

Manawatū District Plan

Proposed Plan Change I: Minor Amendments – Appendix 1

Technical Planning Report:
Evaluation of Explanations

October 2024

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1. Purpose

The purpose of this report is to evaluate the Explanations and consider the relevance of these in the District Plan. Council sees the need to review the status of content no longer required by the Resource Management Act (Act).

For the purposes of this report, ‘Explanations’ refers to the explanatory text found generally at the end of the chapter, after the last rule table.

2. Background

Explanations have been part of the District Plan since the current Plan was first prepared. Over half of the Operative District Plan chapters contain explanations alongside the provisions (objectives, policies, rules and standards). While the Act does not specify the need for explanations, District Plans have tended to include such content, particularly the first generation of plans which often repeated material from District Schemes (prepared under Town & Country Planning Act), to help transition users to the new Resource Management Act system. The first generation of the Manawatū District Plan relied heavily on explanations to give context to its rules.

Given the comprehensive approach to Explanations in the Manawatū District Plan, there is the possibility that these were seen as fulfilling the Act requirement to include *Principal Reasons*. Note - no *Principal Reasons* have been identified in the Manawatū District Plan. In the 2003 version of the Act, section 75(1)(e) (Contents of District Plans) read:

(1) A district plan must state –

(e) the principal reasons for adopting the objectives, policies and methods of implementation set out in the plan

The above is now a matter which “may” be stated in the District Plan under section 75(2)(c), rather than a requirement.

Council’s approach to drafting the District Plan has changed over time and the explanations have played a lesser role in the functioning of the Plan. Those chapters more recently reviewed tend to have minimal or no explanations. Some examples of these plan changes are Plan Change 55: District Wide Rules, Plan Change 64: Boarding, Breeding and Training Kennels, and Plan Change 65: Outstanding Natural Features and Landscapes. Additionally, many of the explanations have not been subject to a Schedule 1 Review since 2002. These inconsistencies signalled the need for a full review of explanations to determine their place in Plan implementation.

3. Operative District Plan

Most chapters in the 2002 Operative District Plan contained ‘Explanations’. These explanations vary greatly in length, relevance, and level of detail and are found in the following chapters:

- How the Plan Works – GEN-General Approach
- TW-Tangata Whenua
- EWA-Energy, Water Use and Air
- HS-Hazardous Substances
- NH-Natural Hazards

- HH-Historic Heritage
- SUB-Subdivision
- ASW-Activities on the Surface of Water
- CE-Coastal Environment
- ER-Esplanade Reserves
- FIN-Financial Contributions
- NOISE-Noise
- GRZ-General Residential Zone
- SETZ-Settlement Zone
- GRUZ-General Rural Zone
- COMZ-Commercial Zone
- OSZ-Open Space Zone

In general, the above chapters have not been reviewed substantially since the Plan became operative in 2002. The main changes made to the above chapters have been via consequential amendments of plan changes, or partial review (in the case of HH-Historic Heritage), rather than through a full review of the chapter itself.

4. Discussion

The purpose of this Technical Planning Report is to evaluate the explanations and assess the relevance of these to the District Plan. When evaluating each explanation consideration was given to:

1. Assessing the existing explanations against set criteria to determine whether they remain relevant, and
2. Assessing the potential impact of their deletion from the Plan.

In completing the evaluation, each chapter that contains explanations was assessed against a broad set of criteria to determine their content and implications should they be removed. The criteria were:

- Whether the explanation was repeating parts of the Resource Management Act 1991 (the Act)
- Whether the explanation was more appropriate as part of an analysis in a Section 32 Evaluation Report at the time that section of the plan was prepared
- Whether the explanation is critical to understanding the objectives, policies and rules of the chapter, or
- Whether the explanation contains material from central or regional direction which is now outdated.

When considering the potential impact of the deleting of explanations from the District Plan, it is important to note:

- Explanations do not have any legal effect
- Explanations are not required under the Act or the National Planning Standards 2019
- Explanations have the potential to cause confusion for Plan-users where they are inconsistent with provisions with legal effect, and
- Explanations cannot be used to support or justify a resource consent application or decision.

The completed assessment is contained in Appendix 1 of this Report. Overall the assessment identified that the explanations were largely out of date, provided no material essential to applying the provisions of the Plan, contradicted national or regional direction, or quoted sections of the Act that have changed since the District Plan became operative in 2002. For example, the control of hazardous substances under the Act has been removed from the functions of territorial authorities under section 31. The explanation for the HS-Hazardous Substances chapter references a part of the Act which was deleted through a 2017 Amendment Act.

