

1 Overview of the District Plan

1.1 Introduction

The purpose of the district plan is to promote the sustainable management of natural and physical resources in the South Waikato district, consistent with the statutory functions of a territorial authority under the Resource Management Act 1991 (the RMA). The district plan is the community's response to the challenges of meeting aspirations for a vibrant and prosperous district economy, positively responding to trends in technology and changing land use patterns, whilst also managing the significant amenity and environmental values of the district. Much of the district plan is about ensuring that the environmental qualities and values that we consider important today are safeguarded for future generations to also enjoy.

The RMA is the legislation that controls the use, development and protection of land and other natural and physical resources. The district plan contains a framework of objectives, policies, and anticipated environmental results to describe the environmental outcomes for the district that the community is seeking to achieve. The plan then outlines the implementation approaches that will be used to achieve these environmental outcomes.

The purpose of this chapter is to provide an overview of the plan, and a description of how to use it.

1.2 Structure and approach of this district plan

The district plan is comprised of six interrelated parts:

- Part A – Issues, Objectives and Policies
- Part B – District-wide rules
- Part C – Zone provisions relating to the district's towns
- Part D – Zone provisions for the remainder of the district
- Part E – Supporting appendices
- Part F – Planning maps.

Part A contains the issues, objectives and policies of the district plan.

The significant resource management **issues** for the district are set out in Chapter 2.

An 'issue' is a statement about an existing or potential environmental problem in the district that the plan needs to address, or an opportunity that if taken advantage of, will assist to achieve the sustainable management purpose of the RMA.

Objectives and **policies** are contained in Chapters 3-7.

An 'objective' is a statement about the outcome that is sought in response to the issue identified. It may also be a statement about what is aimed for in overcoming the issue or promoting a positive outcome, or what the community has expressed as being desirable in resolving an issue.

A 'policy' indicates a course of action to achieve an objective, and also gives direction to methods of implementation.

Methods to achieve the objectives and policies are outlined within Chapters 3-7.

A 'method' is a specific course of action to implement a policy, and can be a statutory method (such as a rule), or a non-statutory method (such as a financial incentive or formulation of an action plan that can be implemented outside the control of the district plan.)

Reasons are also contained within Chapters 3-7 which are explanations for the particular method or range of methods adopted in response to the issue, objectives and policies.

Part B contains a series of rules that are applied throughout the district.

Each district-wide rule chapter has a **rule statement** which is a description of the outcome that the rule is seeking to achieve.

This is followed by **anticipated environmental results** which are measurable environmental outcomes that will be used to monitor the effectiveness of the district plan in achieving objectives and policies, and responding to the issues identified in the plan.

Part C contains zone provisions relating to the district's towns.

Part D contains zone provisions for other parts of the district.

The plan relies on the technique of **zoning** to manage land use and subdivision in the district. A zone is a part of the district that has similar characteristics and where the community has a consistent expectation for the type and extent of environmental effects that may be present and are acceptable.

Within each of the zone chapters there is a **zone statement** which is a description of the broad outcome that the zone is seeking to achieve.

Each zone then has an **activity list** with lists of land use activities that can be established with no requirement for resource consent, and land use activities that do require resource consent. Activity lists are derived from the grouping of activities with similar effects, and along with performance standards, are designed to set thresholds of acceptable environmental effects in different parts of the district.

Performance standards are applied in each of the zones to control the intensity of land uses (and associated effects) that are able to be established within each of the zones.

Some of the plan's provisions are accompanied by "advisory notes". These are not rules or policies, and have no legal effect. They are included simply to assist the reader, particularly to explain how the plan fits in with other legislative requirements that apply to development proposals.

Activity lists and performance standards are designed to operate in a coordinated manner, to permit land use activities in a particular area that will generate little or no adverse environmental effect, and to require consent to be sought for proposals that are likely to generate adverse effects that are more than minor.

