

# **PROPOSED WAIRARAPA COMBINED DISTRICT PLAN**

## **VOLUME ONE: TEXT**

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*Combined Plan prepared by the Masterton District Council, Carterton District Council and South Wairarapa District Council pursuant to Section 80 of the Resource Management Act 1991*





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# INTRODUCTION





# 1 GENERAL INTRODUCTION

## 1.1 What is a District Plan?

District Plans set out the objectives, policies, rules and other methods adopted by District Councils to promote the sustainable management of the natural and physical resources of their territories. District Plans are required under the Resource Management Act 1991, to assist District Councils to carry out their functions in order to achieve the purpose of the Act.

## 1.2 The Resource Management Act 1991

The purpose of the Act is the sustainable management of natural and physical resources. Section 5(2) of the Act defines 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 well-being and for their health and safety while:

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable 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.*

## 1.3 Legislative Requirements

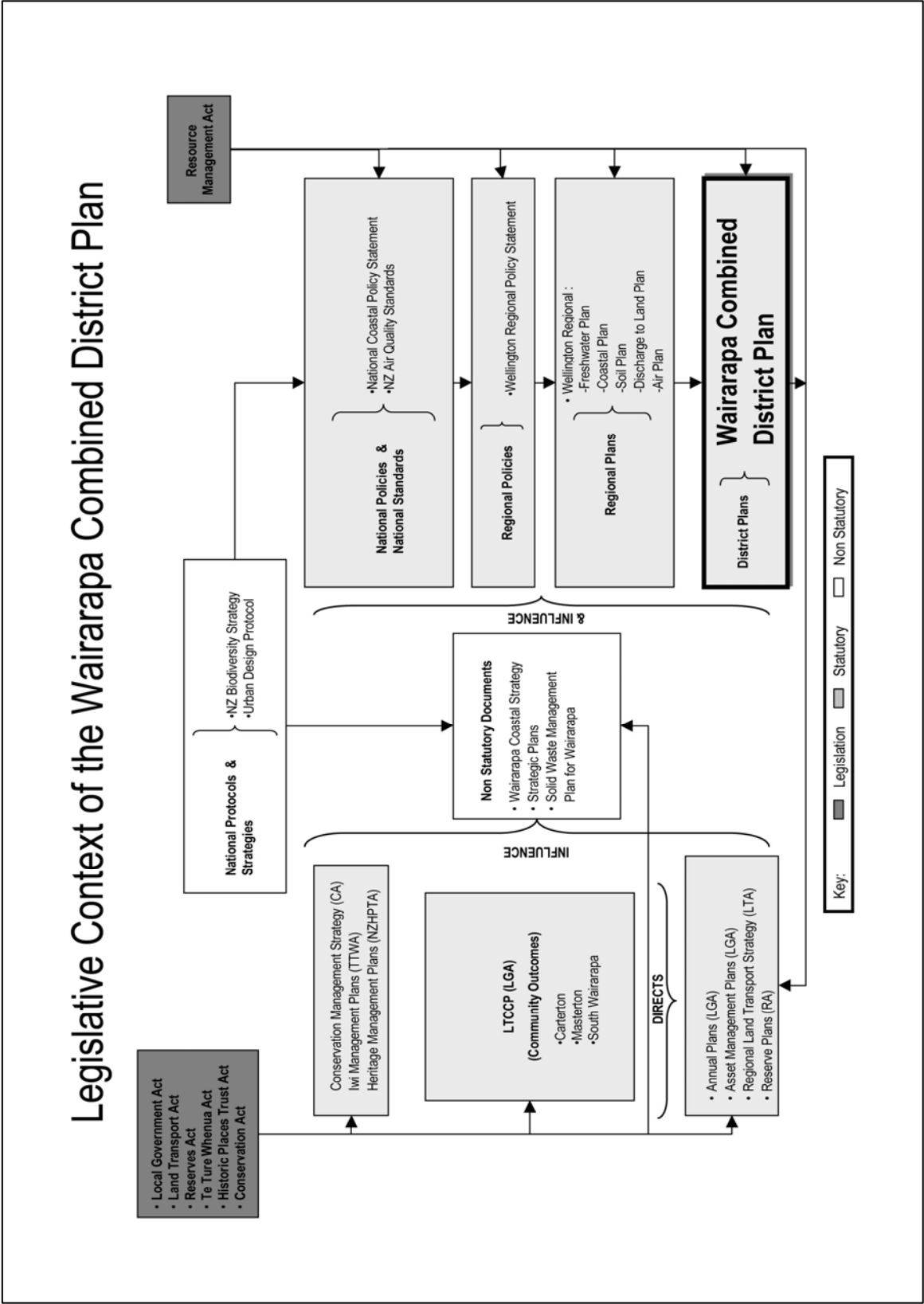
Under Section 31 of the Resource Management Act, District Councils are responsible for the following:

- 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:
  - The avoidance or mitigation of natural hazards;
  - The prevention or mitigation of the effects of storage, use, disposal or transportation of hazardous substances;
  - The prevention or mitigation of any adverse effects of the development, subdivision or use of contaminated land;
  - The maintenance of indigenous biological diversity;
- c) The control of the emission of noise and the mitigation of the effects of noise;
- d) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes; and
- e) The subdivision of land.

## 1.4 Other National Plans and Documents

There are a number of planning and policy documents that contribute to the sustainable management of New Zealand's resources under the Resource Management Act. The District Plan must work in conjunction with these other documents, which may include:

- National Policy Statements;
- National Environmental Standards;
- Regulations relating to the conservation or management of taiapure or fisheries;
- Water Conservation Orders;
- Regional Policy Statements;
- Regional Plans.
- Other documents recognised by the Act, including:
  - Iwi Management Plans;
  - District Plans of adjacent authorities;
  - NZ Historic Places Register;
  - Management Plans for public reserves;
  - Conservation Management Strategy for the Wellington Conservancy.



## 1.5 Reason for a Combined District Plan for the Wairarapa

The South Wairarapa, Carterton and Masterton District Councils have chosen to prepare a combined District Plan so that consistent policies and methods will be used to address the Wairarapa's significant resource management and cross boundary issues.

The three Councils will still prepare and implement their own non-RMA plans and policies, such as their Long Term Council Community Plans (LTCCP), Strategic Plans and Asset Management Plans. These will complement or support the policies in this combined District Plan.

For brevity the three District Councils are referred to as "the Councils" and the combined District Plan as "the Plan".

## 1.6 The Wairarapa District Plan – its Philosophy

The Wairarapa Combined District Plan has been developed to address the significant resource management issues identified in the Wairarapa. It is based on clear policy direction, which provides a robust framework for the range of regulatory and non-regulatory methods it employs to manage the effects of the use, development and subdivision of the natural and physical resources of the Wairarapa.

Minimal regulatory controls are considered necessary to sustainably manage these natural and physical resources. This includes the limited use of the stricter activity status of 'non-complying' activities for proposals potentially contrary to the policies to this Plan.

The Plan recognises that the effects of activities differ according to their scale, character and intensity. Therefore, district-wide issues and issues specific to geographic areas have been addressed separately. This approach has been adopted to avoid repetition of district-wide policies for every geographic area, while ensuring all issues are comprehensively addressed. It is therefore important for users to refer to both the zone-specific and district-wide parts of the Plan.

## 1.7 Cross Boundary Issues

The Resource Management Act requires the Plan to identify the processes that will be used to address cross boundary issues (i.e., where an activity or its effects need to be managed by two or more adjoining territorial authorities).

The three Wairarapa districts adjoin each other and are within the Wellington Regional Council area. The Wairarapa also borders the following territorial authorities:

- Tararua District Council;
- Horowhenua District Council;
- Kapiti Coast District Council;
- Upper Hutt City Council;
- Hutt City Council.

The boundary with the last four authorities is mostly located in the Tararua and Rimutaka Ranges. As the Ranges are undeveloped and part of a Forest Park, cross boundary issues are unlikely to be significant with these authorities. Only coastal margin issues could potentially occur where the Hutt City Council and South Wairarapa District Council boundary meets Palliser Bay. In regard to the Tararua District, the physical separation of this district with the Wairarapa by the hill country largely reduces the potential for cross-boundary issues to occur.

Local authorities need to address cross boundary issues in a co-ordinated way. In considering cross-boundary issues, the Councils will:

- Give effect to the Regional Policy Statement and any Regional Plans.
- When making changes to or reviewing the Plan, the Council will consult with Wellington Regional Council and all neighbouring local authorities.
- Make submissions, where appropriate, on resource management documents prepared by neighbouring local authorities.
- On receiving an application for a land use consent that is to be notified and where the activity may create regionally adverse environmental effects or affect a neighbouring district, notify the Wellington Regional Council and/or the appropriate local authority.
- Participate in joint hearings with other local authorities where appropriate.
- Identify opportunities, with Wellington Regional Council, to transfer functions between the authorities where this will result in a more efficient, effective and integrated approach.