There is no material change to the provisions of the District Plan with the deletion of the explanations as proposed. Each section of the explanations has been assessed in Appendix A to ensure there are no material or substantive issues with the deletion of the explanation and the functionality and workability of the Plan.

5. Recommendations

That the explanations contained in the District Plan are deleted for the reasons outlined above and in the Table in Appendix A of this Report.

Appendix A Table of Changes

The following amendments are recommended to the District Plan for dealing with Explanations:

Section	Explanation	Comment	Proposed change
PART 1 – INTRODUCTION AND GENERAL PROVISIONS			
INTRODUCTION			
Contents	N/A		
Purpose	N/A		
Description of District	N/A		
HOW THE PLAN WORKS			
Statutory Context	N/A		
GEN-General Approach	<p>General objectives and policies</p> <p>The above objectives apply to the whole of Part 5 of the Plan Strategy. They will be achieved by the policies above and others throughout Part 5. All stem from Council’s functions under the Resource Management Act, from the matters of importance set out in Sections 6 and 7 of the Act, or from the purpose of the Act itself.</p> <p>“Sustainable management” involves enabling “people and communities to provide for their social, economic and cultural well-being and for their health and safety...” The District Plan’s role is to provide a regulatory framework within which people and communities can pursue the solution of problems such as unemployment, rural depopulation and a desire for further recreational or social facilities. Council can do much to assist through means outside the District Plan.</p> <p>GEN-O6 reflects the fact that integrated management is part of the function of District Councils under Section 31 of the Act. It means</p>	<p>Many parts of this explanation give context to the objectives and policies of the GEN-General Approach chapter and essentially repeat the direction within the Resource Management Act (the Act). Under current best practice this detail is more appropriately included in a Section 32 Report.</p> <p>This explanation also contains a statement which commits the Council to lobbying central government for national direction on requiring stock trucks to have effluent holding tanks. Such statements are not enforceable through explanatory text. It is also not something that is enforceable through the District Plan in general as it is outside its scope. This means that its inclusion in the GEN-General Approach Explanation is inappropriate to retain.</p>	Delete the explanations in GEN-General Approach in their entirety.

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Section	Explanation	Comment	Proposed change
	<p>particularly that Regional and District Councils should work together to ensure that efforts are not duplicated and that there are no “gaps” between the resource management responsibilities of each. Some processes to address these “cross-boundary” issues are contained in the Cross-Boundary Matters chapter. Managing the effects of land use on water quality is an example. While safeguarding water quality is a Regional Council task, managing land use is primarily the District’s role. Riparian margins in particular, being at the interface of water and land, require an integrated management approach agreed between this Council and the Regional Council.</p> <p>GEN-P2 recognises that “the foreseeable needs of future generations” are a part of sustainable management. If too many tall buildings or nuisances are allowed (each with its own neighbour’s consent at the time) the overall quality of the residential environment will suffer and the desired outcomes will not be achieved. The interests of future residents may therefore be relevant. The Plan also deals with impacts which only relate to the site being developed, (i.e. which do not affect any neighbours or the environment in general), because of potential effects on future residents of that property.</p> <p>GEN-P3 recognises that problems are often created where new activities which expect a high standard of amenity (such as residential ones) develop near previously established land uses with established effects. Over time the new land uses can create pressure for the quite legitimate existing ones to be closed down or for their operations to be severely limited. This phenomenon is sometimes called “reverse sensitivity”.</p> <p>Policies GEN-P4 to GEN-P6 relate to Council’s duties under Part II of the Act, especially Section 8. As noted on page 1 of this chapter, when Council formulates Plans and makes planning decisions under the Act, the principles of the Treaty of Waitangi must be taken into account. Among the things which must be recognised and provided for as a matter of national importance is the “relationship of Māori and their culture and traditions with their ancestral lands, water, sites, Waahi tapu, and other taonga.” Council also has to have particular regard to</p>	<p>Explanations have no legal effect, nor are they required under the National Planning Standards. The deletion of this explanation will not substantively change the effect of the GEN-General Approach chapter. For these reasons and those above, it is recommended that the Explanation in GEN-General Approach is deleted in its entirety.</p>	

