pulled back significantly on the amount of development that can occur on rural land, while still enabling farmers to sell off a limited number of allotments potentially for rural residential development. Within Urban Areas the approach taken encourages consolidation, which is also considered to be consistent with the One Plan.

The One Plan also identifies a number of issues of concern to Maori. These issues have a strong environmental focus. A number of the proposed amendments, for example, the 500m buffer around specific areas of Conservation Land, are aimed at ensuring greater environmental protection.

Residential Zone

Changes to and extent of the Residential Zone

It is proposed that the Residential High, Medium and Low Zones will be replaced. Land previously zoned Residential High and Medium is proposed to be rezoned to 'Residential', while land previously zoned Residential Low has been proposed to be rezoned to Rural.

The following changes are proposed to the extent of the Residential Zone:

- The rezoning of 9.9ha of Rural Zoned land located between Rochfort Park and Snowmass to Residential. The land is currently bound to the west by Rochfort Park, and residential land to the east that is characterised mainly as a Visitor Accommodation area. Given the lands close proximity to urban amenities such as Rochfort Park and the Ohakune 'CBD', it is considered to be a practical and appropriate option.
- It is also proposed to Re-Zone to 'Commercial' all Residential Zoned land bounded by Clyde Street (State Highway 49) and Mangawhero Terrace, Tay Street and Christie Park, Ayr Street and Arawa Street, and Clyde Street (State Highway 49) and the Mangateitei Stream.
- Rezoning of Rural land at the northern end of Ward Street, National Park to Residential. This land is already developed with residential density housing on it.
- Plus minor changes to reflect existing uses.

Objectives and Policies

These focus on the following areas:

- Consolidation of existing Residential Areas while allowing for planned expansion.
- Protection of character and amenity; including:
 - Recognition of the different character of the towns within the District – this is then reflected in different subdivision and density rules.

In Taumarunui, Ohakune, Rangataua, and Waiouru lots can be subdivided down to 450m² as a Controlled Activity. This will enable infill subdivision (where sites are greater than 1000m²). This has advantages in terms of more efficient use of land and infrastructure.

In National Park, Raetihi, and Owhango the 600m² minimum lot size provisions have been retained. For National Park this has been done to retain a lower density character to the township, which is considered to be more in-keeping with the surrounding landscape. In Raetihi, the provisions are aimed at encouraging the regeneration of the area, and also recognise Raetihi's heritage potential. While in Owhango, the 600m² provisions have been proposed to both retain the village character and recognise the infrastructural constraints on growth.

- Greater focus on encouraging developments to consider safety, e.g. in relation to subdivisions, and energy efficiency, again in subdivision design.
- Allowance has also been made for Comprehensive Residential Development in: Taumarunui, National Park, Raetihi, Ohakune, Waiouru and Rangataua.

Comprehensive Residential Development allows for integrated development on large residential sites (greater than 2000m²). Overall, the Comprehensive Residential Development provisions allow for a higher density of development. However, applicants have to comply with a number of criteria,

for example, provide communal outdoor space, and are more critically assessed to assure a higher quality of development.

- Policies relating to non-residential uses in the Residential Zone e.g. churches, shops etc. The policies allow for non-residential uses, such as, churches where they can show that the activity will not adversely affect residential character and amenity e.g. in relation to car parking, or noise. The policies also allow for small-scale shops, such as dairies – such activities would be assessed as a Discretionary Activity. However, more significant commercial development is discouraged in the Residential Zone.

Rules

Overall the Residential Zone rules allow for the following activities:

- Residential Activity – one house per 450m² or 600m² (dependent on the area)
- Home Enterprise Activity:
 - where someone is operating a business from their home;
 - limitations e.g. can not sell retail goods, only one employee etc
- Visitor Accommodation Activity – e.g. a BnB or rental property, no more than 10 guests at any time.
- Healthcare Services Activity – e.g. a small doctor's surgery or dentist – limited to one practitioner and associated staff.
- Residential Care Activity – no more than 10 beds
- Education Activity – anything from pre-school to adult education, limited to 10 pupils at any one time.
- Earthworks Activity – various limits e.g. volume of material
- Club Activity - relates specifically to the Ohakune Club and allows for minor extensions to the building without a requirement for resource consent (Building Consent still required).
- Domestic Scale Renewable Energy Activity – allows for solar panels and domestic scale turbines, but controls relating to height and noise.

All of these activities must comply with the Conditions for the Zone. These relate to issues such as maximum building height, density, site coverage (please see the proposed Residential Zone Chapter for details).

Consistency with Other Documents

The One Plan

The One Plan has a number of provisions which aim to address:

- The effects of urban development on versatile soils;
- Integration of infrastructure and land use.

The approach of the District Plan with its focus on consolidating urban growth, and focusing the new development in areas with better infrastructural options, is considered to align with the approach of the One Plan.

The One Plan also identifies air quality concerns with Ohakune (during the winter) and Taumarunui. The Comprehensive Residential Development Provisions encourage developers to consider air quality for example when selecting heating systems,

Community Outcomes

CO10 – Core facilities, services and infrastructure planning and provision (water, sewerage, solid waste, power, roading and medical) keep pace with development.

CO31 – *An urban environment that is tidy, clean, safe, easy to get around and beautified.*

Consultation

One of the key concerns raised in the 2006 public consultation related to development in the Residential High Zone. The amendments have been proposed to address these concerns.

Commercial Zone

Overall the Commercial Zone allows for retail and office development, along with community and recreational facilities, and healthcare services. A number of other activities are provided for within the Zone including tourist accommodation.

Commercial Areas

The only significant changes to the area of the Commercial Zones are at Ohakune and National Park.

Ohakune

The change in zoning in Ohakune has in part been proposed to reflect the existing use of the land, but also to provide for future growth. Affected land owners will be sent a letter to ensure they are aware of the proposed changes, and enabling them to make submission should they wish.

National Park

The land on the western side of SH4 between Waimarino Tokaanu Road and Carroll Street is currently occupied by a number of uses that are predominantly commercial in nature, for example, The Park.

The Council has previously discussed rezoning this land to Commercial with National Park residents. However concerns were raised by residents that this would result in out-of-character development occurring in this area.

However, to retain the Residential Zoning does not reflect the existing, and likely future, uses in this area. Therefore it is proposed that the land be rezoned to Commercial but with the use of the land being restricted to tourist accommodation and also residential. In addition, relatively simple design standards have been proposed which limit the height of buildings, require good separation between buildings, limit colours to relatively neutral tones, and landscaping.

These additional requirements have been proposed to ensure that any development enhances the character of the area. Noise insulation is also required given the proximity of the buildings to SH4.

The Postal Agency on Waimarino Tokaanu Road has also been rezoned to Commercial (from Residential). Again, this is to reflect the existing use of the building.

Overall Approach

The Commercial Zone Objectives and Policies address the following areas:

- Consolidation of Commercial Areas – with the aim of creating compact and vibrant commercial areas, and avoiding significant commercial development locating outside of the Commercial Zone.
- Character of Commercial Areas – ensuring that Commercial Areas are pleasant places to be.
- Avoiding conflict between traffic and pedestrians
- Ensuring that activities in the Commercial Zone do not affect the amenity of adjoining Residential Zones.

Within the Commercial Zone the following activities are permitted:

- Commercial activities, for example: shops, cafes, restaurants, and offices.
- Recreation and community activities, for example, churches.
- Healthcare services and Hospitals.
- Tourist Accommodation, e.g. hotels, motels, apartments etc.
- Education Activities, this includes pre-schools through to universities.

- Residential Activities, for example, apartments above shops or offices.
- Earthworks, car parks and service stations, and
- Domestic Scale Energy Generation.

However, all activities must comply with the conditions of the Zone, and any specific rules relating to the activity. These conditions control:

- Height – limited to:
 - 12m in Taumarunui, Ohakune, Waiouru
 - 8m in all other Commercial Zones
 Previously there was no height limit in the Commercial Zone.
- Verandahs – all buildings within the main commercial areas e.g. along Hakiha Street, must have a verandah;
- Noise, lighting, glare, dust, and odour;
- Traffic – parking, access etc.

Note, if a proposed activity does not comply with these conditions it simply means that consent must be sought for the activity.

There are also specific rules which aim to:

- avoid tourist accommodation facilities, schools and service stations locating at ground floor level within the main shopping streets. For example, in Ohakune, tourist accommodation can not locate on the ground floor along SH49 between Miro and Rata Streets;
- require that residential accommodation is located above ground floor level, and the building is insulated to avoid noise issues.
The conditions are designed to ensure that shopping areas are vibrant places, dominated by shops and other commercial activity, and to avoid reverse sensitivity issues.
- control earthworks.
- avoid exterior roller doors on shops.
This is a new rule. It is based on the idea that if people feel safe and are in pleasant surroundings, they're more likely to spend time there. The more people there are spending time in an area the less opportunity there is for crime. Whereas, if you make an area look unattractive and unsafe, then people will be less likely to want to be there, and this increases the opportunities for crime. Roller shutter doors are one factor that makes commercial areas feel unsafe, the shopping area in Ngaruawahia is an example of this.
Shop owners can still install other devices, such as internal security grills if they want additional security.
- control the height of any mini-wind turbines to no more than 3m above the height limit for the Zone. Noise and glare would also be controlled through the Zone Conditions.
- Control development along SH4 in National Park (see discussion above).

Industrial Activities and Emergency Services Facilities require consent as a Discretionary Activity, as do any of the above mentioned Permitted Activities which fail to meet the standards, for example, a building that exceeds the height limit.

Any other activity, which isn't addressed in the categories above, is classed as a Non-Complying Activity. This would include activities such as factory farming, animal boarding, forestry etc.

Overall, the provisions for development within the Commercial Zone are quite flexible. These are designed to encourage investment and development within these areas, subject to basic standards relating to design (e.g. height), types of uses, and amenity (noise, glare etc).

Consistency with Other Documents

Community outcomes

CO34 – *A Community that has a range of quality retail, entertainment services and facilities.*

CO31 – *An urban environment that is tidy, clean, safe, easy to get around and beautified.*

CO19 – *The incidence of crime and violence are reduced and the Police are open and accessible.*

CO20 – *A community that respects the welfare and safety of others.*

CO18 – *Excellent standards of safety in the community are promoted and individuals take personal responsibility for their safety.*

Overall the proposed changes actively enable commercial activities to occur within the commercial zone, while only limited provision is made for these activities in other areas. This will encourage more vibrant commercial areas.