## 2 PLAN OVERVIEW

This Plan has been prepared taking into account a wide range of matters, including:

- A review of the efficiency and effectiveness of the three Councils' current District Plans.
- A review of the major issues facing the Wairarapa, now and in the foreseeable future.
- Widespread consultation with stakeholders and the community.
- Other strategies and plans, such as the Wairarapa Coastal Strategy.
- Recent changes to the Resource Management Act.
- General developments in plan making under the Resource Management Act.

This Plan is also a "second generation plan", which means it is the second plan prepared by the three Councils under the Resource Management Act. It addresses in one document all the resource management issues facing the Wairarapa, building on the policies in the "first generation plans".

The Councils developed a series of guiding principles when it started to formulate this Plan. These principles included making the new Plan user-friendly and concise. The Plan sought to minimise regulation, except as necessary to address the Wairarapa's significant resource management issues. It also sought to help preserve a healthy, safe and pleasant environment, while maximising opportunities for growth and development within the Wairarapa.

### 2.1 The Structure of the Plan

The Plan is structured on the basis that some issues are specific to geographic areas and some are district-wide. The area-specific issues are addressed under defined Environmental Zones in Part A and the district-wide issues are addressed in Part B.

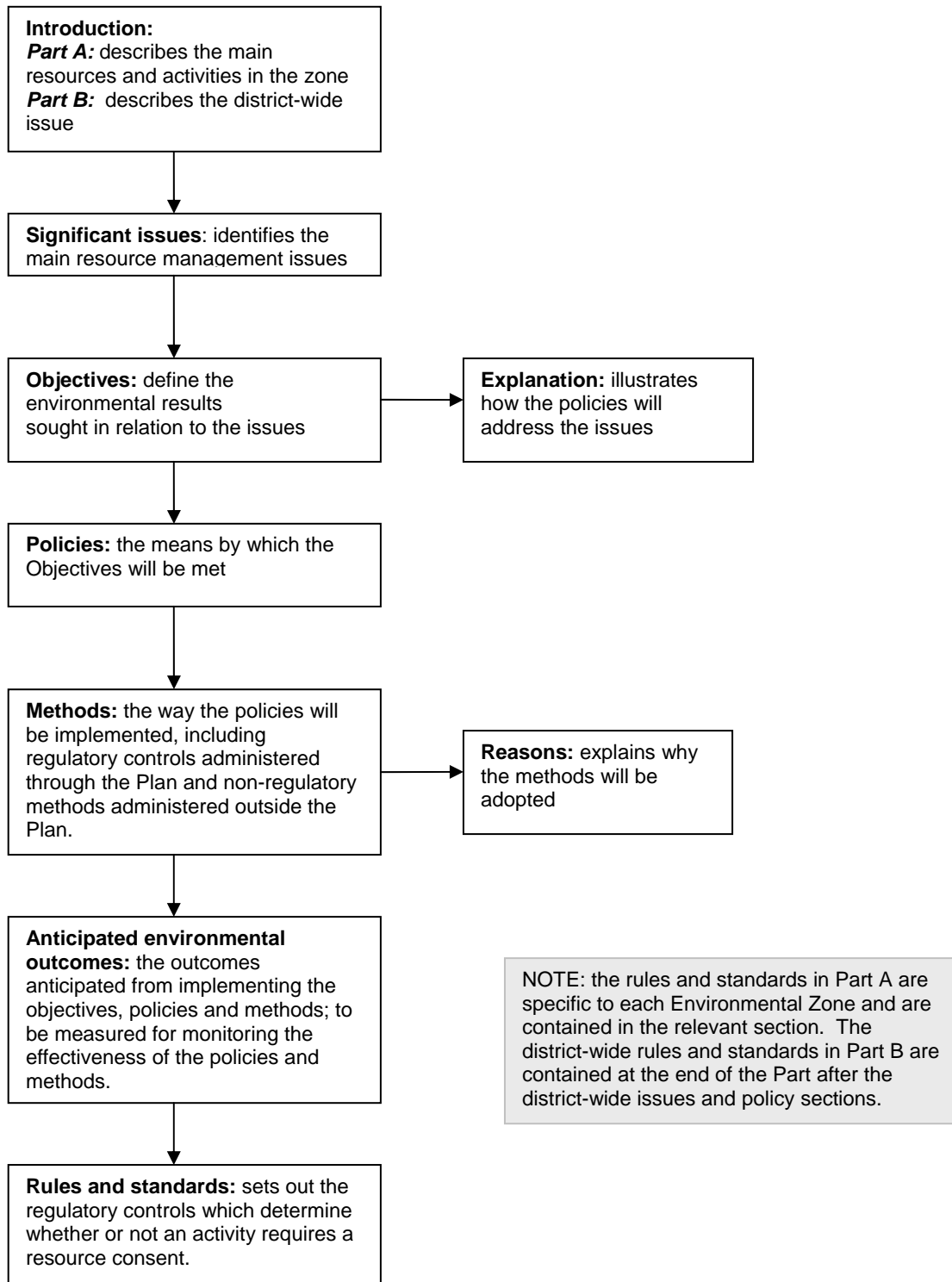
The Plan is structured in four parts as follows:

#### **Part A: Environmental Zones and Management Areas**

Four principal Environmental Zones are defined in Part A of the Plan: Rural, Residential, Commercial and Industrial. The zones are each dominated by certain types of land use, giving them each a distinct character and type of amenity derived from land use and development patterns. Rules and performance standards for activities are prescribed for each zone according to its characteristics. These standards are based on acceptable limits of environmental effects from different activities.

Management areas have also been defined with each Zone so that issues specific to those areas can be addressed. These issues include conservation management, residential character areas, commercial pedestrian precincts and certain industrial areas. The Planning Maps show the management areas where special provisions apply.

The policy framework for managing the activities and associated effects in each zone is structured as shown in Figure 1.

**Figure 1: Structure of Parts A and B of the Plan**



### **Part B: District-wide Issues**

This part of the Plan covers a range of environmental, cultural, amenity and infrastructural issues. The provisions for managing each district-wide issue are structured as shown in Figure 1 above, with the district-wide rules compiled in a combined section at the end of Part B.

### **Part C: Consent Process and General Provisions**

This part of the Plan contains the assessment criteria for resource consent applications, the requirements for financial contributions, esplanade reserves and designations, and the information requirements for resource consent applications.

### **Part D: Appendices**

Part D contains schedules of listed features and sites, specific traffic management requirements and a glossary of definitions.

### **Volume 2: Planning Maps**

The Planning Maps identify the zones, management areas, hazard areas and any specific features to which Plan rules apply.

## **2.2 Strategic Environmental Issues**

The Wairarapa covers a land area of over 500,000 hectares, and has a population of over 38,000 (2001 census). It is a predominantly rural area, with a range of pastoral, horticultural and forestry land uses. A number of towns service the area, including Masterton, Carterton, Greytown, Martinborough and Featherston, as well as numerous smaller rural and coastal settlements. The area is bounded by the Pacific Ocean to the south and east, the Tararua and Rimutaka Ranges to the west, and hill country to the north. Numerous significant and unique natural and physical resources enable the community to provide for its economic, social and cultural wellbeing.

The Wairarapa's strategic environmental issues are described below and underpin the policies in this Plan.

### **2.2.1 The Natural Environment**

Protecting and enhancing the natural environment is an important issue, locally, nationally and internationally. Through the Plan, the Councils seek to achieve enduring protection of natural values by minimising further loss or degradation of the natural environment, while allowing sustainable change to occur. Any development or activity will have to be sensitive to the pressures, threats and community values associated with the Districts' natural values.

A number of outstanding natural features and landscapes have been identified in the Wairarapa in commissioned assessment studies. People want to protect the outstanding qualities of these areas but also want to use and enjoy them, leading to pressure for development. Balance between the competing demands is required in managing activities in these outstanding areas.

*Implemented through: Historic Heritage, Indigenous Biodiversity, Coastal Environment and Freshwater Environment.*

## 2.2.2 Wairarapa's Coastal and Freshwater Environments

The Wairarapa has a long distinctive coastline, substantial lake, rivers, streams and numerous wetlands. Under section 6 of the Resource Management Act 1991 preserving the natural character of the coastal environment, wetlands, lakes, rivers and their margins from inappropriate use, subdivision and development is a matter of national importance. Maintaining and enhancing public access to and along the coast, lakes and rivers is also a matter of national importance.