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Section	Explanation	Comment	Proposed change
	<p>Kaitiakitanga, which is defined as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.” This definition is recognised by Māori as being incomplete. The freedom of action implied by GEN-P6 is still of course limited by the overall aim of sustainable management.</p> <p>GEN-P7 refers to spilt manure from stock trucks, to effluent holding tanks on campervans being emptied on the roadside, and to the road being used as a cattle race. These things create a nuisance for other road users, and manure can corrode the tarseal itself. Proper discharge points need to be available for trucks and campervans. It is inappropriate for this Plan to require stock trucks to have effluent holding tanks. This sort of regulation needs to be implemented at a national level. Council will lobby central government on this issue, and will encourage local/regional carrying firms to install tanks.</p>		
Cross boundary matters	N/A		
INTERPRETATION			
Definitions	N/A		
TANGATA WHENUA			
TW-Tangata Whenua	<p>Marae have cultural and spiritual importance to the Tangata Whenua, and most of the existing marae in the District have considerable heritage value. The Plan aims to recognise the importance of marae and to make provision for their development. This may include housing for Kaumatua (elders) and for other whānau members who wish to live on Māori land close to the marae to which they belong. (Whether specific parcels are “Māori land” is clearly defined by the Te Ture Whenua (Māori Land) Act 1993 and by the Māori Land Court.) New marae may also be established if appropriate.</p>	<p>The explanation to the policies does not reflect the rule structure in the District Plan and adds additional confusion for plan users. The details in this explanation are largely those which would be recorded in a Section 32 Evaluation Report, rather than in the District Plan itself.</p> <p>Council is working with iwi on updated provisions for the General Rural Zone which may alter the content in the District Plan making this explanation further out of date. Content in the explanation has repeated the objectives of</p>	Delete the explanations in the TW-Tangata Whenua chapter in their entirety.

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Section	Explanation	Comment	Proposed change
	<p>Proposals to build more than one house on partitioned areas of Māori land are provided for. Such blocks may not necessarily be near a marae but may have important ancestral value to the people concerned.</p> <p>The above types of development are treated as discretionary activities (or controlled in the case of housing) to ensure that relevant impacts of each particular proposal can be considered.</p>	<p>the TW-Tangata Whenua chapter, which is unnecessary replication of information.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards. The deletion of this explanation will not substantively change the effect of the TW-Tangata Whenua section of the Plan. On that basis, it is recommended that the Explanation in the TW-Tangata Whenua chapter is deleted in its entirety.</p>	
PART 2 – DISTRICT-WIDE MATTERS			
ENERGY, INFRASTRUCTURE AND TRANSPORT			
INF-Infrastructure	N/A		
EWA-Energy, Water Use and Air	<p>The above statements for Energy, Water Use and Air Quality are squarely in line with the Act, particularly with the matters stated in Sections 6 and 7. Māori cultural values are relevant due to concerns with matters like water quality and water-based disposal of sewage.</p> <p>There are many ways in which resource users, government agencies and the public could be persuaded to adopt a more sustainable attitude toward energy and water use and air pollution. The degree of financial or competitive benefit which people can gain from becoming more efficient is an important motive. The pricing structures which supply authorities put in place are therefore very important. The prime movers in energy efficiency campaigns should be regional and central government and energy suppliers, who are best placed to do this work. Council will be involved in some education campaigns, but will need to look first at water supply pricing and making its own “core activities” more “sustainable.”</p>	<p>Many of the comments in this explanation are matters to be considered during a Section 32 evaluation report. References to the Regional Policy Statement are outdated, with the text predating the current Horizons One Plan. Examples given in this explanation are often irrelevant to what the District Plan has control over, such as the promotion of recycling for environmental benefits.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards. For these reasons and those above, it is recommended that the Explanation in EWA-Energy, Water Use and Air deleted in its entirety.</p>	Delete the explanations in EWA-Energy, Water Use and Air in their entirety.

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Section	Explanation	Comment	Proposed change
	<p>Recycling is an example of an activity which should be promoted for its environmental benefits. These include minimising the amount of material dumped in landfills and lowering the demand for raw materials.</p> <p>The Regional Council have prepared Plans for Oroua Catchment Water Allocation, (operative) and Manawatū Catchment Water Quality. They have also produced a Regional Air Plan and Land and Water Regional Plan. The initiatives in these Plans, (and the Land Transport Strategy) will go a good way toward meeting the above objectives. For example the Regional Policy Statement talks about lobbying for a national policy on energy. The District supports this idea since substantial energy savings (which are possible) will never be achieved without suitable energy pricing measures and other changes at the national level. Energy self-sufficiency as a region is an important goal, since dependence on overseas supplies, or even on other parts of New Zealand, may not be in the interests of future generations.</p> <p>The Regional Council also proposes a waste inventory, to find out how much waste each industry produces, and how it is being disposed of. Opportunities for waste reduction and recycling can then be identified, e.g. one industry may produce a waste product which another industry could use as a raw material.</p> <p>Under Section 30 of the Act and the provisions of its Regional Air Plan the Regional Council is responsible for controlling discharges of contaminants into the air. This includes discharges from industrial plants, burning of waste, blasting operations and agrichemical spraying. The District Plan’s role, as set out in the Regional Policy Statement is to assist by keeping activities with potential “nuisance” air discharges away from sensitive activities such as residential areas.</p> <p>Council has an input (through building, subdivision and planning processes) into projects undertaken by the private sector and network utility operators. It is also involved at the “tail end” of other people’s water and energy use processes through operating sewage treatment</p>		