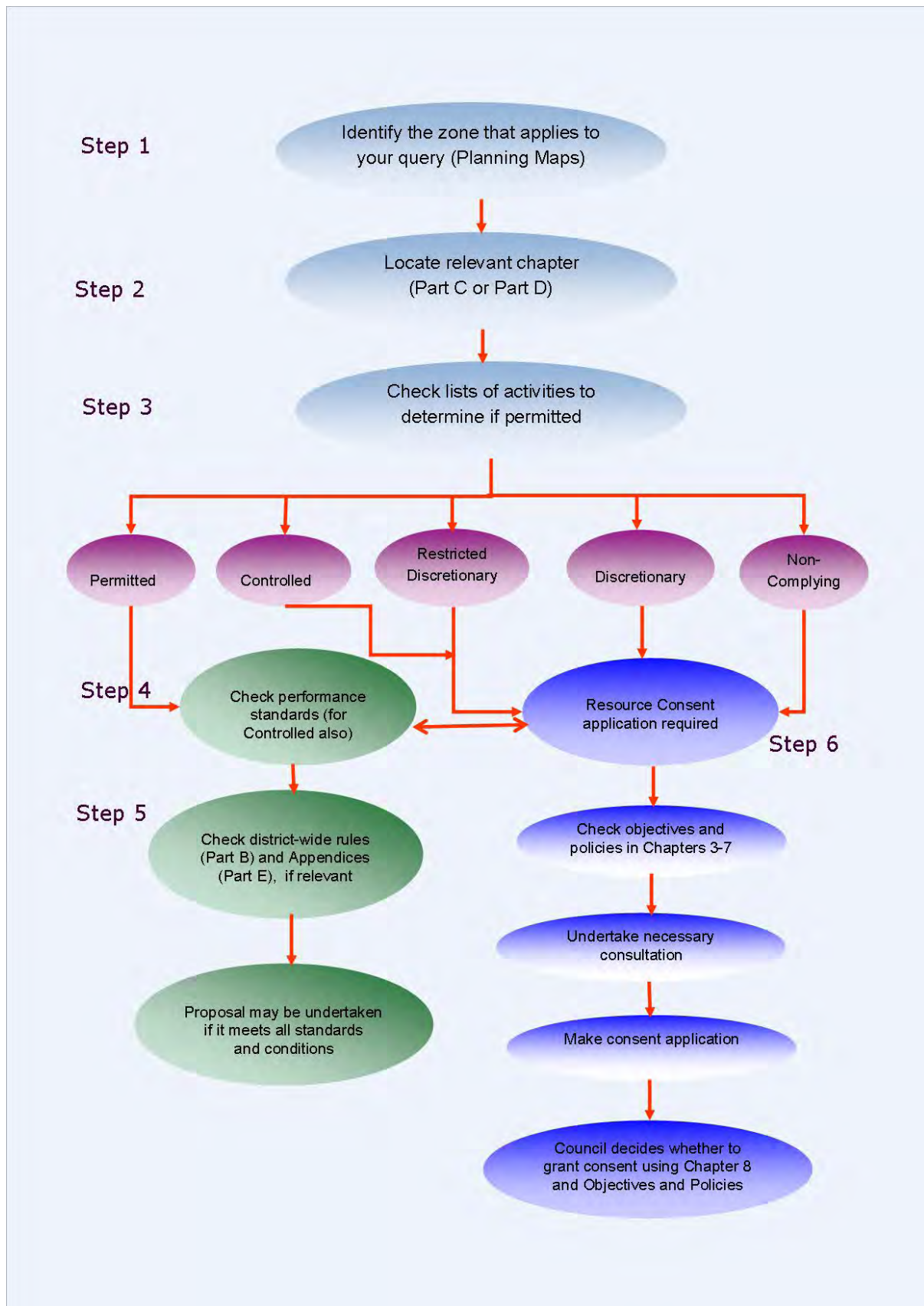
Part E of the plan is a series of technical appendices that relate to various rules and performance standards. These technical appendices have been grouped separately at the back of the plan to avoid clutter.

Part F contains the planning maps. These maps display the extent of the various zones, and also contain other notations and information referred to within rules and performance standards in the plan.

1.3 How to use this district plan

When using the plan the following steps should be followed:

Figure 1- Steps in using the district plan



Step 1

Using the plan maps (go to **Part F**), identify the **zone** that applies to the particular area your enquiry relates to. You then need to identify whether there are any overlays or other notations on the particular site your enquiry relates to.

Step 2

Then locate the relevant zone chapter in **Part C** or **Part D** of the plan for the particular site or area your enquiry relates.

Step 3

Within the zone chapter there are **lists of land use activities** that are identified as being permitted activities (no resource consent required provided all performance standards are met), controlled activities, restricted discretionary activities, discretionary activities and non-complying activities (all of which require resource consent to be obtained prior to carrying out the activity).