The issues that arise in relation to the land/water interface include:

- Maintaining and enhancing public access to the coast, lakes and rivers;
- Preserving the natural character of coastal and riparian margins and protecting them from inappropriate subdivision, use and development;
- The occurrence and management of natural hazards.

Waterbodies are important natural features in the Wairarapa, valued for their ecology, recreational opportunities, amenity, and cultural and historic associations. Activities on and around waterbodies need to be carefully managed, as they can adversely affect some or all of these inter-related values. Freshwater environments also provide a function as catchments for drinking water supply.

Lake Wairarapa and its adjacent wetlands form the largest wetland complex in the lower North Island and are considered to be the central natural feature and taonga of the Wairarapa. Only a long term and integrated approach to resource allocation in the Lake Wairarapa catchment will effectively address the complex and often interrelated resource management issues affecting this waterbody.

Esplanade reserves are established along the coast, rivers and lakes when land is subdivided. This approach will continue, subject to rules in this Plan. The Councils will have to weigh the benefits of acquiring esplanade reserves against the community's ability to meet the ongoing costs involved. Esplanade strips, which provide for public access over land held in private ownership are a less expensive alternative where public ownership is not essential.

In some circumstances, where the adverse effects natural or heritage values or on public safety or security outweigh the benefits of allowing public access, access may be restricted.

Access to water and the management of water are important to Tangata Whenua for social, economic, spiritual and cultural reasons. Waahi tapu and other cultural heritage sites are also often located on the margins of water bodies, including the coast.

Activities on land near the margins of streams, lakes and the coastal environment can adversely affect and degrade the existing character, aesthetic quality and amenity which contribute to people's appreciation of its pleasantness. This recognises that waterbodies are an integral part of the environment, are an element of the broader landscape, and have a vital role in maintaining the health of ecosystems and maintaining biodiversity. It also acknowledges that the natural and physical characteristics of waterbodies, including their aesthetic character and amenity, are not something completely separate from and unaffected by the activities occurring near the margins of streams, lakes and the coastal environment. Such activities include

vegetation clearance, and the location and number of buildings and structures, including their relationship and proximity one to another and to the waterbody. The Plan contains rules on the removal of indigenous vegetation within 20m of any permanent surface waterbody, and minimum setbacks for structures in the Foreshore Protection Area, rules for structures in the Coastal Environment Management Area, and rules for minimum setbacks from water bodies and from any significant water body listed in Appendix 1.9.

Subdivision, leading to increased or closer settlement, can affect the natural character of coastal and riparian areas and be inappropriate in natural hazard areas, ecologically sensitive areas such as wetlands, or areas of outstanding landscapes.

A number of natural phenomena occur at the land and water interface that may endanger or damage inappropriately located development; such phenomena include erosion, earthquakes, Tsunami or flooding. To provide for the wellbeing and safety of people and communities, it is imperative to identify, and avoid development in areas that are particularly vulnerable to these natural phenomena.

*Implemented through: Indigenous Biodiversity, Historic Heritage, Landscape, Natural Hazards, Subdivision, Land Development and Urban Growth, Coastal Environment and Freshwater Environment.*

### 2.2.3 Natural Features

Natural features are those features that are a result of natural processes, and comprise of landscapes, landforms and habitats. At a broad level, the characteristic natural features include mountain ranges, undulating hill country, broad plains, rocky headlands and sand dune coastlines. Some specific examples of the outstanding features include the Tararua and Rimutaka Ranges, Lake Wairarapa, Castlepoint, The Pinnacles, Waingawa Faulted Terraces and the Uriti Point Dunefields.

These features are valued by the local community, as they provide a sense of identity and naturalness. The importance placed on these features requires that activities that might affect their values need management, to ensure they are protected for both current and future generations.

*Implemented through: Tangata Whenua, Landscape, and Indigenous Biodiversity.*

### 2.2.4 Historic Heritage

Historic heritage is an important part of the District's local identity. It provides a connection with the past, as it comprises physical traces of former human activity on the land, and the historical and spiritual meanings we associate with places and can include archaeological, architectural, cultural, historic, scientific and technological items, features, developments or events. Historic heritage is made up of a range of places and areas, sites, buildings, structures, features and notable trees. It may be divided into two broad categories:

- Built heritage;
- Natural and cultural heritage.