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Section	Explanation	Comment	Proposed change
	<p>plants and a landfill. This gives Council scope to negotiate better environmental performance with its customers.</p> <p>In general, Council cannot require more stringent standards than those which apply under the national Building Code. This means for example that higher home insulation standards cannot be applied in the Manawatū District to meet energy conservation goals.</p>		
TR – Transport	N/A		
HAZARDS AND RISKS			
HS-Hazardous Substances	<p>District and Regional Councils are responsible under the Act for preventing or mitigating “any adverse effects of the storage, use, disposal or transportation of hazardous substances” (s30 and s31 RMA). Hazardous substances include those which are explosive, flammable, oxidising, toxic, carcinogenic, radioactive, corrosive or environmentally persistent. There are also “harmless” materials which can sometimes be dangerous (e.g. dust explosions from sawdust or flour).</p> <p>The Regional Policy Statement spells out the respective roles of District and Regional Councils for hazardous substances. The Regional Council is responsible for controlling the use of land to prevent or mitigate any adverse effects of the disposal of hazardous substances. It is also responsible for preventing or mitigating the effects of the discharge of such substances to the environment.</p> <p>District Councils have the task of controlling the use of land to prevent or mitigate any adverse effects of the use, storage and transport of hazardous substances. The main ways of doing this are firstly to ensure adequate buffer distances between the facility and “sensitive” neighbours. These include housing areas, places where people are less mobile, and areas where the environmental consequences of an accident would be especially high, e.g. estuaries and streams. Secondly the facility itself can be made more accident-proof or be designed to reduce the consequences if an accident does occur. Council may put</p>	<p>District Plans do not need to replicate sections of the Act. Section 31 of the RMA has been amended since this explanation was written to exclude the requirement for territorial authorities to control hazardous substances (see: Resource Management Amendment Act 2017). Material released at the time of these amendments to Section 31 indicated the desire to have hazardous substances managed through national agencies rather than District Plans. The Hazardous Substances and New Organisms Act 1996 delegates hazardous substance management to the Environmental Protection Authority and WorkSafe New Zealand.</p> <p>References to the Regional Policy Statement are outdated following the introduction of the Horizons Regional Council Regional Policy Statement section of the One Plan. The District Plan was never updated to reflect the higher order policy document changes at the time the One Plan became operative.</p> <p>Many parts of the explanation give context to the objectives and policies. Such text would generally be found in the section 32 evaluation report.</p>	Delete the explanations in HS-Hazardous Substances in their entirety.

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Section	Explanation	Comment	Proposed change
	<p>conditions like this on land use consents for hazardous facilities. This is one means of ensuring that new contaminated sites do not develop.</p> <p>As operator of a refuse disposal site, Council has some control over which waste is permitted to be dumped there and whether hazardous waste is sent to more suitable disposal facilities. The Feilding site does not have resource consent at present for hazardous material disposal.</p> <p>An initial overview indicates that a number of sites in the District might be seriously contaminated with various chemicals. The Regional Council has accepted responsibility for investigating specific sites, for assessing the likely effects of contamination and for seeking remediation of those effects.</p> <p>Council has a particular role in passing on information about contaminated sites to prospective property purchasers and to the public generally, through the LIM process. In a few cases the contamination may be bad enough to warrant Plan controls which prevent land uses such as housing or schools being built on or next to the polluted site. The need for such controls in the future will be assessed on the merits of the particular case.</p>	<p>Council is also working on a separate plan change to update the provisions relating to Hazardous Substances with notification expected in 2025.</p> <p>Explanations hold no legal weight, nor are they required by the National Planning Standards. For these reasons and those listed above, the HS-Hazardous Substances Explanation is recommended to be deleted in their entirety.</p>	
NH-Natural Hazards	<p>The functions of territorial authorities under the Act include the “implementation of rules for the avoidance or mitigation of natural hazards....” Having a land use pattern which can coexist with natural hazards also helps to achieve the Act’s goal of long-term sustainability.</p> <p>Under Section 36 of the Building Act a building consent can only be refused if the new structure would make a hazard problem worse, e.g. by accelerating ground slippage or erosion. Otherwise a building consent must be issued, and Council can register a certificate on the land title to note the hazard and to absolve itself from liability. The only way of exercising effective control is therefore instead through Regional and District Plans.</p> <p>The Regional Council has identified its role in natural hazard management as:</p>	<p>This explanation references provisions within the Resource Management Act and Building Act at the time the District Plan was made operative. Both these Acts have been subject to changes since then meaning these quotes may no longer be appropriate.</p> <p>References to the Regional Policy Statement are also outdated since the One Plan came into effect which replaced the Regional Policy Statement the operative District Plan was prepared under. The District Plan was not amended when the One Plan become operative. Therefore these statements are unnecessary and potentially in conflict with the current One Plan direction.</p>	Delete the explanations in NH-Natural Hazards in their entirety.