The **definitions** in Chapter 9 contain the meaning of particular terms used in the plan and should be referred to for checking which listed activity a particular proposal fits into.

Step 4

The zone chapter then contains a series of **performance standards**. For an activity that was identified in Step 3 as being a permitted activity, compliance with all performance standards is necessary for the activity to remain a permitted activity and therefore not require resource consent.

For an activity that was identified in Step 3 as being a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity, then compliance with the performance standards still needs to be checked and may alter the type of resource consent you require.

Step 5

At the end of each zone chapter, there is a list of **district-wide rules** that may also be relevant. The district-wide rules are located in **Part B**. These rules apply throughout all of the zones and should be checked in case they apply.

Part E of the plan contains various supporting **appendices** that may also be relevant depending on the particular enquiry. The appendices are referred to in some performance standards and rules.

Step 6

Once the above steps have been followed, if it is determined that an activity is not a Permitted Activity (either because of the activity lists, or because one or more standards or rules are not complied with), then a **resource consent application** will be required. Chapter 8 contains information relating to making a consent application, including the specific matters to be addressed and the assessment criteria that Council will use to assess the application against.

The **objectives and policies** set out in Chapters 3-7 provide the policy framework that resource consent applications will be assessed against. In broad terms, the more an application can demonstrate that the objectives and policies of the plan overall are being met, the more likely that consent will be granted.

1.4 Statutory context for the district plan

District plans are prepared within a hierarchy of policy statements and plans that along with the RMA form the statutory context. This hierarchy consists of the Vision and Strategy for the Waikato River, national and regional policy statements, national environmental standards, and regional plans prepared under the RMA, and iwi planning documents, and management plans and strategies prepared under other legislation (for example the Conservation Act and Heritage New Zealand Pouhere Taonga Act 2014). This district plan has been formulated having considered this statutory framework.

1.4.1 Vision and Strategy for the Waikato River

The Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato) came into effect via the Waikato Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. The Vision and Strategy is the primary direction-setting document for the Waikato River and activities within its catchment affecting the River. It is also deemed in its entirety into the RPS and regional and district plans must give effect to it.

The Vision and Strategy prevails over any inconsistent provision in the Regional Policy Statement, a National Policy Statement and/or the New Zealand Coastal Policy Statement, and a district plan must give effect to it. A district plan rule adopted for the purpose of giving effect to the Vision and Strategy prevails over a national environmental standard. The South Waikato District Plan therefore has a duty to implement the Vision and Strategy when carrying out its statutory functions under the Resource Management Act 1991.

The Waikato River Authority (WRA) is the statutory body responsible for setting the direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for present and future generations. It is required to review the Vision and Strategy at least every 10 years and district and regional plans must be reviewed within 12 months of this happening.

For this reason the Vision for the Waikato River and the Objectives for the Waikato River and the Strategies for the Waikato River are recorded in full below, followed by a summary of the key references as to how this district plan is going to give effect to the Vision and Strategy.

The Vision and Strategy's stated vision "is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come".

"To achieve the Objectives, the following Strategies will be implemented:

1. Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.
2. Establish what the current health status of the Waikato River is by utilising mātauranga Maori and latest available scientific methods.
3. Develop targets for improving the health and wellbeing of the Waikato River by utilising mātauranga Maori and latest available scientific methods.
4. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.
5. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.
6. Recognise and protect wāhi tapu and sites of significance to Waikato-Tainui and other Waikato River Iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.
7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.
8. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.
9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.

10. Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River Iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.
11. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.
12. Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River".

Approaches adopted in this district plan to give effect to the vision are:

Two of the six significant resource management issues facing the district are specifically directed to achieving the Vision and Strategy; namely:

- Significant Issue 1: Restoring and Protecting the health and wellbeing of the Waikato River; and
- Significant Issue 2: Recognising Tangata Whenua Values.

The remaining four significant resource management issues together provide for a holistic approach to promoting sustainable resource management in decision-making, namely:

- Enhancing the vibrancy of the district's towns
- Safeguarding established rural land uses and the productive potential of the rural areas
- Managing landscape, natural values, and indigenous biodiversity
- Managing and providing for infrastructure, communications and major industrial sites.