The roller shutter door rule is also a small step towards ensuring that amenity and safety values do not deteriorate.

Resource Management Act

Both section 5 and section 7 of the Act are relevant to the consideration of development in the Commercial Zone, especially in relation to enabling 'people and communities to provide for their social and economic well-being (section 5), and in relation to the maintenance and enhancement of amenity values (section 7).

Industrial Zone

Objectives and Policies Approach

The Industrial Zone Objectives and Policies address the following areas:

- Impacts of Industrial activities on the Physical Environment;
- Protection of the amenity of surrounding areas;
- Consolidation of Industrial developments within the Industrial Zone, (to generally avoid industrial activities locating within other areas, e.g. commercial or residential, and adversely affecting the amenity and character of these areas); and
- Recognition of the positive effects of Industrial areas in terms of economic growth, employment and innovation.

The recognition of the positive effects of industrial development is a new policy stream.

Industrial areas are important areas for the district in terms of economic growth, employment and innovation. As such, the rules within the Industrial Zone are relatively flexible while aiming to ensure that the effects of Industrial activities do not spill over into adjoining zones, and do not adversely effect the environment. Note the Regional Council controls many of the environmental effects associated with Industrial development, for examples discharges to land, air and water.

Industrial Zones are also areas where land is relatively inexpensive. Due to this, many districts are finding that developers are applying for commercial, and to a lesser extent residential, activities within these areas. This raises issues in terms of:

- reverse sensitivity – as commercial and residential activities are more sensitive to amenity issues such as noise and dust;
- undermining of Commercial areas (this is addressed in the Commercial Zone Policies and Rules); and
- traffic conflicts – between heavy vehicles and shoppers or residents.

It also means that there is less land available for Industrial development and/or the price of the land increases making it more difficult for start-up industries to establish.

The policy approach taken in the Proposed District Plan is to generally avoid these non-industrial activities establishing within the Industrial Zone, unless these activities are secondary to an industrial use. For example, a small factory shop associated with a factory or caretakers accommodation associated with industrial premises.

Rules and Conditions

A range of activities are permitted within the industrial zone, subject to conditions, these activities are as follows:

- Industrial Activities
- Commercial Activities – if ancillary and secondary to an industrial activity, e.g. a factory shop.
- Service Stations
- Earthworks – however subject to controls
- Residential Activities where ancillary to another permitted activity, e.g. caretakers residence, and subject to a number of conditions, for example, requirements for open space and noise insulation.

- Transfer Stations – again subject to conditions, for example, screening and yards.
- Emergency Services – subject to controls around noise (best practicable option).
- Domestic scale renewable energy generation.

All buildings and activities must comply with the following conditions:

- Height – maximum height of 15m. Height is also controlled where it adjoins a Residential, Urban Settlement or Protected Areas boundary, as follows:
 - Buildings must not exceed a height of 2m plus the horizontal distance of the building from the boundary;
- Buildings must be set back 6m from these zones;
- Must not exceed standards re: light spill, noise, dust and odour; and
- Outdoor storage areas must be screened.
- Transport – activities must also comply with the Transport Section rules and conditions, e.g. re: car parking, access etc.

Where an activity does not comply with the Conditions it will require resource consent as a Restricted Discretionary Activity. The exception to this is Transfer Stations which are assessed under the broader considerations of a full Discretionary consent.

A number of activities are specifically identified as Non-Complying Activity (this indicates that the Council does not anticipate these activities occurring within the Industrial Zone). The following activities fall into this category:

- Residential Activities not ancillary to a Permitted Activity;
- Visitor Accommodation;
- Recreation and Community Activities;
- Education Activities;
- Rural Activities; and
- Forestry Activities.

All other activities not specified above will require consent as Discretionary Activities.

Industrial Areas

There are relatively few changes to the Industrial areas within the District. The following areas are industrially zoned, (areas marked with a * indicate areas where the zoning has changed to Industrial):

- Ohura – much of Taranui Street and a small section of Ruru Street.
- Taumarunui and Matapuna – there are four industrial areas within Taumarunui and Matapuna:
 - the first follows the railway lines, and includes much of Bell Road;
 - the second area is a small parcel of land between Mata Street and Paraone Street;
 - the third area is located to the east of Para Street; and
 - the last area is a large Greenfield area located to the east of Racecourse Road, and to the south of the railway lines and SH4.*

There is also a small parcel of land just to the south of bridge at the eastern end of town.

- Manunui – large area of land including the railway lines and land either side of Rimu Street, along with a stretch of properties along Miro Street, two parcels on the southern side of Mata Street, and one parcel at the western end of Miro Street.
- Owhango – the land located between Ohoeka Street and the railway tracks.
- National Park – the old Mill site located between Mackenzie Street and Buddo Street
- Raetihi – Railway Road area and eastern end of George Street adjoining SH4.
- Ohakune – land to the east of Station Road and a portion of Burns Street
- Waiouru – six parcels of land at the southern end of Rangipo Street

The only changes in zoning are the inclusion of a 31ha of land between Racecourse Road and the Railway lines in Taumarunui. This land includes the old Freezing Works site, and a number of other industrial type activities, along with some rurally zoned land to the east.

This area has been included to allow for future industrial growth in a location that has good proximity to SH4, and which is beyond the Taumarunui Air Shed (as identified in the One Plan). It is noted that existing activities on this land will retain their existing use rights e.g. the change in zoning will not affect land owners ability to continue to operate as they have in the past. A specific Condition has been proposed which will require landscaping of the northern boundary of this area to minimise the visual impact of any industrial development.

A small parcel of industrial land at National Park adjoining the railway lines has been rezoned to Residential.

Consistency with Other Documents

Taumarunui is identified as being within the Air shed. The proposed industrial land at Racecourse Road is clear of the Air shed.

Resource Management Act

Both section 5 and section 7 of the Act are relevant to the consideration of development in the Commercial Zone, especially in relation to enabling 'people and communities to provide for their social and economic well-being (section 5), and in relation to the maintenance and enhancement of amenity values (section 7).

Urban Settlement Zone

Background

The Urban Settlements within the district are made up of the following areas:

- Piriaka;
- Kakahi;
- Raurimu;
- Pipiriki;
- A small cluster of houses along Marsack Road, Taumarunui; and
- Parts of Ohura

These areas have the character of a small village. It is not anticipated that there will be any significant growth within or surrounding these areas, except on existing, undeveloped allotments within the townships.

This is due to a number of reasons:

- Retention of character and community feel;
- Limited infrastructural facilities; and
- Avoiding unplanned and sprawling development.

At present, infrastructural capacity within these areas is as follows:

Piriaka

- Water – from local springs
- Sewerage - septic tanks
- Stormwater – open drains

Kakahi

- Community run water supply
- Sewerage - septic tanks
- Stormwater – open drains, and some pipes

Raurimu

- Community run water supply
- Sewerage - septic tanks
- Stormwater – open drains, and some pipes

Pipiriki

- DOC run water supply
- Sewerage - septic tanks with run-off into a sewerage pond
- Stormwater – open drains

Ohura

- Council supplied water from river
- Sewerage - septic tanks
- Stormwater – open drains, and some pipes

Any new development within these areas will need to comply with Building Control requirements in relation to the servicing of sites. In addition, Regional Council approval may be required when septic tanks are being installed.

One of the major development opportunities within the Urban Settlements will be development associated with tourism.

Pipiriki is a prime example of this, with the growing tourism industry associated with the Whanganui River and the River Road, and additional potential from the Mountain to the Sea Cycleway.

Council strongly encourages such development in relation to the potential to create jobs, and economic growth. However, acknowledges that lack of infrastructure will potentially constrain growth.

District Plan Provisions

The objectives and policies reflect the above comments, focusing on the retention of character and amenity, and highlighting infrastructural constraints. A new objective is also proposed which recognises that allowing for a variety of uses within Urban Settlements will help both economic and social well-being.

In terms of uses allowed for within the Urban Settlement Zone, the rules and conditions allow for a mixture of uses – of the type you'd anticipate within a small settlement, these include:

- Residential Activities – houses and accessory buildings;
- Education Facilities – limited to no more than 10 pupils at any time;
- Commercial Activity – for example, a small shop, restaurant or office, limited to 75m². In addition, in Ohura a provision has been added that enables any existing vacant shops that are larger to 75m² to re-open without requiring consent.
- Tourist Accommodation – for example, a BnB or small lodge, limited to 10 guests at any one time;
- Healthcare Facilities – doctors, dentists etc – limited to one practitioner and associated staff.
- Residential Care Activities – for example, respite care, with up to 10 people accommodated on site.
- Earthworks.

All new buildings and extensions must also:

- Cover no more than 30% of the site;
- Have no more than one house per site;
- Have a maximum height of 7.5m or 2m + the horizontal distance from the boundary (whichever is less);
- Provide a yard of 4.5m between the front boundary and the house, 1m to the sides, and 3m to the rear; and
- Non-Residential buildings also need to screen any storage and service areas.

If a proposed building does not comply with these standards then consent is required.

There are also conditions controlling noise, dust and glare.

There are a number of minor changes to the rules from the Operative District Plan. These include:

- 'Hospital Activities' are no longer provided for within the Urban Settlement Zone. However, provision has now been made for Residential Care Activities instead, which is considered to more accurately reflect the type of activity which would potentially occur within the Zone.
- New rules are proposed in relation to dust and glare;
- Amended wording of the objectives and policies, inclusion of two new policies relating to amenity and roading infrastructure, and a number of minor wording changes throughout.

Assessment criteria have also been provided for the assessment of resource consent applications which do not comply with the above.

Subdivision

Also of relevance are the Subdivision Rules. All subdivisions within the Urban Settlement Zone are classed as Non-Complying Activities, except for boundary adjustments. The only change to these rules from the Operative Plan is the provision for boundary adjustments.

Other Considerations

CO10 – Core facilities, services and infrastructure planning and provision (water, sewerage, solid waste, power, roading and medical) keep pace with development.

CO28 – Renewable energy resources and alternative means of energy generation are promoted and available.

CO34 – A Community that has a range of quality retail, entertainment services and facilities.

CO40 - A District that promotes economic diversity and retains its core economic strengths of ... tourism ...

