

DISTRICT PLANS 101

What are they?

Why do we have them?

What do they do?

What don't they do?

How do they fit in with other controls/requirements?

Relationship with community futures project



Background – The RMA

Resource Management Act 1991 (and its amendments)

- Complex legislation (and case law through the Environment Court and higher courts)
- Overarching purpose and principles:
 - sustainably managing natural and physical resources
 - enabling people and communities to provide for their health, safety and wellbeing
 - protecting the natural environment
 - keeping the needs of future generations in mind
- Highly participatory and democratic
- Devolves management/planning responsibilities to the level where they can best be dealt with.

Background – The RMA (continued)

At National Level

- RMA matters of national importance and other matters which plans/decisions must address (loose guidance)
- Some National Policy Statements (e.g. NZ Coastal Policy Statement, Electricity Transmission, Freshwater)

Regional Council responsibilities

- Water, air, coastal marine area

District/City Council (territorial) responsibilities

- Land use and development

Regional/territorial responsibilities (shared/allocated):

- Natural hazards
- Ecosystems
- Landscapes

Background – The RMA (continued)

**RMA Purpose and Principles
National Policy Statements (NPS)**



Regional Policy Statements (RPS)

Given
effect to
through



District Plans

Regional Plans



cannot be inconsistent



Background – The RMA (continued)

RMA

hierarchy:

- RMA itself
- NPSs
- RPS
- Regional Plans
- District Plans

**What else
may affect
where
I live?**



Background – Other provisions

- **Other legislation** (e.g. Building Act, Reserves Act)
- **National standards and guidelines** (e.g. contaminated sites, noise, road safety and design)
- **Regional standards and guidelines** (e.g. stormwater management, erosion and sediment control)
- **Local guidelines and codes of practice** (e.g. Best Practice Subdivision Design Guide, Subdivision and Development Principles and Requirements)
- **Bylaws** (e.g. beach management, water supply, solid waste)
- **Other Council Plans** (e.g. Asset Management Plans)

What's in the District Plan?

- Explanation of **Issues** the Plan is trying to address (may be District-wide, or local)
- **Objectives** (where the Plan is trying to get to – broad aspirational statements)
- **Policies** to achieve the objectives (more detail of how the Plan is trying to achieve objectives)
- **Rules**
- **Methods** (other than rules, policies)

District Plan Objectives and Policies

These are important because:

- They are the basis of, and justification for, the rules

They justify limitations on what people can do on their land through rules

- They provide some of the “tests” that anyone who wants to go outside the rules must meet

If a proposal is not a permitted activity and needs a resource consent, it has to measure up against the objectives and policies that apply (or else it has to have very minor adverse effects)

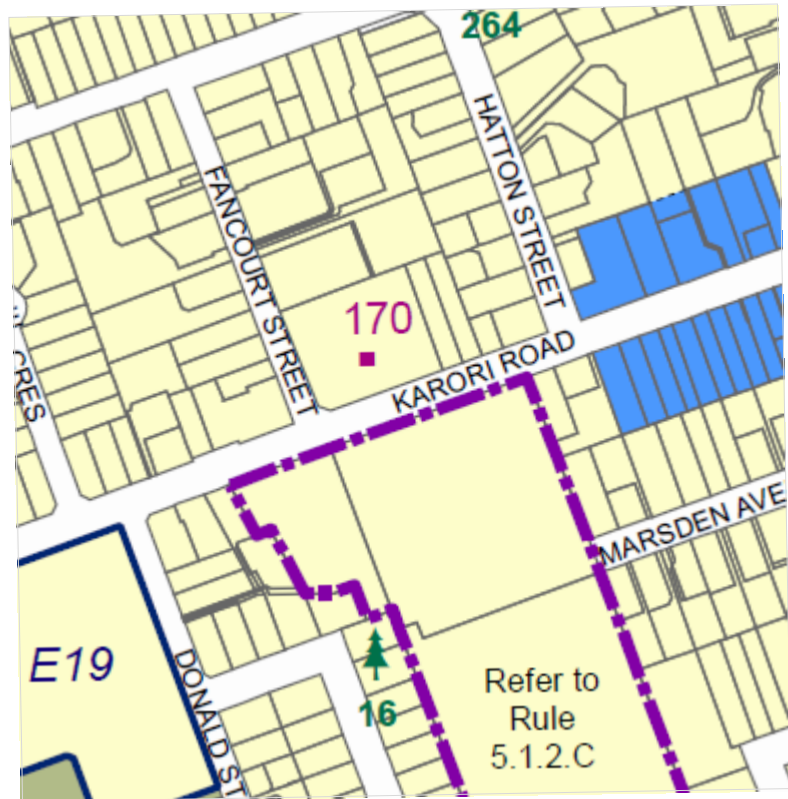
- They protect particular natural (and sometimes physical) resources
- They give the “flavour” of the area for the long-term

District Plan Rules

- **May apply district-wide** (e.g. noise standards, road hierarchy)
- **May apply to lists of identified items** (e.g. historic buildings, significant trees)
- **May apply to mapped areas:**
 - zones
 - sub-zones or precincts
 - overlay areas

How to look at a Plan

- Start with your site
- Find the map(s)
- Identify the zones, overlays, etc that apply
- Find the rules
- Look at the controls or conditions that apply to the types of activities