The key objective and policy chapters concern Chapter 3 (Managing Tangata Whenua Values), Chapter 4 (Managing Rural Areas) and Chapter 6 (Managing Landscapes and Indigenous Biodiversity). The supporting Plan rules include Chapter 8 (Administration of the District Plan) where Council discretions are listed when considering resource consent applications, and Chapter 14 (Landscapes and Natural Values) and Chapter 28 (Rural Zone) that enable Council to consider a proposal's consistency in giving effect to the vision and strategy".

1.4.2 National and Regional Planning Documents

The most relevant national planning documents are national policy statements and national environmental standards prepared by central government (for a list of these consult the Ministry for the Environment website).

Part of the Waihou River catchment is in the District. The Hauraki Gulf Marine Park Act 2000 gives special recognition to the Hauraki Gulf, its islands and catchments". This requires the Council when exercising its powers in relation to the Waihou catchment to have particular regard to matters set out in section 7 and section 8 of this Act. The relationship with the Resource Management Act is also recorded in section 9 to require that the District Plan "does not conflict with" section 7 and section 8. Council therefore has a duty to consider these provisions when determining resource consent applications. Plan provisions further recognise this duty with specific policy and rules that are focused on forestry conversion and riparian management.

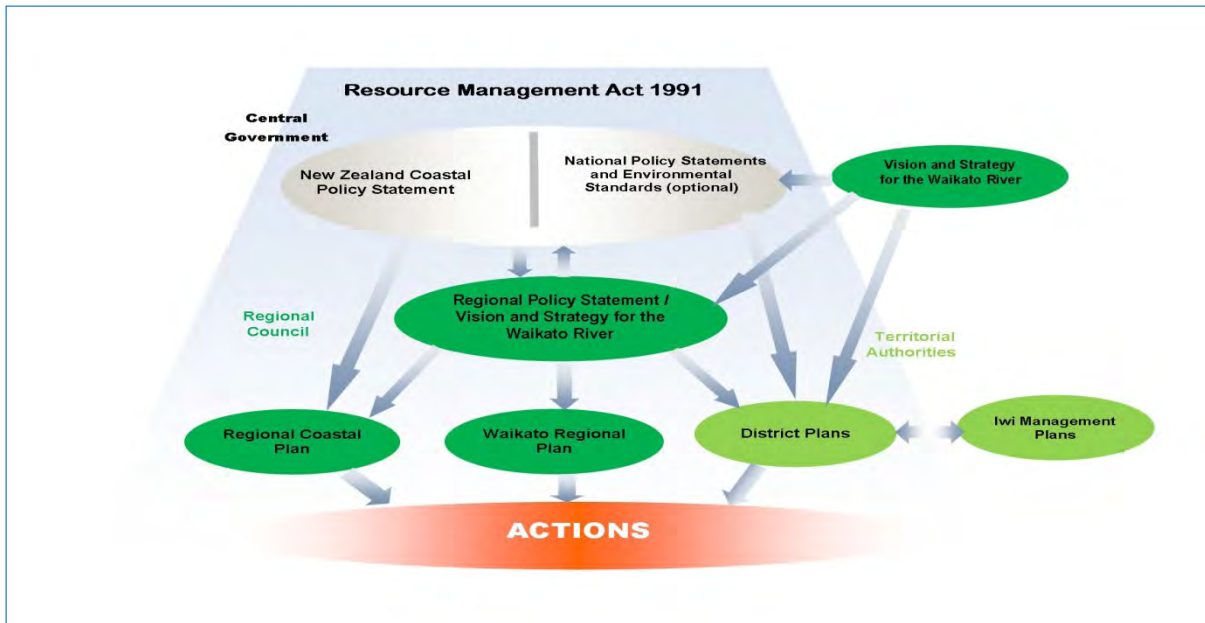
At the regional level, the key planning documents are the Waikato Regional Policy Statement (RPS), the Waikato Regional Plan and the Regional Land Transport Strategy prepared by the Waikato Regional Council.

District plans must 'give effect to' national policy statements and the regional policy statement, and must not be 'inconsistent with' the regional plan. The RPS provides the direction on many strategic planning issues for the region, and the district plan has been formulated to give effect to the Waikato RPS. District Plans cannot contain any rules that could conflict with regulations in an NES. The Regional Land Transport Strategy sets the strategic framework for long term development of the regional transport system and is therefore also relevant.