The Resource Management Act

The main RMA considerations are:

- Section 7(c) – *‘the maintenance and enhancement of amenity values’*
- Section 7(f) – *‘maintenance and enhancement of the quality of the environment’.*

The provisions of the District Plan are aimed at addressing

Protected Areas Zone

The Protected Areas Zone includes:

- National Parks managed in accordance with the National Parks Act 1980,
- Conservation Areas and other land managed in accordance with the Conservation Act 1987,
- Reserves managed in accordance with the Reserves Act 1977 (but excludes land within the Active Reserve Zone),
- Land subject to the Wildlife Act 1953, and
- Land zoned as Protected Areas in accordance with the Resource Management Act 1991 (open space either owned or leased by an individual, Trust, Company, Council, Crown or the like).
- Reserves being a Reserve solely because they are identified under the powers vested in the Ruapehu District Council in accordance with The Resource Management Act 1991

The only significant amendments to the Protected Areas Zone section relate to 'Reserves' within the Protected Areas Zone. Reserves in urban areas throughout the District are proposed to be re-zoned as 'Active Reserve'. Reserves other than those in urban areas will remain within the Protected Areas Zone.

Some other amendments have also been made to clarify issues in-line with comments received from the Department of Conservation.

Please see the Section 32 report for analysis of the provisions.

Active Reserve Zone

The Active Reserve Zone aims to provide greater differentiation between urban parks that are heavily utilised amongst the community and reserves located elsewhere in the District. The following reserves are to be rezoned as Active Reserves:

- Taumarunui Domain, Taumarunui
- Manunui Domain, Manunui
- Cherry Grove, Taumarunui
- Raetihi Recreational Ground, Raetihi
- Rochfort Park, Ohakune
- Christie Park, Ohakune
- Parapara Road Reserve, Raetihi
- Jubilee Park, Ohakune

These reserves require separate rules that will enable individuals and groups to carry out a wide range of activities, provided any associated adverse effects are no more than minor. Because of their popularity, these reserves have greater potential to create conflict in their use. The purpose of the rules objectives and policies for the active reserve zone are to ensure that popular urban reserves can meet the specific needs of the community while avoiding adverse effects on other users of the reserves and adjoining land uses.

The rules enable the following activities to occur as Permitted Activities:

- Informal recreation and ancillary buildings – this includes children’s play areas, shelters, public toilets, amenity and conservation plantings, and other buildings necessary of the maintenance of the park (see definitions).
- Recreation and Community Activities – these are defined to include land and buildings used for the assembly of people for recreation, entertainment, cultural instruction, worship and deliberation, and buildings associated with the main recreation activities within the park, for example, grandstands, clubrooms, equipment storage sheds, floodlights, car parking, toilets and tracks, and includes camping grounds.
- Serving of food associated with one of the activities listed above.

However, any building or activity must comply with specific conditions relating to:

- Have a maximum height of 7.5m or 2m + the horizontal distance from the boundary (whichever is less);
- Be setback at least 5m from the boundary of any Residential or Urban Settlement Zone boundary.
- Site coverage limited to either 350m² or 5% site coverage, which ever is the greater.
- Buildings also need to screen any storage and service areas.
- Development and activities also need to comply with the rules relating to transportation, noise, glare, and there is also an allowance for domestic scale wind turbines and solar panels.

Maori Land

Maori land is defined in the District Plan as:

‘Maori customary land, Maori freehold land and land gazette as a Maori Reservation for communal purposes’.

Overall, the approach is to provide Maori with the opportunity to utilise *Maori Land* for a variety of purposes, in recognition of tino rangatiratanga, while still ensuring the sustainable management of natural and physical resources.

There are few changes to either the Objectives and Policies, or the Rules and Conditions from the current District Plan. However, the format of the rules has been altered, along with minor changes to the rules where there was ambiguity.

The approach of the District Plan

Where land is identified as Maori Land the Rules and Conditions in the Maori Land chapter are applicable instead of the Zone Rules. However, the general activity rules, for example, Road Transport or Signage still apply to Maori Land.

It is worth noting that these rules do not apply to any land in Maori ownership, only land that fits the definition of *Maori Land* (above).

The rules allow for a variety of activities on Maori land to occur on Maori Land, including:

- Maori Cultural Activities;
- Maori Cultural Education Activities;
- Papakainga Housing; and
- Marae

However, these activities are subject to conditions, for example, conditions relating to yards, maximum height, site coverage and noise.

Activities not covered by the Maori Land Chapter Rules, for example, tourist accommodation, need to comply with the relevant Zone Rules.

Objectives and Policies

The Objective for the Maori Land Chapter is:

‘Sustainable management of the natural and physical resources associated with Maori Land recognising and providing for the relationship of Maori and Maori Land.’

While the policies are to:

‘To recognise tino rangatiratanga of nga iwi of the District, as affected by the Council’s exercise of its functions under the Act, in the development of their own resources.’

‘To require that a cultural activity does not create adverse environmental effects on adjoining properties.’

Statutory Requirements

Section 6 of the Act sets out matters which must be recognised and provided for. Included within this Section is the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Section 7 of the Act requires that the Council has particular regard to kaitiakitanga and Section 8 of the Act requires all persons exercising functions and powers in accordance with it, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The RMA also requires that Council's must take into account any relevant iwi planning document. Tuhua Hikurangi RMC has a Regional Strategic Plan. One of the Strategic Priorities of the Plan relates to social issues, including housing. The Papakainga provisions of the Proposed District Plan will help to enable the development of Papakainga housing.

Transport

Approach taken by the District Plan

The approach taken to transport in the District Plan is not dissimilar to that of the Operative District Plan. However, there is a greater emphasis in the Policy Section on safety, along with specific recognition of other road users, e.g. pedestrians, cyclists, and those with impaired mobility. The policies also recognise the National Cycleways within the District.

Overall, the Policy Section addresses the following areas:

- The safety and efficiency of the transportation network;
- The impact of transportation activities on the surrounding environment; and
- Encourages multi-modal transportation.

The main change to the Rules is in relation to car parking, where a more permissive approach has been proposed for car parking within the commercial area. In summary, the rules address the following:

- Design of intersections and driveways in terms of safety and usability;
- Loading requirements;
- Car Parking Requirements –
 - The main change to the car parking requirements is that any activity within the Commercial Zone, with a total floor area of less than 350m² does not have to provide any car parking. This has been done to encourage small to medium sized shops, cafes etc to establish in the Commercial Zone, without having to provide additional car parking. The exception to this is premises which are greater than 350m², where the normal car parking requirements apply. For example, the Warehouse or a large hotel would need to provide car parking, whereas a new ski shop or café would not (as long as they were less than 350m²).
 - The rules for Cafes, Restaurants and Taverns have been reduced. Note, in many instances the parking requirements will not apply if building complies with standards above e.g. <350m² and within the Commercial Zone.
 - There are other minor changes (please see the standards), however the majority of other car parking standards have stayed the same – for example, a house still requires two car parking spaces.
 - There are also requirements for disabled car parks, and standards for the layout of car parks.

Clear assessment criteria have also been included, which set out the considerations for Council where sufficient car parking can not be provided. For example, if an applicant can demonstrate that there will be no adverse effects on the surrounding roads, or that they are unlikely to need the number of spaces required, then this can be considered by Council when assessing an application, and a reduction in the car parking requirements granted.

Considerations

The RMA

Roading and transportation raise some key RMA issues. Roads and transport provide (in part) for the social and economic well-being of communities, and can affect their health and safety (section 5). The inappropriate location of roads can adversely affect outstanding natural landscapes (section 6). Finally,

transportation is one of the major contributors to climate change, responsible for 19% of total greenhouse gases emitted in New Zealand. If the transportation network, and the layout of towns, can be designed to minimise the need of people to travel, through creating safe, walkable communities, then the impact of transportation on the climate can be minimised.

One Plan

The One Plan requires that decisions and controls on subdivision and land use shall ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.

New Zealand Transportation Strategy

The NZTS highlights that *'one of the most important long-term influences on transport demand is the pattern of land-use'*.

The approach of the District Plan, which encourages consolidation and encourages connectivity, should encourage land use patterns which discourage sprawling or unconnected development.

Subdivision

Rules

The subdivision rules are inter-related with the Zone Rules discussed above. The key changes to the subdivision rules are as follows:

- **Rural Subdivision**
Removal of the 1ha minimum lot size for rural subdivision. It is proposed that this is replaced with new provisions that class subdivision as a Discretionary Activity (which enables Council to either approve or refuse consent), and allows for up to 4 additional allotments (depending on the size of parent allotment). Allotments must be at least 5,000m², but also have an average lot size of 4ha.
- **Residential Subdivision**
Removal of three existing Residential Zones – Residential High, Residential Medium and Residential Low. The Residential Low Zone will be incorporated in the Rural Zone, and the Residential Medium and High Zones will be merged into one Residential Zone.

However, different subdivision densities are proposed for the different townships within the District, as follows:

- Taumarunui, Ohakune, Rangataua and Waiouru = 450m² minimum lot size.
 - National Park, Raetihi and Owango = 600m²
- **Urban Settlement Zone**
Subdivision remains a Non-Complying Activity.

Objectives and Policies

The Objectives and Policies have also been amended.

Within the Rural Zone greater emphasis has been placed on:

- indigenous flora and fauna;
- wetlands, lakes and rivers; and
- outstanding natural features and landscapes

While within the Residential Zone new policies are proposed relating to:

- Comprehensive Residential Development; and
- Encouraging good quality and safe design.

Signs

Approach taken by the District Plan

The objectives and policies of the District Plan recognise the visual impact and safety issues that signage can raise. However, the policies also recognise the importance of signage for advertising businesses, and social and cultural events.

Few changes have been made to the signage rules, which still set out rules for a variety of signs, e.g. Temporary Signs, and Commercial Advertising Signs.

However, amendments have been made to the signage rules which:

- Enable temporary signs to be in place for 8 weeks as a Permitted Activity. Previously this was limited to 6 weeks.
- Restrict the height of signs in the Commercial Zone to 1m higher than the height of the building. This has been proposed to minimise the potential for large intrusive signs.
- Various other minor changes.

Considerations

Signage raises issues in relation to both Section 5 of the Act in relation to enabling community's social and economic well-being, balanced against amenity and safety considerations raised in Sections 5 and 7.