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Section	Explanation	Comment	Proposed change
	<ol style="list-style-type: none"> 1. Providing information on flooding and other hazards, particularly those of regional significance. 2. Identifying what form of development may or may not be suitable in areas subject to various hazard risks, especially flooding. This involves discussion with territorial authorities. 3. Providing flood protection works, warning systems, and education about these systems. 4. Requiring that land be designated under the District Plan, where appropriate, for river control purposes. 5. Controlling the use of land in the beds of rivers and adjacent land designated or zoned for river control. (i.e. between the stopbanks). 6. Soil conservation controls and works, to prevent unsuitable development of erosion prone land and to promote sustainable use of “at risk” catchments through planting etc. 7. Controlling the use of land to avoid or mitigate any adverse effects of land movement resulting from soil disturbance and vegetation clearance. 8. Regional Civil Defence response. <p>The District Council will be responsible for:</p> <ol style="list-style-type: none"> 1. Working with the Region to gather hazard information, particularly where local detail is required. 2. Controlling building, associated development and the use of land in hazard-prone areas, except that identified in 5 and 7 above. 3. Promoting sustainable use of hazard-prone areas through the District Plan and perhaps assisting in limited cases with the Region’s soil conservation programmes. 4. Local Civil Defence response and recovery programmes. 	<p>In regards to Figure 17, the only other place that surface ponding is mentioned in the District Plan is in the explanation in the SUB-Subdivision chapter under the heading ‘Water supply, stormwater, and farm drainage’. The figure isn’t referred to in any of the rules throughout the plan and the explanation says it’s for information purposes only. This has the potential to create confusion for Plan-users as there are no provisions associated with the figure in the District Plan.</p> <p>The explanation for how the Flood Channel Zones were created and the reasons for developing provisions belongs in a Section 32 evaluation report, rather than in the contents of the District Plan.</p> <p>Note that Plan Change A: Rural and Flood Channel Review will update the District Plan approach to natural hazards management and ensure consistency with the direction of the One Plan. Notification is expected in Q1/Q2 of 2025.</p> <p>Explanations hold no legal weight and cannot be used to support a resource consent application or decision. Under the National Planning Standards explanations are not a requirement of District Plans. It is therefore recommended that NH-Natural Hazards Explanation is deleted in its entirety.</p>	

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Section	Explanation	Comment	Proposed change
	<p>Under the Building Act, Council is required to keep information about hazards and to pass it on to the public. A great deal still however needs to be learnt about hazards in the District. Comparatively little is known about seismic, tsunami and land subsidence hazards in particular. Even this Plan’s flood hazard information was prepared at a broad scale. More detailed survey work is often needed to define the degree of flood risk to any particular property.</p> <p>The District’s coastal area is potentially threatened by tsunami, coastal erosion and by shifting sand/sandblows. The NZ Coastal Policy Statement also requires that the possibility of sea level rise be considered. While stabilisation planting and sensible land use practices can reduce sand movement hazards, the only fully effective response to tsunami, marine erosion and sea level rise is avoiding development in the coastal area. (Refer CE-O1, SUB-O8)</p> <p>The Building Code requires that buildings be designed/protected so that water from a 50 year flood event would not enter them. This provides authority for setting minimum floor levels, and is very much a “bottom line” requirement. District Plan rules may be more stringent.</p> <p>Based on recommendations from the Regional Council, this Plan sets out two Flood Channel zones. These are shown on the District Planning Maps.</p> <p>The Flood Channel 1 zone comprises three areas where, based on flood flow velocities and/or depths, development is inappropriate and new dwellings are a non-complying activity. These areas are:</p> <p>Downstream of the Flyers Line, Hamilton’s Line and Kopane spillways. All of these places are subject to deep, fast-flowing water on a reasonably regular basis. In addition, development within these areas has the potential to either dam or divert floodwaters and cause previously non-floodable areas to flood.</p>		