Iwi planning documents, such as the Environmental Management Plan being prepared by Raukawa, are also important documents that need to be taken account of in district and regional planning.

The aim of the district plan is to apply the broad policy approaches adopted at the regional level to the local context of the district, without overlapping or confusing the respective roles prescribed in the RMA.

Figure 2: Relationship between policy and planning instruments



1.4.3 Contaminated Land

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into effect on 1 January 2012. The purpose of the NES is to ensure national consistency in the management of contaminated land to make land safe for human use. It includes national planning rules that set out requirements for activities and standardised methods for setting numerical standards for contaminants in soils. The methods include a national set of soil contaminant standards for 12 priority contaminants, and five specified land uses. The NES also includes best practice guidelines for investigating and reporting on contaminated or potentially contaminated land. An inability to meet the requirements of the NES, or the undertaking of particular activities in certain locations will result in the need for a resource consent.

The NES applies to any piece of land on which an activity or industry described in the Hazardous Activities and Industries List (HAIL) has been, or is more likely than not to have been undertaken on the land. Land known to have been affected by soil contaminants is also recorded on the Land Use Information Register held by the Waikato Regional Council or on records held by the Council.

A copy of the NES is included in Appendix K. Reference should also be made to the Ministry for the Environment website (www.mfe.govt.nz) for a copy of the NES, a User's Guide to the NES, and documents incorporated by reference in the NES, including the current version of the HAIL.

1.5 Relationship to other district strategies and plans

The district plan also has a relationship with other strategies and plans prepared by South Waikato District Council. The Long Term Plan prepared under the Local Government Act 2002 establishes community outcomes in terms of social, cultural, economic and environmental matters, and outlines Council's responses to those in terms of budget priorities and programmes.

The State of the Environment Report prepared every three years is another key document as it provides a snapshot of the state of the district's environment and the challenges to be faced. Council has also prepared Asset Management Plans, Reserve Management Plans, and Concept Plans for the towns, all of which provide a broader context to the district plan.

These strategies and plans have all been used in formulating the district plan. The plan is a key implementation tool for achieving the environmental aspects of the community outcomes and visions outlined in the Long Term Plan and other documents listed above.

1.6 Managing cross boundary matters

There are some environmental issues that cross local authority boundaries and jurisdictional boundaries, and need to be managed in a coordinated and consistent manner between local authorities for effective and efficient integrated management to be achieved.

The adjoining local authorities are Otorohanga District, Waipa District, Taupo District, Rotorua District, Matamata-Piako District and Western Bay of Plenty District. The plan has been formulated to achieve consistency with provisions in other district plans where possible, particularly for land uses like forestry, farming and energy generation that extend across into adjoining districts.

The provisions managing outstanding landscapes, significant natural areas, network utilities and activities on the surface of the water have also been formulated to provide some consistency with the approaches of adjoining districts where possible.

“Cross-boundary” matters apply not only to geographical boundaries between different districts, but also to jurisdictional boundaries with the Waikato Regional Council. For example the RMA gives responsibilities to both district and regional councils in the management of indigenous biodiversity, and the actions of both agencies need to be co-ordinated to avoid overlaps and ensure the best environmental outcomes are achieved.

The processes that the Council will use to resolve any issues that cross local authority boundaries and jurisdictions include:

- Liaison and facilitation of joint actions with other local authorities to deal with cross boundary issues as they arise.
- Information sharing between local authorities.
- Inform and consult with other local authorities on consent applications, or plan change requests, where a potential cross-boundary effect may occur.
- Initiate and participate in joint hearings with the other local authorities where appropriate, to better achieve integrated resource management.
- Make submissions on plans and policy statements prepared by other councils, to achieve consistent approaches wherever possible in managing resources that cross local authority boundaries or jurisdictions.
- Identify, in conjunction with the regional council, opportunities for local authorities to transfer functions to each other or to the regional council where this would result in more efficient, effective and integrated resource management.

1.7 Monitoring Environmental Outcomes

Anticipated environmental results are identified within each zone and rule chapter. The aim of this is to define the desired environmental outcomes to be achieved by the provisions for a particular zone or by a rule chapter.

The anticipated environmental results have been written in a manner that they can be measured to enable the effectiveness of the plan to be evaluated in future years.

This plan effectiveness monitoring will be undertaken in conjunction with the State of the Environment report for the district that measures the district’s success in managing environmental issues more generally