Financial Contributions

The Financial Contributions chapters focus on enabling Council to require contributions for works such as car parking, landscaping and earthworks. However, the provisions provide flexibility for both Council and Developers where development has unusual or unanticipated infrastructural requirements.

No changes are proposed to these chapters.

Hazardous Substances

Hazardous Substances are also controlled under the Hazardous Substances and New Organisms (HSNO) Act 1996, and the RMA. In addition, there are dual responsibilities for the management of Hazardous Substances between the Regional Council and the District Council, with the District Council being responsible for developing Objectives, Policies and Rules regarding the use, storage and transportation of hazardous substances.

A significant amount of work has been done to simplify the Hazardous Substances provisions, while still ensuring the procedure is robust. This work has been undertaken by Norbert Schaffoener, who is an independent hazardous substance and resource management practitioner.

The approach is based on a Hazardous Facilities Screening Procedure (HFSP), which is used by a number of Council, and has been refined over time. The HFSP is a method that assesses the potential adverse effects of the use or storage of hazardous substances in a site-specific context, based on accepted risk management theory and scientific evidence.

A more in-depth analysis of the Hazardous Substances provisions is provided in the Section 32 Report.

Riparian Management and Public Access

The Council must recognise and provide for the maintenance and enhancement of public access to and along lakes and rivers. The Riparian Management and Public Access chapter sets out Council's approach to this.

A few changes have been made to the layout of this chapter, and a new policy has been proposed recognising that in certain circumstances public access to waterways will not be appropriate, for example, where there are health and safety concerns or where access could compromise ecological values.

There is also recognition within these chapters that there is currently good public access to rivers and lakes within the District.

Outstanding Natural Features and Landscapes

Background

The Ruapehu District contains a number of outstanding natural features and landscapes (ONF&L). The majority of natural and landscape features are volcanic land forms and scenic river valleys. These features and landscapes are widely appreciated by the district, regional, national and international communities.

The identified ONF&L are:

- The Whakapapa River and River Valley;
- The Manganui O te Ao River and River Valley; and
- The Kaimanawa Ranges.
- The Rangipo Desert;
- The Hautapu River;
- The Raketapauma wetland (previously known as Kutaroa and Otahupitara Swamps or Irirangi Swamp); and
- The Whanganui River and River Valley (in addition to the National Park).

All of these areas are currently protected under the Operative District Plan. The first three sites noted above are also identified as Outstanding Natural Landscapes by Horizons, along with the Whanganui National Park.

It is worth noting that the values which Council aims to protect in these areas are a mixture of landscape and biodiversity values.

Land within the Protected Areas Zone has not been included as Outstanding Natural Features and Landscapes as the land is subject to protection in the Protected Areas Zone. This does not imply that land within the Protected Areas Zone is of lesser value.

Objectives and Policies

The objectives and policies aim to protect ONL&F from inappropriate subdivision, use and development, both within and adjoining these areas. The policies also allow for recognition of the social and economic well-being of communities, and the need to provide for essential services and utilities in the assessment of resource consent applications.

Rules

In the Operative District Plan there are no rules providing specific protection for ONF&L. However, whenever consent was required for example, for a subdivision, the relevant objectives and policies would be taken into consideration.

These objectives and policies will continue to be taken into consideration. However, new rules and standards are also proposed which mean that certain activities within areas identified as ONF&L will require consent, for example, industrial activities, prospecting, exploration etc. These rules are within the Rural Chapter.

Mapping

In the Operative District Plan none of the ONF&L were shown on the District Plan Maps. These have now been mapped to clarify exactly which areas are identified as ONF&L (please see the Section 32 Report for more on this).

Considerations

The RMA

The key RMA consideration is:

- Section 6 (b) *'the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development'*.

Along with:

- Section 5(a) '*Sustaining the potential of natural ... resources (excluding minerals) to meet the reasonably foreseeable needs of future generations*'

The proposed provisions are aimed at addressing these RMA considerations.

The One Plan

The One Plan identifies a number of Outstanding Natural Landscapes and requires that all subdivision, use and development within these areas avoid or minimises adverse effects on these areas.

All of these landscapes are identified by either the Outstanding Natural Features and Landscapes provisions or are identified as *Protected Areas*. The Protected Areas provisions also protect landscape values.

Relevant Local Outcomes:

CO25 *Retains the natural beauty, aesthetic values and vistas of the District.*

CO27 *Tourism growth is managed to retain the natural beauty of the District's ecosystems, bush, mountains, waterways and open spaces.*

Relocated Buildings

Background

One of the main concerns raised in the 2006 consultation was relocatable dwellings. The concerns related primarily to character and amenity issues. However, concerns have also been raised as to the lack of insulation in these buildings.

Amendments to the existing Relocated Buildings provisions have been proposed which will mean that relocated buildings must be:

- Insulated to the same standard as new buildings; and
- Connected to the foundations within seven days of arrival on site.

At present, a relatively high proportion of the 'new' housing in the District is un-insulated relocated houses.

Given how cold winters get in the District, and combined with the relatively high levels of poverty, this raises issues for the district, especially given the link between indoor temperature, poverty and illness (most notably among children and older people). The insulation standards have been proposed to ensure that when relocatable dwellings are brought into the District that they are insulated. This will mean that over time a greater proportion of the development that occurs in the District will result in homes that are warm.

The requirement for new buildings to be attached to foundations within seven days is aimed at ensuring works to the building are undertaken in a timely manner. However, Council is limited to how much it can require here, as previous rulings of the Environment Court have highlighted that it is unreasonable to treat relocatable buildings any differently than how new buildings are treated.

Considerations

Statutory Considerations - RMA:

- Section 5(2): *'enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety'*;
- Section 5(2)(c): *'avoiding, remedying, or mitigating any adverse effects of activities on the environment'*; and
- Section 7(ba): *'the efficiency of the end use of energy'*.

Network Utilities

The objectives and policies aim to recognise the importance of network utilities for the social and economic well-being of the community, while ensuring that the impact of these utilities is minimised.

The format of the rules and conditions has been amended. However, there are relatively few changes to the provisions. The most notably being that resource consent is now required for network utilities within:

- the drip line of a heritage tree;
- adjoining a heritage building or site, or a heritage character area; or
- within or adjoining an Outstanding Natural Landscape.

Specific provision has also been made for structures used for investigating sites for renewable electricity generation.

Consistency with Other Documents

The One Plan

The One Plan seeks that infrastructure such as state highways, the electricity grid, electricity generation facilities are recognised as nationally important resources, and that this infrastructure is managed in a way that achieves as much consistency as possible across local authority boundaries.

This issue is managed to some extent through the National Environmental Standards, especially in relation to the National Grid. Recognition is provided for the electricity grid (see the Rural Zone Rules). In relation to electricity generation facilities, many of these are identified as 'Special Activities', with quite permissive regulations around development (see next page).

The changes to the District Plan are intended to provide for network utilities, while still providing a level of protection in areas with high landscape values.

National Policy Statements and National Environmental Standards

The National Policy Statement for Electricity Transmission; and the National Environmental Standards for both Telecommunications, and Electricity Transmission are also applicable to the Network Utilities chapters. These have been considered in the development of this plan change.

Special Activities

A number of activities within the District are identified as 'Special Activities'. These are typically reasonably large, established activities that are located in an area where the zoning would otherwise make development difficult. These activities are as follows:

- The Taumarunui Hospital
- Manu Ariki Marae
- Tangiwai Mill
- Karioi Pulp Mill
- Sir Edmund Hilary Outdoor Pursuits Centre
- Piriaka Power Station
- Raetihi Hydro Station
- Tongariro Power Development
- Electricity Distribution Depots (x2)
- Substations (x 7)
- Downer EDI Works Construction Depot
- St Patrick's School, Rangaroa

The Special Activity rules are designed to allow these activities to continue to occur and development without onerous consent requirements.

Note – there are no significant changes proposed for the special activities section of the Plan. However, all of the Special Activities are now shown on the District Plan Maps, and some of the site details have been updated.

Rules

The rules classify the expansion, redevelopment and addition to a 'Special Activity', for example, the Taumarunui Hospital, as a Controlled Activity, so long as the works comply with a number of conditions. These conditions require compliance with the normal zone standards for noise, transportation and hazardous substances, and require that any buildings do not exceed the height or daylight angles for the zone.

Where an activity does not comply with these standards it is then assessed as a Discretionary Activity.

Note: no significant changes have been made to the Objectives and Policies.

Mapping

All Special Activities are now shown on the proposed District Plan Maps.

Surface of Water

One of the Council's functions under the Act is the control of any actual or potential effects of activities in relation to the surface of water, including rivers and lakes.

There are a large number of waterways within the District. However, the Whanganui River is the only waterway where there are a significant number of activities occurring on the surface of water. These activities presently include; commercially guided canoe tours, canoeing, commercial jet boat operations, freedom jet boat operations, and motorised tour operations, to name a few.

With respect to the Whanganui River, the Whanganui River Control Bylaws 1991 had effect until March 2003 in accordance with Section 424(3) of the Act. The bylaw lapsed at that time and has not subsequently been extended.

The Council recognises that there are a number of other authorities who have management roles with respect to water bodies in the District. The Council does not seek to duplicate any of the existing controls, or the roles of other authorities. At present the other principal authority is the Ministry of Transport (Maritime Safety Division) which administers the Water Recreation Regulations 1979.

As a general principle, regulation should only be utilised when there are adverse environmental effects which need to be avoided, remedied or mitigated and it is the most efficient and effective method available. Many of the issues associated with activities on the surface of water are safety related which are more appropriately addressed by requiring registration of boats and guides, and controlling behaviour through the Maritime Safety Regulations outlined above.

Other environmental effects are however generated that may be more appropriately addressed through the Resource Management Act 1991, such as noise, and the visual impact of structures. Given the increasing popularity of the Whanganui River as a tourist destination, and the likelihood that tourist numbers will continue to increase, as the river forms part of the Mountains to Sea National Cycleway, it is considered appropriate to manage these effects.

However, it is recognised that there is currently a claim before the Waitangi Tribunal. It is anticipated that once the claim is heard there may be different management arrangements around the river, and as such, only limited rules and conditions have been proposed.

Development adjoining the river, for example, car parking and any tourist facilities will need to comply with the relevant Zone provisions.