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Section	Explanation	Comment	Proposed change
	<p>The Taonui Basin. The depth of ponded floodwater can be approximately 4 metres at the downstream end of the basin and depths of over one metre are common over much of the remainder.</p> <p>Between the stopbanks of the Manawatū and lower Oroua Rivers. Floodwater between the banks is deep and fast-flowing. Any development within the floodway also reduces the effectiveness of the stopbanking system.</p> <p>The Flood Channel 2 zone identifies other areas which are likely to be inundated by a 100-year flood event and/or affected by poor drainage. In these areas however the flood risk is such that development may be able to proceed as a discretionary activity if appropriate conditions are imposed, e.g. minimum floor levels. Council will consider the impact of any such dwellings upon the available Civil Defence response. It would be undesirable to have people in pole houses or on “islands” during flooding if their access is lost and extra demands are placed on limited rescue resources.</p> <p>Non-residential buildings in the flood plain can also have adverse effects. They can make flood control measures less effective by impeding floodwaters, and can divert water into places which would not otherwise be floodable. They will therefore be a controlled activity in both Flood Channel zones.</p> <p>Figure 17 shows an area between Pyke, Kellow and Milner Roads which contains a high concentration of small lakes which appear following a wet winter or intense localised rainfall. This area is shown for information only and does not have any special controls associated with it.</p>		

Section	Explanation	Comment	Proposed change
	 <p>Figure 17 - Location of Localised Ponding Area</p> <p>Examining a site’s potential for landslip hazards is part of the “duty of care” involved in the building consent process, i.e. reasonable steps must be taken to find out the extent of the possible problem. This duty exists whether or not Section 36 of the Building Act is being used. Using Section 36 is not automatic, and depends upon what geotechnical reports say about the particular site.</p>		
HISTORICAL AND CULTURAL VALUES			
HH – Historic Heritage	Section 31 of the Act charges the District Plan with controlling any actual or potential effects of the use, development or protection of land. Such effects include potential damage to heritage values. All of the matters of national importance in Section 6, and most of the matters to which Council “shall have particular regard” under Section 7 also concern natural and heritage values.	Much of this explanation reiterates the Act as well as agencies responsible for heritage protection in New Zealand. Explanations of how the objectives and policies work and why they are written that way is analytical material which would typically be written into a Section 32 Evaluation Report.	Delete the explanations in HH-Historic Heritage in their entirety.

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Section	Explanation	Comment	Proposed change
	<p>There are many agencies or parties which are involved in identifying and protecting heritage places. They include the QE II National Trust, HNZPT, the Department of Conservation, the Māori Heritage Council, the NZ Archaeological Association, the Geoscience Society of NZ, local community and heritage groups, Mainstreet Programmes, and land/building owners. The methods which they use include education, voluntary agreements, covenants with landowners, a variety of different statutes, and land ownership and purchase.</p> <p>Under the Act, councils, Ministers of the Crown, and HNZPT are “heritage protection authorities.” Any other body approved by the Minister for the Environment can also become one. These authorities can require Council to include “heritage orders” for specific places in the District Plan, in a similar way to public works designations. They are subject to the same public objection and appeal process as designations. Heritage orders contain specific conditions relating to the use or modification of the place concerned. These conditions could vary from not permitting any change at all, to requiring merely that the protection authority is advised prior to demolition of a building.</p> <p>The actions of existing agencies will go some way toward meeting the Act’s objectives for heritage places. Council will support these agencies where appropriate, as well as being directly involved in activities which complement their work.</p> <p>This District Plan provides an avenue and process for possible legal protection. Council may initiate heritage orders for some specific places, but the main instrument for protection will be District Plan rules. Adequate protection for archaeological sites is already provided by the authority process which applies under the Historic Places Act 1993. This process is administered by Heritage New Zealand. Recorded archaeological sites within the District are identified in HH-SCHED4 primarily for public information. All applications for resource consent will however need to consider any impacts on heritage places, including archaeological sites.</p>	<p>District Plans do not need to reiterate national direction, particularly where the inclusion has no legal weight, such as in an explanation. While the HH-Historic Heritage chapter has been recently reviewed, the explanation does not play a key role in the chapter’s operation. Removing the explanation will not change the overall effect of the chapter. Matters relating to topics such as indigenous vegetation are out of date as the Horizons One Plan identifies that the Regional Council is responsible for the protection of indigenous biodiversity. There is a risk that this out of date information could cause confusion for plan users.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards or the Act. For these reasons and those above, it is recommended that the Explanation in HH-Historic Heritage is deleted in its entirety.</p>	