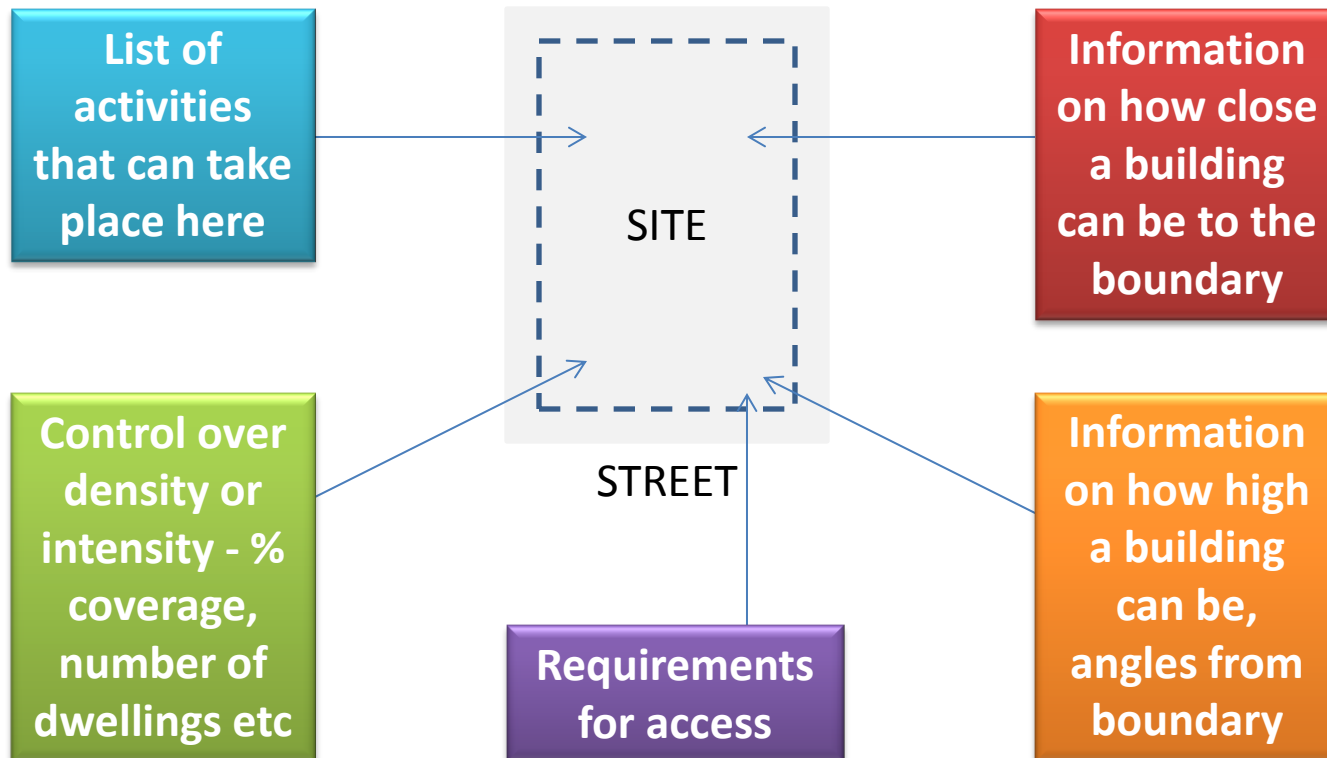
How to look at a Plan (continued)

Is the activity permitted?

- Must be a land use that is listed as permitted (e.g. dwellings in a residential zone)
- Must meet all other requirements

How to look at a Plan (continued)

For any site..... typical provisions



Types of Activities - RMA has a hierarchy of activity types

← Increased Degree of Difficulty to Consent

Permitted	Can be done without consent
Controlled (matters of control set out in Plan)	Needs a consent, but cannot be declined, conditions can be applied over controlled matters.
Restricted Discretionary (matters of discretion set out in Plan)	Needs a consent, can be declined. If approved, conditions can be applied over matters of discretion.
Discretionary (all aspects taken into account)	Needs a consent, can be declined. “Tests” are extent of effects and alignment with all relevant policy.
Non-complying	Needs a consent. Can be declined. “Tests” are effects no more than minor or not contrary to relevant policy.
Prohibited	Can not even be applied for.

Types of Activities

Applications and approvals are needed for all but permitted activities

Who has input?

- RMA, District Plan determines
- Sometimes only applicant (controlled activities, most restricted discretionary activities)
- Sometimes neighbours only, if the Council decides on **limited notification** to affected people (discretionary activities, some restricted discretionary)
- Sometimes **publicly notified** (some discretionary, most non-complying)

Written approvals can be given (reduces risk for applicant)

Processing of Applications

Council officer manages and advises on statutory “tests”

If submissions.....

hearing

Commissioner or Panel decides

If non-notified or no submissions.....

no hearing

Commissioner or delegated officer determines

Back to the District Plan.....

Some general “truths” about district plans

- The District Plan is an **enabling framework** within which people can do certain things as of right.
- It is not an absolute blueprint but it helps guide the future of an area.
- Anyone can apply for something that the District Plan doesn't permit. There are statutory processes and test hurdles to pass when they do.
- Particular qualities must be protected directly under the RMA (natural character in the coastal environment, heritage, water quality, natural ecosystems).
- Communities help determine the level of control in any area (e.g. special character areas, heritage precincts).
- Inputs into Plans through designations – a priority method for infrastructure. Can happen at any time and have huge influence.

Back to the District Plan.....

- District Plans must be reviewed every 10 years (as a whole or in parts).
- RMA has processes, from consultation through notifications, submissions and decisions. Anyone can engage.
- Tendency now to align with other processes (e.g. under Local Government Act)
- Community visioning/planning exercises now regarded as best practice.
- “Rolling reviews” through formal plan changes (or variations of plans that are not operative) can be used to add to/modify plan provisions.

Thank you for listening.
Any questions?



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