Natural Hazards

The main changes to the Natural Hazards chapter are:

- the inclusion of a flood hazard overlay for Ohura, and
- a 100m buffer either side of the Whangaehu River to address lahar hazards.

Flood Hazard Overlay for Ohura

New rules are proposed which will mean that resource consent is required for any new habitable building, or any extensions to a habitable building, which is within the area identified as being at risk of flooding.

The intention of the rules is to ensure that development does not increase the risks associated with a flood.

Whangaehu River

A precautionary approach has been taken to development alongside the Whangaehu River. Resource consent will be required for any habitable accommodation, or an extension to habitable accommodation, that is within 100m of the river. The intention of this rule is to reduce risks associated with lahars.

Consistency with Other Documents

The One Plan identifies that territorial authorities shall be responsible for developing objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards in all areas and for all activities. Specifically District Plans shall identify floodways (as identified in the One Plan) and other areas known to be inundated by a 0.5% annual exceedence probability flood event, and controlling land-use activities in these areas.

The Regional Council is currently undertaking flood modelling of both Taumarunui and Ohakune. This information will need to be included in the District Plan in the future (through a subsequent plan change).

Heritage Conservation Areas

A new section is proposed for inclusion in the District Plan which is aimed at protecting the heritage values associated with the Railway Cottages in Railway Row, Egmont Street and Ruapehu Road.

The rules and conditions are primarily aimed at protecting the appearance of the Railway Cottages as viewed from the street.

The proposed rules for Railway Row are more permissive than those for Ruapehu Road and Egmont Street. For example, in Railway Row infill subdivision has been provided for, whereas in Ruapehu Road and Egmont Street the minimum lot size has been proposed as 700m². This will mean that, in general, infill subdivision is unlikely to occur.

The difference in the rules reflects to some extent that the Ruapehu Road and Egmont Street are both in very good condition, with few alterations to the buildings visible from the street. Whereas various developments in Railway Road have affected the heritage values of the street to some extent.

In all three streets, the rules allow for the following works as a Permitted Activity:

- Maintenance and repair of buildings (maintenance and repair are defined);
- Any changes to the interior of a building; and
- Alterations and additions to any area other than the front of building. This will allow for side and rear extensions, or car ports to be added to houses without the need for consent (but subject to compliance with the associated conditions e.g. single storey height limit, etc).

The approach proposed is not a pure protection approach. It will ensure that the front of the buildings are retained, and at the same time will allow land owners to make alterations to the side and rear without requiring resource consent. As such, it is hoped that this will be seen as a practical approach.

There has been limited consultation with land owners on the concept of a 'Character Area'. However, there has not been time for discussions on the detail of these rules. It is hoped that through the submission process land owners will comment on not only the concept of a Character Area, but the detail of the proposed rules and conditions.

Consistency with Other Documents

The RMA

Section 6: *'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

(f) the protection of historic heritage from inappropriate subdivision, use and development.'

Section 7: *'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-*

(c) the maintenance and enhancement of amenity values

(g) any finite characteristics of natural and physical resources.'

Heritage Sites, Buildings and Trees

Background

Historic sites and buildings are protected under two pieces of legislation.

The first is the Historic Places Act 1993, which requires the Historic Places Trust (HPT) to maintain a register of historic places and areas, and wahi tapu sites and areas. The register is primarily an advocacy tool.

The other mechanism for protection of historic heritage is through District Plans. In 2003, the RMA was amended to include *'the protection of historic heritage from inappropriate subdivision, use and development'*, as a matter of national significance. As such, the Council must recognise and provide for the protection of historic heritage in the District Plan.

RDC has in recent times taken a more proactive in recognising heritage within the District. In 2007, Council adopted the Heritage Policy, which recognises that Council has the primary responsibility for promoting the recognition and protection of heritage in the District.

In addition, the Historic Places Trust has undertaken a 'Pilot Project' which has provided historical information on a number of buildings and sites within the District.

Heritage is also an issue that has been raised in the LTP consultation, with two of the Community Outcomes relating to Heritage, these are:

CO 1 *A community that understands, embraces, respects and celebrates the traditions and history of all ethnic groups.*

CO 2 *The history of the community and District is preserved and appreciated through museums, libraries, places of interest and historical attractions.*

Buildings and Sites

The Operative District Plan identifies nine buildings within the Heritage Schedule. These include the Bank of New Zealand Building and Hitching Rail in Raetihi, the 'Bridge to Nowhere' and the former ANZ bank building in Taumarunui.

In the Proposed District Plan a large number of additional buildings have been identified, including the Grand Chateau at Whakapapa, the Taumarunui Post Office Building and the Memorial Gates at Ohakune. In total 98 buildings are identified in the Heritage Schedule. In addition, 10 Heritage Sites have been added – these include the Old Coach Road, the 'Last Spike' on the Main Trunk Line, and the Mangapurua Valley Historic Area (including the 'Bridge to Nowhere').

The Heritage Schedule categorises buildings and sites as either A, B or C:

- Category A buildings being either those that regarded as having outstanding district-wide significance, for example, War Memorials, or are classed by HPT as Category I, for example, the Glacier Hut. There are 13 buildings and 6 sites which fall into this category.
- Category B buildings are either buildings considered to have outstanding district-wide significance, for example, St Josephs Church in Ohakune, or are classed as Category II buildings/sites by HPT, for example, the Royal Picture Theatre in Raetihi. There are 52 Buildings in category B, and 2 sites.
- Category C buildings are of local interest, and have been identified for information purposes only – there are no rules associated with these buildings. An example of a Category C building is the Horopito Car Museum.

The District Plan proposes the following approach for Category A and B buildings and sites:

- minor works associated with the maintenance and repair are classed as a Permitted Activity (i.e. resource consent is not be required).
- alterations and additions require consent, as do new buildings within the setting of a scheduled building (as a Restricted Discretionary Activity),

- partial demolition or removal of a Category B building is classed as a Discretionary Activity; and
- full demolition of a Category B building, and any form of demolition or removal of a Category A Building is classed as a Non-Complying Activity.

(Note: these are broad generalisations; please see the Heritage Rules for specific details).

The Heritage Schedule was based on the:

- Buildings and Sites already identified in the HPT register;
- Pilot Project list;
- Research undertaken by a Warwick Kelloway for Council in 2002;
- Sites and buildings nominated by local residents and historians.

It is also worth noting that a Heritage Character Area has been identified in the District Plan, associated with the railway settlement in Ohakune. The Character Area has different rules from the Heritage Sites and Buildings, (please see the Heritage Character Chapter for more detail).

The Historic Places Trust has made comments on the Draft District Plan and many of their suggestions have been taken on board.

Trees

For the first time a number of trees (approximately 119) have been included in the heritage schedule (Appendix Five of the Proposed District Plan). All of these trees are on public land, and include a variety of trees, for example, the black beech trees at Jubilee Park, Ohakune, and a Pine tree at the Manunui Cemetery planted by a returned serviceman from a pine cone brought back from Gallipoli.

Minor trimming and maintenance of a scheduled tree will be classed as a Permitted Activity (i.e. consent will not be required). In addition, the removal of dead, damaged or diseased limbs, and the removal of a dead dying or terminally damaged tree is also classed as a Permitted Activity. However, a report must be provided from an arborist confirming that the works are necessary.

All other works to a scheduled tree require consent. As do any works within the drip line of the tree.

Consistency with Other Documents

The RMA

Section 6: *'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

(f) the protection of historic heritage from inappropriate subdivision, use and development.'

Section 7: *'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-*

(c) the maintenance and enhancement of amenity values

(g) any finite characteristics of natural and physical resources.'

In addition, under Section 74 of the Act Council must also have regard to any relevant entry in the Historic Places Register.

Please note: the above is a summary of the Heritage Chapter Provisions. However, in writing a summary, specific details of the provisions will not be covered. Please see the Heritage Chapters of the District Plan, and the Definitions for a complete understanding of the proposed District Plan provisions.

The One Plan

The One Plan specifies that Territorial Authorities must keep a schedule of historic heritage items within their District. These are proposed to be incorporated in Appendix 4 and 5 of the District Plan.

Energy

Summary

This section summarises the approach taken in the Proposed District Plan to Energy.

Background

The Ruapehu District has and will continue to contribute significantly to meeting national energy demands.

The district houses part of the Tongariro Hydro Power Scheme, which makes a significant contribution to meeting national demand. There are also a number of smaller power schemes, including the Piriaka Hydroelectric Power Scheme and the Raetihi Hydro Station. There are also a number of waterways where opportunities for additional hydro-electric generation exist.

The District also has coal reserves that were utilised throughout the 20th century. It became uneconomic to continue mining in the 1960's and most of the coal mines closed down. However coal mining to fuel energy generation could return to the district should extraction technology progress and economic conditions become favourable, and should not be ruled out by planning provisions.

In addition, the District has an identified wind resource that is suited to energy generation (consent has recently been granted for the *Project Central Wind* windfarm between Waiouru and Taihape).

Windfarms, and other renewable energy generation opportunities, have the potential to provide wider environmental benefits through reducing greenhouse gas emissions and have been recognised and provided for within the District Plan.

Council notes however that all forms of energy generation also have the potential to generate adverse environmental effects (including on wildlife and habitat, outstanding landforms and natural features, rural amenity) and on the social and cultural environment of the District, if not appropriately sited.

For this reason, the District Plan requires consent for larger commercial scale energy generation facilities so that effects can be assessed.

Domestic scale electricity generation has specifically been provided for to enable the uptake of items such as mini-wind turbines and solar panels.

As referred to in the Network Utilities chapter the National Policy Statements on Electricity Transmission must also be 'given effect to' through the District Plan.

The NES for Electricity Transmission address issues relating to the '*effective operation, maintenance and upgrading of the existing electricity transmission network*'. Specifically the provisions relate to existing high voltage electricity transmission lines. The construction of new transmission lines and substations is covered by the Network Utilities Chapter.

Finally, consideration has also been given to the '*New Zealand Energy Strategy to 2050*'. One of the 'Key Actions' of the Strategy is to promote renewable energy, specifically: '*To maximise the contribution of cost-effective renewable energy resources while safeguarding our environment*'

The Strategy also recognises the '*need to balance the climate change benefits of increasing renewable electricity against the potential impact on the local environment*'. The approach taken in the District Plan is intended to enable the establishment of electricity generation facilities, including renewable facilities, while specific provisions are proposed, for example around National Parks which aim to give greater protection to these areas.