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Section	Explanation	Comment	Proposed change
	<p>Each heritage place on the District Plan’s list has been identified as being Category A or B (Refer: HH-SCHED1 and HH-SCHED2). Category A confers the highest level of protection, since destroying these places is a non-complying activity. Some modification is allowed, but Council may impose conditions on the manner in which it is done.</p> <p>For Category B places, Council’s consent is required before modification or demolition, and this consent may be granted or refused.</p> <p>Decisions on which natural areas to list as A, B or C were based on the Department of Conservation’s Recommended Areas for Protection (RAP) survey and consultation with statutory bodies, local communities and the general public. RAP’s are the best representative areas of indigenous vegetation found in an ecological district, but RAP status is not a cut-off point for significance. Many other areas in a district are also significant, for a variety of reasons. They may for instance have wildlife habitat values; be reservoirs of biodiversity at the ecosystem, population, species and genetic levels; have landscape values; or soil and water quality values.</p> <p>As noted above, clearance of certain amounts of certain types of indigenous vegetation will require resource consent, so that the value of that habitat can be assessed. The significance criteria in HH-APP3 will be used for this purpose. If an area is deemed significant, it does not automatically imply that activities are unable to take place, but rather that Council is required to exercise its statutory obligations and may place controls on an activity in order to ensure that adverse effects are avoided, remedied or mitigated. The Plan’s rules permit activities with only minor adverse effects. For example, the clearance of young manuka scrub or small areas of indigenous forest and wetland are permitted activities.</p> <p>A setback distance of 50 metres between plantation forestry in the coastal area and the significant wetlands listed in HH-APP1 is also proposed. The reason for this is that adjacent tree plantations can have</p>		

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Section	Explanation	Comment	Proposed change
	an adverse effect on the ecology of such wetlands due to impacts such as lowering the local water table.		
TREE – Notable Trees	N/A		
NATURAL ENVIRONMENT VALUES			
NFL – Natural Features and Landscapes	N/A		
SUBDIVISION			
SUB Subdivision –	<p>Impact on rural soils</p> <p>It is important to keep open a wide range of options for the future use of land, so that it can continue to meet the reasonably foreseeable needs of future generations and can be sustainably managed to preserve its life-supporting capacity in terms of the Act. Subdivision can compromise the potential land use options by fragmenting ownership. It may cause blocks to become too small for certain types of rural activity. It may then be difficult to collect them together again for production, particularly if the land has become over-capitalised with buildings. Farmers’ price for land is related to potential farm income, but rural-residential users’ price is influenced more by off-farm income. Below a certain size, blocks may become too small for practical rural use at all.</p> <p>This Plan uses an average lot size philosophy. It does not prevent the creation of small blocks within the rural zone, but effectively requires that people creating a small lot must also create a larger one to achieve the average. There is also a requirement that at least 50% (or at least 20 hectares, whichever is smaller) of the block being subdivided be left in one piece. This aims to discourage subdivision into uniform blocks all at the average size. These controls will help to retain an overall subdivision pattern within the District which allows a wide range of land uses to be able to secure land holdings appropriate to their needs.</p>	<p>Much of the explanation section in the SUB-Subdivision chapter relates to highly productive land. Since the Plan was made operative the National Policy Statement on Highly Productive Land came into force. Soil conservation and protection of high class soils now falls under the NPS-HPL.</p> <p>The concepts regarding urban development and existing urban land have been superseded by the Feilding Framework Plan 2013. Council is also currently developing a District Wide Growth Strategy which will guide future housing and growth for the Manawatū District. These documents mean that this information is outdated and no longer required.</p> <p>The explanation also references monitoring that needs to be undertaken. Council has completed different types of monitoring, including state of the environment reporting, and plan effectiveness monitoring as part of plan changes. However this information is not required in the Plan to ensure the monitoring of the District Plan or the environment is undertaken.</p>	Delete all explanations in the SUB-Subdivision chapter