As a finite resource, historic heritage requires management to preserve it for future generations. Responsibilities under the Resource Management Act include the protection of historic heritage as a matter of national importance.

*Implemented through: Tangata Whenua, Historic Heritage.*

### 2.2.5 Tangata Whenua Relationships

There are two iwi in the Wairarapa, Rangitane o Wairarapa and Ngati Kahungunu ki Wairarapa.

Section 6 of the Resource Management Act 1991, requires that the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga be recognised and provided for as a matter of national importance. In addition, Section 7 requires that particular regard be given to Kaitiakitanga when managing the use, development, and protection of natural and physical resources. The Councils have a duty under Section 8 of the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles are not explicitly defined in the Act and will vary depending upon the special needs of the iwi within each District.

Recognising and accepting that there are different conceptions of resource allocation between Tangata Whenua and the Councils is an important resource management issue. Consultation between parties will provide the basis for achieving a greater empathy between Tangata Whenua and the Councils.

*Implemented through: All sections of the Plan.*

### 2.2.6 Amenity and Character

Within the Wairarapa certain types of land use activity tend to occur together, resulting in four broad categories of environment that are commonly recognised - rural, residential, commercial and industrial. People tend to have particular expectations about the character, amenity and level of acceptable change in these environments. One of the Councils' roles is to address these expectations by defining, developing, maintaining, and enhancing the amenity values and character within these identified environments.

Four environmental zones are recognised and managed under this Plan, being Rural, Residential, Commercial and Industrial. Performance standards, such as building setbacks, noise standards and maximum height limits, are set to maintain and enhance the identified character, amenity and utility of these zones.

*Implemented through: Residential, Commercial, Rural, and Industrial Zones, and General Amenity*

### 2.2.7 Growth Management

Population growth in some parts of the Wairarapa is putting existing infrastructure under pressure and generating demand for urban expansion. Increasing recreational and tourism development is also placing pressure on the natural and physical resources of the area such as the coast, lakes, rivers and natural areas.

Urban growth will necessitate improving or building new infrastructure such as streets, water, wastewater and reserves networks. The infrastructure is an essential part of the Wairarapa's physical resources and is crucial to the social, physical and economic wellbeing of the people. Urban development needs to be managed so that the infrastructure, such as water supply, roads, reserves and wastewater systems are economically efficient and environmentally sustainable.

The market will influence the location and type of development, but growth will need to be managed in a comprehensive and efficient manner to minimise adverse effects on the environment and existing infrastructure. Where significant public investment exists or is required, then development must not compromise the efficiency and sustainability of the infrastructure. Furthermore, some areas may be unsuitable for urban development, including areas of highly versatile soils, and land subject to significant risks from natural hazards, such as flooding.

How and when new development occurs will be influenced by existing development, land ownership issues, planning rules and the capacity of existing infrastructure. Furthermore, communities' expectations and aspirations towards where and how they want to live change over time.

*Implemented through: All sections of the Plan.*

## 2.2.8 Avoidance of Hazards

When activities and development are located in areas subject to hazards, people's safety, health and wellbeing can be adversely affected. Two types of hazard are addressed in the Plan:

- a) Natural hazards such as floods, earthquakes, erosion and tsunami, which can endanger people and damage property; and
- b) Hazards associated with the transportation, storage and use of hazardous substances.

Appropriate levels of protection for communities need to be established. Natural hazards need to be identified and protection provided for at-risk communities. Development and activities need also to be managed to avoid increasing the risk of natural hazards. For instance, increased run-off from inappropriate land use in a river catchment can cause larger floods. The use of hazardous substances can also lead to the contamination of land. Measures to reduce the risk posed by the use of hazardous substances are needed.

*Implemented through: Natural Hazards, Hazardous Substances.*



## 3 HOW TO USE THE DISTRICT PLAN

### 3.1 Key Steps

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

#### Step 1

Check the Planning Maps to determine the Zone where your site is located.

- Is it in the Rural, Residential, Commercial or Industrial Zone?
- Is it located within a character/management area?

#### Step 2

Use the Key of the Planning Maps to identify all other annotations, management/character areas and any other details that relate to the site. This may include road hierarchy, natural hazards, designations, heritage sites and air noise boundaries.