District Plan Provisions

The Policy section reflects the above comments, focusing on the following three areas:

- Opportunities to encourage energy efficiency through the layout of subdivisions and design of buildings.

This recognises that if buildings are appropriately orientated towards the sun they will be warmer, drier and less expensive to heat.

This is then reflected in the Assessment Criteria for Subdivision where consideration of the layout of subdivisions in relation to future building orientation is a consideration.

- Encouraging the use of renewable energy resources in the District.

Within the Rural Zone, all Electricity Generation Activities (whether renewable or otherwise) are identified as a Permitted Activity, subject to a number of conditions relating to the scale and visual impact of the activity, whether hazardous substances are being used on site, whether the site is subject to a water protection order or a heritage protection order (see Conditions RU3.4.9 of the Proposed District Plan for more detail). Any activities which do not comply with this standard are then assessed as a Discretionary Activity.

In addition, the Network Utilities Rules allow structures for the investigation of the use of a site for renewable electricity generation as a Permitted Activity within the Rural Zone, if the structure is less than 80m in height and if it is more than 500m from an Urban or Protected Areas Zone, or Outstanding Natural Landscape.

Also domestic scale electricity generation is also provided for as a Permitted Activity in all zones, subject to rules relating to height and noise.

- Allowing for the utilisation of non-renewable energy resources, where necessary, to maintain social and economic well-being, but ensuring that adverse environmental impacts are avoided, remedied and mitigated.

Rules

There are a number of rules which inter-relate with the Energy Chapter. These include the Network Utility Rules, restrictions around development within Outstanding Natural landscapes and within 500m of identified Conservation Land, and the Special Activities Rules (please see these Chapters for more).

Consistency with Other Documents

The RMA

The main RMA considerations are:

- Section 6 (b) *'the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development'*.
- Section 7(ba) – *'the efficiency of the end use of energy'*
- Section 7(f) – *'the benefits to be derived from the use and development of renewable energy'*.
- Section 7 (i) - *'the effects of climate change'*

The provisions of the District Plan are aimed at addressing these issues.

The One Plan

The One Plan stipulates that local authorities should:

- Encourage energy efficiency, including solar access, in relation to subdivisions and new homes.

This is reflected in the Energy Chapter, and there are also provisions in the subdivision and residential chapters which also address this.

- Ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.

Provisions within the Transport, Residential and Subdivision Chapters encourage connectivity, and greater consideration of alternative modes of transport in subdivision design, however, the approach recognises that given the density of the townships within the district there are limitations in terms of what effectively can be achieved.

- Have regard to the benefits of the use and development of renewable energy resources.

The provisions in the Energy chapter address this issue, while rules in the Rural and Network Utilities chapter enable small-scale generation activities (up to 50kW – see RU3.4.9), along with structures for the investigation of sites for renewable energy generation (see NU3.2.16). While within the other zones there is provision for domestic scale wind turbines, solar panels etc.

- Give preference to renewable energy generation, over non-renewables. The policies provide greater support for renewable. However, there is recognition of non-renewables.

Relevant Local Outcomes:

- CO10 *Core facilities, services and infrastructure planning and provision (... power, ...) keep pace with development.*
- CO28 *Renewable energy resources and alternative means of energy generation are promoted and available.*
- CO40 *A District that promotes economic diversity and retains its core economic strengths of ... tourism ...*

Section 4: Statutory Requirements of the RMA

What is a District Plan?

The purpose of a District Plan is to assist Councils to carry out their functions in order to promote the sustainable management of natural and physical resources.

The functions of District Councils are set out in Section 31 of the RMA as follows:

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.*

The RMA defines⁶ 'sustainable management' as '*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 eco-systems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.'*

Why is the District Plan being reviewed?

The Resource Management Act (RMA) requires every District Council to have a District Plan, and also requires that Councils review every provision within the District Plan at least once every ten years.

⁶ Section 5 of the RMA.

Consultation

General

Over thirty public meetings were held in 2006 to find out what the key concerns the public had with the existing District Plan. The key concerns that came out of this consultation were:

- Concerns at the impact of Rural Residential Development;
- Concerns at potential for development to impact on landscape values;
- Concerns at the quality of Development within the Residential High Zone;
- Concern at the rules and implementation of the car parking rules;
- Desire for a higher quality of development;
- Desire to ensure the District Plan generally enabled development; and was a user friendly document.

A draft District Plan was made available for comment in July 2009. Twenty four comments were received. These comments resulted in a number of amendments being made to the draft plan change.

In addition, a number of meetings were held with a variety of groups, including:

- Local developers, surveyors and planners;
- The Department of Conservation
- The Regional Council
- The Historic Places Trust
- Ohakune 2000

Comments made at these meetings also resulted in changes to the draft plan change.

Consultation with Iwi

Two hui were also held, one in Taumarunui and one in Ohakune. The main issues that were discussed centred on how Maori resource management principles are reflected in the District Plan.

Iwi were also sent a copy of the draft District Plan for comment in mid 2009, and subsequently contacted to see if they had any specific concerns. The main issues that were raised were:

- A suggestion that a number of the Maori Catholic Churches should be identified in the Heritage Schedule. These have now been included.
- Request for clarification around how the 500m buffer around National Parks would affect development within Pipiriki. Amendments to these rules mean that there is no longer a 500m buffer around the Whanganui National Park.

However, concerns have been raised by one iwi around the level of consultation. These comments were received in early May. A synopsis of their concerns has been forwarded to staff. It would appear that these concerns can be addressed through the submissions process.

Designations

A letter was sent to all Requiring Authorities inviting them to confirm their designations, with or without modifications. These designations have been updated and included in the District Plan Maps.

Relevant Sections of the Resource Management Act

The key sections of the RMA which relate to the preparation of a new District Plan are as follows:

- Purpose and Principles:
 - Section 5: Purpose,
 - Section 6: Matters Of National Importance,
 - Section 7: Other Matters,
 - Section 8: Treaty of Waitangi.

How the specific chapters of the proposed plan change fit with the 'Purpose and Principles' of the RMA is discussed in Section 3 above.

- Functions, Powers, and Duties of Local Authorities:
 - Section 31: Functions of territorial authorities under this Act;
 - Section 32: Consideration of alternatives, benefits, and costs;

The Section 32 Report is attached in Appendix 2.

- National Environmental Standards:
 - Section 44A: Local Authority recognition of National Environmental Standards
- District Plans:
 - Section 74: Matters to be considered by territorial authority
 - Section 75: Contents of district plans
 - Section 76: District Rules
- Miscellaneous provisions
 - Section 85: Compensation not payable in respect of controls on land

How the proposed plan change fits with Sections 44A, 74, 75 and 85 is discussed below.

Local Authority recognition of National Environmental Standards (Section 44A)

National Environmental Standards

National Environmental Standards (NES) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters.

Council must enforce these standards (or they can enforce stricter standards when the standard provides for this). In this way, national environmental standards ensure consistent minimum standards are maintained throughout all New Zealand's regions and districts.

Under section 44A of the RMA, rules in District Plans can not duplicate or conflict with provisions contained in a NES

There are currently NES for the following areas:

- Telecommunication facilities
- Electricity Transmission
- Sources of human drinking water standard
- Air Quality

Telecommunication Facilities

The national environmental standards for telecommunication facilities came into force on 9 October 2008.

The Ministry for the Environment website summarises the standards as follows:

- *An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz).*
- *The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.*
- *Noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.*
- *The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.*

The rules and standards in the Draft District Plan are intended to be consistent with the NES.

NES on Electricity Transmission

The standards recognise and provide for the effective operation, maintenance and upgrading of the existing electricity transmission network. The standards provide a framework of consent requirements and permissions that take into account the NPS's policies.

The standards replace plan provisions relating to activities on existing transmission lines. Councils will still need to review plans and remove provisions that duplicate or conflict with the NES. However, they do not need to go through a costly consultation process to make these plan changes.

The standards:

- specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects
- specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, or to substations. The NES does not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

NES on Sources of Human Drinking Water Standard

This standard is mainly applicable to Regional Councils. However, the NES includes a regulation that requires Councils to *'place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.'* A note, highlighting this issue, has been added to the Rural Zone and Hazardous Substances Chapters.

NES on Air Quality

The air quality standards, which were gazetted in 2004, set threshold concentrations for certain air pollutants with restrictions on industry after 2013 if the air quality standards aren't met. The air quality standards are intended to help protect public health and the environment.

However, in June 2009, the Government initiated a review of the standards. The intention of the review is to look into whether disallowing industrial consents is appropriate when industry contributes a small proportion of pollutants, whether the air quality standard has the right cost/benefit balance and whether the 2013 timeline is appropriate.

In terms of regulation, the NES is mainly applicable to Regional Councils. However, Taumarunui is identified as being within an 'Air shed'. This factor has been taken into consideration in relation to the location of new industrial areas.

Consistency with Other Documents (Section 74 RMA)

Section 74 of the RMA sets out the other documents that Council shall have regard to when preparing a plan change. These include:

- Any Proposed Regional Policy Statement
- Any Proposed Regional Plans
- Management Plans and Strategies prepared under other Acts. For Ruapehu these include:
 - The RDC Long Term Plan, Asset Management Plans, and Waste Minimisation Plan
 - Department of Conservation:
 - The Conservation Management Strategy,
 - The Tongariro National Park Management Plan 2006 – 2016, and
 - The draft Whanganui National Park Management Plan 2006 – 2016
- Relevant entries in the Historic Places Register
- Regulations relating to ensuring the sustainability, conservation or management of fisheries resources
- Consistency with District Plans of adjoining Territorial Authorities
- Relevant planning documents recognised by an iwi authority

Section 75 of the RMA also refers to a number of other documents that the District Plan:

- *'must give effect to'*, these include any:
 - National Policy Statement; and
 - Regional Policy Statement
- *'must not be inconsistent with'*:
 - a water conservation order; or
 - a regional plan

The Proposed and Operative Regional Policy Statements and Plans.

The RMA states that when preparing a District Plan, Territorial Authorities *'must give effect to'* Regional Policy Statements and must *'have regard to'* any Proposed Regional Policy Statement or Plan.

At present, the Hearings for the *One Plan* have concluded and interim decisions are available. These documents are expected to go before the Regional Council for a decision in the near future. Once the Council has made a formal decision on the One Plan there is the potential for appeals.

In developing this plan change, consideration has been given to both the provisions of the Operative Regional Policy Statement and the Proposed One Plan. Staff comments have been received from the Regional Council and based on these comments amendments have been made. No major issues were identified at the time.

It is also worth noting here that the Indigenous Vegetation Chapter of the District Plan has not been included in this plan change. This is discussed in more details on page 12 above, however, in summary; Council has opted to wait until the provisions of the One Plan relating to the division of responsibility relating to Biodiversity are settled before proposing any changes to the provisions in the District Plan.

Management Plans and Strategies Prepared under Other Acts

Ruapehu District Council

Future Ruapehu Long Term Plan 2009 – 2019 (LTP)

The LTP identifies the key challenges for the District, these include:

- Sustaining the small communities of the District and associated issues of affordability. *'How to actively grow and develop these small communities as individual towns and settlements, as well as the overall District community, in both an affordable and sustainable manner'.*
- The continuing growth in property development and tourism, and the associated increased demand on Council services and infrastructure, especially during holiday periods.

The LTP also includes a number of Community Outcomes. These Outcomes were developed in 2004/2005 through a series of discussion groups, which were then confirmed and prioritised through a community survey. The Community Outcomes of relevance to the District Plan are as follows:

Cultural Wellbeing

CO 1 *A community that understands, embraces, respects and celebrates the traditions and history of all ethnic groups.*

CO2 – *The history of the community and the District is preserved and appreciated through ... places of interest and historical attractions.*

CO3 – *Events and festivals that are unique to the District are fostered and celebrated.*

Social Wellbeing

CO10 – *Core facilities, services and infrastructure planning and provision (water, sewerage, solid waste, power, roading and medical) keep pace with development.*

CO16 – *A community that encourages participation in planning around community or District issues and promotes community responsibility.*

CO18 – *Excellent standards of safety in the community are promoted and individuals take personal responsibility for their safety.*

CO19 – *The incidence of crime and violence are reduced and the Police are open and accessible.*⁷

CO20 – *A community that respects the welfare and safety of others.*⁸

Environmental Wellbeing

CO21 – *The quality of native flora and fauna is retained and enhanced.*

CO22 – *An environment that has an excellent quality of water, soil and air.*⁹

CO23 – *River catchment areas and waterways are protected from erosion and pollution.*

CO24 – *A community that promotes a zero waste outlook and encourages minimisation of the impact of waste on the environment.*

CO25 – *Retains the natural beauty, aesthetic values and vistas of the District.*

CO27 – *Tourism growth is managed to retain the natural beauty of the District's ecosystems, bush, mountains, waterways and open spaces.*

CO28 – *Renewable energy resources and alternative means of energy generation are promoted and available.*

CO29 – *Public access to bush, waterways, open spaces and the mountains is retained and enhanced.*

CO30 – *Farming, commercial and industrial practices ensure that the environment remains clean and retains its natural character and value.*

CO31 – *An urban environment that is tidy, clean, safe, easy to get around and beautified.*

CO32 – *A community that respects and promotes understanding of the environmental values of Tangata Whenua.*

Economic Wellbeing

CO34 – *A Community that has a range of quality retail, entertainment services and facilities.*

CO37 – *A rail and roading network that is reliable, well maintained and meets the needs of users.*

⁷ Community Outcomes were ranked by popularity. This outcome was the most popular.

⁸ This outcome was the second most popular.

⁹ This outcome was the third most popular.

CO40 - A District that promotes economic diversity and retains its core economic strengths of farming, forestry, tourism and horticulture.

Asset Management Plans

The Council has Asset Management Plans for the following:

- Stormwater Asset Management Plan, June 2009
- Water Supply Asset Management Plan, June 2009
- Sewerage Asset Management Plan, June 2009
- Community Property Asset Management Plan 2009
- Land Transport Asset Management Plan 2009
- Recreation and Community Facilities Asset Management Plan 2009

The approach of the District Plan, with a focus on consolidation of development within existing residential areas, for example, through infill; and limitations on the amount of development occurring in the rural zone, will ensure that existing infrastructure is utilised efficiently before services are expanded into new areas.

More work relating to managing storm water and flooding risks are likely to occur in the future as a result of the flood modeling currently being undertaken by Horizons.

Waste Minimisation Plan 2009 - 2012

This document outlines the Community Outcomes expected in relation to waste minimisation, including zero waste by 2015, waste separation, environmental protection, appropriate levels of service, and cost minimisation.

Construction can result in relatively high volumes of waste. A policy has been proposed in the Residential Zone Chapter to encourage developers to reduce waste.

Department of Conservation (DOC)

The District falls within three DOC Conservancies, and as such the Whanganui, Tongariro/Taupo and Waikato Conservation Management Strategies are all relevant to parts of the District.

In addition, the Management Plans for Tongariro National Park Management Plan, and Whanganui National Park (draft) are also applicable.

The Management Plans set out the philosophies and policies for assessing activities proposed for within the National Parks. These are used to assess activities undertaken by both the Department of Conservation (DOC) and also park users and concessionaires.

Consultation has been undertaken with DOC in the development of this plan change.

Development adjoining land managed by DOC

One of the main concerns DOC has had with development in recent years has been the impact of subdivision and the associated houses on land administered by the Department. (This is discussed in more detail in the Section 32 Report).

To address these concerns specific objectives and policies have been proposed which ensure that biodiversity and landscape considerations will be taken into account when development is proposed in close proximity to these areas.

In addition, DOC has identified specific sites where there has either been a high demand for development close to these areas, or where the area is especially sensitive to such development, e.g. the Erua Conservation Area. Around these areas, a 500m buffer has been proposed. Any development within this buffer will require resource consent (note rural activities and houses on consented building platforms do not require consent).

The intention of this rule is not generally to prevent development, rather the intention is that the consent process will highlight any potential issues, and ensure that these are adequately addressed either through design or consent conditions.

In addition, the subdivision rules within the Rural Zone have been amended with a reduction in density. This will also reduce the pressure from development adjoining DOC administered land.

Other

DOC has raised a number of other issues with the draft plan change, and as a result a number of amendments have been made.

Historic Places Register

In preparing this plan change, regard was also had to buildings and sites listed in the Historic Places Trust (HPT) Register.

There are currently 34 buildings and sites identified on the HPT Register within the District. All of these sites have been identified in the Heritage Schedule (see Appendix 4 of the plan change).

The HPT have made comments on the draft plan change and many of their suggested changes have been included in the proposed plan change.

Consistency with District Plans of adjoining Territorial Authorities

The District has common boundaries with the following District Councils:

- Whanganui
- Rangitikei
- Taupo
- Waitomo
- New Plymouth
- Stratford

All of these Councils were sent copies of the draft plan change for comment. No responses have been received.

Relevant Iwi Planning Documents

The Council 'must take into account any relevant planning document recognised by an iwi authority and lodged with the Territorial Authority, to the extent that its content has a bearing on resource management issues of the district.'

The following documents have been taken into account in developing this plan change.

He Mahere Taiao – The Maniapoto Iwi Environmental Management Plan 2007

The document sets out the issues and concerns Maniapoto have for their environment, and sets goals and objectives for the future.

Some of the key goals which are particularly pertinent to the District Plan are:

- That Maniapoto are included in decision-making;
- A 'sense of physical and spiritual connection to the whenua (land)';
- Regeneration of native bush and healthy waterways with abundant freshwater and marine environments.
- Access to a clean and healthy environment.
- Restoration and improvement of the natural environment.
- Reduction of the use of non-renewable energy resources.
- Preservation and protection of sites of significance and/or wahi tapu within Maniapoto
- Recognition of the rights and status of iwi and hapu as Treaty partners.

The Management Plan notes a desire to be consulted on all resource consent matters to ensure wahi tapu sites are not interfered with.

Overall the document has a strong focus on greater environmental protection.

Comment: It is worth noting here that the proposed plan change includes much clearer provisions aimed at ensuring conservation land is protected. Specifically, a 500m buffer is proposed around the Pureora Forest

(see Planning Maps for details), which means that most development in close proximity to the Forest will require resource consent, with specific attention being paid to the impact of the development on the Forest.

It is also worth noting that the provisions of the Indigenous Vegetation Chapter do not form part of this plan change (see Section 2 above). However, the objectives, policies and assessment criteria in both the Subdivision and Rural Zones have a greater focus on protecting biodiversity.

Strategic Plan for Mana Ariki 2007 – 2012

One of the key goals of the Strategic Plan is for the followers of Mana Ariki to return and resettle permanently. To achieve this, Mana Ariki recognises the need for employment opportunities and also a Land Management Plan.

Comment: It is worth noting here that Mana Ariki is identified as a 'Special Activity' (see the Special Activities Summary in Section 3). This enables a significant amount of development to occur as a Controlled Activity.

Ngati Rangī Strategic Plan 2009 to A tona Wa

The Strategic Plan has a strong social and economic focus. In relation to the Environment, the aim is for '*an abundant environment sustainably controlled by Ngati Rangī*'. The Strategic Plan also has a goal of undertaking an Eco-Energy Investigation.

Comment: The proposed plan change has a number of new provisions which are aimed at enabling renewable energy generation projects. For example, small scale electricity generation in the Rural Zone does not require resource consent, subject to a number of conditions, one of these is a limitation on the amount of electricity generated, which is limited to 50kW. The Network Utilities Rules also allows for structures for the investigation of sites for renewable electricity generation. However, as would be expected, consent is required for larger scale developments.

Ngati Rangī: Waterways Policy Document

This document raises three issues of relevance to the District Plan:

- Papakainga in close proximity to waterways;
- Protection of Wahi Tapu sites; and
- Access to waterbodies, especially for food gathering purposes.

Comment:

The Maori Land chapter specifically provides for Papakainga housing – subject to conditions and limitations as to the number of houses (see proposed Rule ML3.1).

In relation to wahi tapu sites, the proposed heritage provisions provide protection for 'heritage sites' which include wahi tapu sites. However, at present there are very few wahi tapu sites identified.

The provisions around Riparian Management and Public Access take into consideration whether provision of access to areas of importance to Maori will be maintained or enhanced.

Ruakopiri Strategic Plan No 2008 – Nov 2011

This document has a strong focus on social, economic, health, education and cultural goals. However, the Maori Land Chapter may be of relevance.