#### Step 3

Refer to the "Rules and Standards" for the relevant zone in "Part A" and "Part B: District Wide Rules" to find out what controls and requirements apply to the proposed development/activity.

#### Step 4

Refer to "Section 27: Definitions" to clarify the meaning of specific words and phrases if necessary.

#### Step 5

Determine if the proposed activity meets the rules and standards to ascertain the status of the activity, i.e., whether it is a permitted activity not requiring resource consent or whether the activity is a controlled, restricted discretionary, discretionary or non-complying activity and therefore requires resource consent.

#### Step 6

Refer to "Part C: Financial Contributions" to determine whether a contribution is required.

#### Step 7

If resource consent is required, refer to "Part C: Section 26" to find out what information is needed with the resource consent application.

### 3.2 Classes of Activities and Resource Consents

The classification of an activity depends first upon whether the activity comes within the description in the rules for a particular class, and secondly, upon whether it meets the conditions or standards for that class. The types of activities specified in the Plan are as follows:

**Permitted Activity (*Resource Consent not required*):** Permitted Activities can proceed as of right, because they comply in all respects with the relevant rules in the Plan. Where an activity does not comply with one or more of the relevant rules, the Plan will explain what it is to be considered.

**Controlled Activity** (*Resource Consent required*): In some circumstances the Councils reserve control over some activities that have characteristics that can cause adverse impacts on the surrounding environment. The circumstances where this applies are listed in the rules under "Controlled Activities" and the controlled aspects of the activity are specified. To manage the potential adverse effects, conditions may be placed on the consent in respect of the matters over which the Councils have reserved their control. The Plan may also identify whether an application for a Controlled Activity may proceed on a non-notified basis without the need for written approval from affected persons.

**Restricted Discretionary Activity** (*Resource Consent Required*): Restricted Discretionary Activities are those where Councils have limited their discretion to particular matters, and retains discretion to grant or refuse consent, and if granted, impose conditions in relation to those matters only. The Plan may also identify whether an application for a Restricted Discretionary Activity may proceed on a non-notified basis without the need for written approval from affected persons.

**Discretionary Activity** (*Resource Consent Required*): Where the Councils have not limited their discretion to particular matters and retain a general discretion over all relevant effects. Council may grant or refuse resource consent for a Discretionary Activity, and if granted, may impose conditions in relation to any aspect of the activity.

**Non-Complying Activity** (*Resource Consent Required*): Consent must be refused for Non-complying Activities unless the Council is satisfied that the adverse effects on the environment will be minor, or granting the consent will not be contrary to the Objectives and Policies of the District Plan. If these thresholds are passed the Councils still have discretion to grant or refuse consent. Conditions in relation to any aspect of the activity may be placed on the consent.

### 3.3 Notification of Resource Consent Applications

Sections 93 to 94D of the Act set out the requirements for notifying resource consent applications. The presumption is that an application (unless it is a Controlled Activity) will be publicly notified in accordance with Section 93 unless the criteria for limited notification or non-notification are met.

The starting point for a notification decision is the category of the activity. Applications for Controlled Activities and some Restricted Discretionary Activities, for instance, will not normally be notified, either publicly or served on affected persons. Rules will specify whether a Controlled Activity or Restricted Discretionary Activity need not be notified.

Where the rule does not specify non-notification, the Councils in determining whether an application should be publicly notified, will assess whether the effects of the activity are minor. If the relevant Council considers that the adverse effects of the activity may be more than minor, the application will need to be publicly notified. If the Council considers that the adverse effects will be minor, the application can be dealt with on a limited notified or non-notified basis.

The Council when making the notification decision, will also need to determine whether there are any affected parties, and whether or not they have given their written approval to the activity.



Irrespective of the above, the Council under special circumstances may require any application to be notified, even if the Plan states that it need not be.

### 3.4 Review of the Plan

District Plans must be reviewed at least every ten years. However, the following circumstances may affect the contents of this Plan, compelling a review or partial review before the minimum ten-year period:

- Changes to resource management legislation;
- Improved knowledge and understanding of the environment;
- Issues arising from monitoring the effectiveness and suitability of the Plan;
- Development of National Policy Statements, Regional Policy Statements and Plans, and reviews of these documents;
- Development and reviews of other resource management instruments such as Iwi planning documents, Conservation and Reserve Management Plans;
- Requests for plan changes or reviews.