Whanganui Iwi Vision 2020

The document has a strong focus on economic development and capacity building.

Contents of District Plans - Section 75 of the RMA

Section 75 identifies a number of documents that the District Plan '*must give effect to*', and '*must not be inconsistent with*'.

The District Plan '*must give effect to*':

- Any National Policy Statements (NPS); and
- Any Regional Policy Statement.

The District Plan '*must not be inconsistent with*':

- a Water Conservation Order; or

- a Regional Plan

How this is proposed to be achieved is set out below.

National Policy Statements

To date the following National Policy Statements have been initiated:

- NPS on electricity transmission
- NPS on Renewable Energy Generation (proposed)
- New Zealand Coastal Policy Statement
- Freshwater Management (proposed)
- Flood Risk Management (in initial stages only)

However, the only NPS to come into effect to date is the NPS on Electricity Transmission. A discussion of this is provided below.

NPS on Electricity Transmission

The NPS sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991. The NPS requires all Councils to undertake a plan change or review to give effect to the provisions of the NPS (within four years of it coming into force).

The Objective of the NPS is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

The NPS also includes eleven policies relating to existing transmission lines which require that decision-makers must:

- recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network
- consider the constraints imposed on achieving those measures by the technical and operational requirements of the network
- enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

The NPS also requires that the District Plan maps identify the National Grid.

Regional Policy Statements

Please see discussion above on the Regional Policy Statement and the proposed One Plan.

Water Conservation Orders

Section 75 of the RMA states that a District Plan *'must not be inconsistent with'* a water conservation order. Water Conservation Orders aim to recognise the outstanding amenity or intrinsic values that water provides.

The only river in the District with a Water Conservation Order on it is the Manganui o te ao River, along with its tributaries: the Mangaturuturu and Makote Rivers, and the Waimarino and Orautoha Streams.

The Conservation Order recognises the outstanding wild and scenic qualities of the river, along with its function as a habitat for the blue duck (whio) and as an outstanding recreational fishery.

The policies within the *Outstanding Natural Features and Landscapes* Chapter specifically protect the River and identified tributaries from inappropriate subdivision, use and development. These policies are identical to those in the Operative District Plan.

However, the plan change proposes including a map of the area identified by the Water Conservation Order, and rules have been proposed in relation to this area (along with all areas identified as Outstanding Natural Landscapes). This will mean that resource consent is required for a number of activities, e.g. Industrial Activities, which are otherwise permitted in the Rural Zone (subject to conditions). For more detail on this please see the proposed Rural Zone Conditions (RU3.4.4 – RU3.4.13) and the Section 32 Report.

Overall, these provisions are designed to ensure that development does not detract from the key values identified with the river, with the intention that the approach of the District Plan will be consistent with the Water Conservation Order.

Regional Plans

Section 75 of the RMA also states that a District Plan 'must not be inconsistent with a Regional Plan', this generally discussed above.

Incorporation of documents by reference

Section 75 also enables Council's to incorporate material by reference. A number of New Zealand Standards are referred to in the District Plan, these include:

- NZS 4404: 2004 Land development and Subdivision Engineering
- NZS 6801: 2008 Acoustics - Measurement of environmental sound
- NZS 6802: 2008 Acoustics - Environmental noise
- NZS 6808: 2010 Acoustics - Wind farm noise
- NZS 4431: 1989 Code of practice for earth fill for residential development
- NZS 2772.1: 1999 Radiofrequency fields - Maximum exposure levels - 3 kHz to 300 GHz

A public notice was placed in the local papers on the 13th and 14th of April which stated that these documents were proposed to be included in the Ruapehu District Plan. The notice also provided the opportunity for people to comment on this if they wished.

One response was received from Meridian Energy who was supportive of the inclusion of the noise standards mentioned above.¹⁰

Compensation not payable in respect of controls on land - Section 85

Consideration has been given to Section 85 of the Act, which looks to ensure that land is not made incapable of reasonable use, unless compensation is paid. It is not considered that any of the provisions in the plan change would render any land incapable of reasonable use.

Summary

The intention of this report has been to outline:

- the proposed changes to the District Plan,
- the process involved in developing the plan change to its current state; and
- what the process will be between now and when the proposed changes become operative.

It is anticipated that as a result of the submissions process that there will be a number of changes made to this document. As such, the notification of the District Plan is only an interim step, and the document that will come back to you for approval may well be quite different to this.

¹⁰ Note the RMA sets out a process for incorporating materials by reference in the First Schedule, Part 3.

Appendix 1 – Proposed Plan Change

Appendix 2 – Section 32 Report

Both of these documents are provided separately on the CD.

Appendix 3 – Key Sections of the Resource Management Act

Section 5: Purpose

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 well-being 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.*

Section 6: Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of recognised customary activities.*

Section 7: Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 8: Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 31 Functions of territorial authorities under this Act

3. 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.
4. The methods used to carry out any functions under subsection (1) may include the control of subdivision.

Section 32: Consideration of alternatives, benefits, and costs

1. In achieving the purpose of this Act, before a proposed plan... is notified under section 48, ..., an evaluation must be carried out by—
 - ...
 - c. the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Schedule 1); or
3. A further evaluation must also be made by—
 - a. a local authority before making a decision under clause 10 or clause 29(4) of Schedule 1; and
4. An evaluation must examine—
 - a. the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - b. whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
5. For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—
 - a. the benefits and costs of policies, rules, or other methods; and
 - b. the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
6. The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
7. The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

Section 74: Matters to be considered by territorial authority

1. A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.
2. In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
 - a. any—
 - i. proposed regional policy statement; or

- ii. *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - b. *any—*
 - i. *management plans and strategies prepared under other Acts; and*
 - ii. *[Repealed]*
 - iii. *relevant entry in the Historic Places Register; and*
 - iiia. *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
 - c. *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- 2A. *A territorial authority, when preparing or changing a district plan, must—*
- a. *take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and*
 - b. *recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.*
3. *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

Section 75: Contents of district plans

1. *A district plan must state—*
 - a. *the objectives for the district; and*
 - b. *the policies to implement the objectives; and*
 - c. *the rules (if any) to implement the policies.*
2. *A district plan may state—*
 - a. *the significant resource management issues for the district; and*
 - b. *the methods, other than rules, for implementing the policies for the district; and*
 - c. *the principal reasons for adopting the policies and methods; and*
 - d. *the environmental results expected from the policies and methods; and*
 - e. *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - f. *the processes for dealing with issues that cross territorial authority boundaries; and*
 - g. *the information to be included with an application for a resource consent; and*
 - h. *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*
3. *A district plan must give effect to—*
 - a. *any national policy statement; and*
 - b. *any New Zealand coastal policy statement; and*
 - c. *any regional policy statement.*
4. *A district plan must not be inconsistent with—*
 - a. *a water conservation order; or*
 - b. *a regional plan for any matter specified in section 30(1).*
5. *A district plan may incorporate material by reference under Part 3 of Schedule 1.*

Section 76: District rules

1. *A territorial authority may, for the purpose of—*
 - a. *carrying out its functions under this Act; and*
 - b. *achieving the objectives and policies of the plan,—**include rules in a district plan.*
2. *Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.*
- 2A. *Rules may be made under this section, for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water, which require persons undertaking building work to achieve performance criteria additional to, or more restrictive than, those specified in the building code as defined in section 7 of the Building Act 2004.*

3. *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.*
- 3A. *[Repealed]*
- 3B. *[Repealed]*
4. *A rule may—*
 - a. *apply throughout a district or a part of a district;*
 - b. *make different provision for—*
 - i. *different parts of the district; or*
 - ii. *different classes of effects arising from an activity;*
 - c. *apply all the time or for stated periods or seasons;*
 - d. *be specific or general in its application;*
 - e. *require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.*
- 4A. *However, a rule must not prohibit or restrict the felling, trimming, damaging, or removal of any tree or group of trees in an urban environment unless the tree or group of trees is—*
 - a. *specifically identified in the plan; or*
 - b. *located within an area in the district that—*
 - i. *is a reserve (within the meaning of section 2(1) of the Reserves Act 1977); or*
 - ii. *is subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.*
- 4B. *In subsection (4A), urban environment means an allotment no greater than 4 000 m²—*
 - a. *that is connected to a reticulated water supply system and a reticulated sewerage system; and*
 - b. *on which is a building used for industrial or commercial purposes, or a dwellinghouse.*
5. *A rule may exempt from its coverage an area or class of contaminated land if the rule—*
 - a. *provides how the significant adverse effects on the environment that the hazardous substance has are to be remedied or mitigated; or*
 - b. *provides how the significant adverse effects on the environment that the hazardous substance is reasonably likely to have are to be avoided; or*
 - c. *treats the land as not contaminated for purposes stated in the rule.*

Section 85: Compensation not payable in respect of controls on land

1. *An interest in land shall be deemed not to be taken or injuriously affected by reason of any provision in a plan unless otherwise provided for in this Act.*
2. *Notwithstanding subsection (1), any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds—*
 - a. *in a submission made under Part 1 of Schedule 1 in respect of a proposed plan or change to a plan; or*
 - b. *in an application to change a plan made under clause 21 of Schedule 1.*
3. *Where, having regard to Part 3 (including the effect of section 9(3)) and the effect of subsection (1), the Environment Court determines that a provision or proposed provision of a plan or a proposed plan renders any land incapable of reasonable use, and places an unfair and unreasonable burden on any person having an interest in the land, the court, on application by any such person to change a plan made under clause 21 of Schedule 1, may—*
 - a. *in the case of a plan or proposed plan (other than a regional coastal plan), direct the local authority to modify, delete, or replace the provision; and*
 - b. *in the case of a regional coastal plan, report its findings to the applicant, the regional council concerned, and the Minister of Conservation, which report may include a direction to the regional council to modify, delete, or replace the provision.*
4. *Any direction given or report made under subsection (3) shall have effect under this Act as if it were made or given under clause 15 of Schedule 1.*
5. *In subsections (2) and (3), a provision of a plan or proposed plan does not include a designation or a heritage order or a requirement for a designation or heritage order.*
6. *In subsections (2) and (3), the term reasonable use, in relation to any land, includes the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant.*

7. *Nothing in subsection (3) limits the powers of the Environment Court under clause 15 of Schedule 1 on an appeal under clause 14.*