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	<p>Retaining options for use of the District’s “versatile land” (ie Class I and II soils apart from Class IIs2) is particularly vital. An explanation of the land use capability classes and why versatile land is a special resource can be found in the GRUZ – General Rural Zone chapter). It is in very limited supply and is under the greatest demand for small-lot subdivision, especially near Feilding and Palmerston North. If widespread fragmentation into uniform small lots was permitted it would not take long for subdivision to make significant inroads into the supply of versatile land and of larger blocks in these locations. The Plan’s Rural 1 zone identifies the District’s main areas of versatile land, and recognises the potential effects on its productive options by requiring an 8ha minimum average lot size in that zone.</p> <p>The average lot size for the Rural 2 zone (less-versatile land) has been set at 4ha. This is because the finite demand for small rural blocks is unlikely ever to have a major impact on the availability of the District’s large areas of non-elite soils for productive uses. The subdivision controls for these areas are therefore primarily based instead on landscape and rural character considerations. (Refer SUB-O3).</p> <p>Freeing up rural-residential subdivision of non-versatile land close to Palmerston North and Feilding may bring overall small-block prices down. This would allow productive users to compete for high quality land on a more equal basis.</p> <p>SUB-P2 notes that the Plan requires that land quality be taken into account in decisions to zone extra land for urban expansion. This is because any high quality land which is put under urban development is irretrievably lost.</p> <p>Rural separation distances</p> <p>People generally expect to build a dwelling on new titles. Subdivisions will also sometimes change the legal boundaries around existing houses. There is potential for activities next door to adversely affect occupants of the dwelling if those activities are not adequately separated. New</p>	<p>Much of the discussion relating to rural areas is being assessed as part of the upcoming Plan Change A: Rural and Flood Hazard Review process. Council is expecting notification of that plan change in Q1/Q2 of 2025.</p> <p>There is material that was added into the explanation when Growth Precincts 1 – 3 were included in the District Plan. The additions essentially repeated information that was contained in the Section 32 Report at that time. These provisions have no legal weight and the content is already adequately covered in the relevant objectives and policies. This repetition results in potential confusion and unnecessary commentary in the District Plan. There is no material change to the District Plan with the deletion of the explanation as proposed.</p> <p>The level of detail in this explanation would typically be contained in the Section 32 Evaluation Report rather than a District Plan. Retaining the various statements is therefore considered unnecessary.</p> <p>Explanations have no legal weight and much of the content is either unnecessary or out of date. Given explanations are not required to be included in the District Plan, and for the reasons above the explanation is recommended that the explanations in the SUB-Subdivision chapter are deleted.</p>	

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	<p>dwelling, without sufficient separation, can also have an impact upon rural activities by creating a pressure for those activities to be curtailed.</p> <p>Seeking to promote a level of amenity for rural residents is in line with the matters of importance in the Act. It is related to the rural landscape and effluent disposal objectives (SUB-O3, SUB-O6) and would also assist full productive use of rural land to occur without conflicting with neighbours. Many rural residents expect the countryside to be an idyllic place, and having adequate separation can help. These residents should however realise that some noise, odour, dust etc. is inevitably associated with normal agricultural production and will have to be “put up with.” Bearing this in mind, the minimum lot size in the Rural zones has been set at 0.8ha. The Plan’s rules do however allow possible development of rural house allotments down to 4000m² in size in specified locations (SUB-P6).</p> <p>If farmers are subdividing off a surplus house, they often wish to lose as little productive land as possible and may want the new house lot to be much smaller than this minimum. Requiring a 0.8ha allotment is however fully justified due to the improvement in residential amenity which usually results from the extra separation which a larger lot can provide.</p> <p>Landscape appearance and character</p> <p>The elements which contribute to rural and urban “character” are set out in GRUZ-O2, GRZ-O1, and SETZ-O2. It is important to maintain a different landscape appearance between “town and country” for aesthetic and environmental reasons. This is in line with the Act’s statements about maintaining and enhancing the quality of the environment and amenity values. These qualities are highly valued by many rural residents and contribute to New Zealand’s “clean green” image for visitors. Having said this, though, rural areas are primarily places for production from the land rather than scenic reserves for townspeople.</p>		

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	<p>Subdivision patterns have an important influence on housing densities, and allowing large numbers of small lots to be created in a rural locality can jeopardise its rural character. Effects on the landscape must therefore be considered at the subdivision stage.</p> <p>The average density of dwellings influences the “ruralness” of a locality rather than minimum lot size. For example an area of large farms interspersed with quarter-acre house sites can still appear very rural. This Plan therefore uses rural subdivision controls based on an average lot size to help achieve SUB-P28. The average lot size of 4ha chosen for the Rural 2 zone represents the density beyond which Council’s analysis shows that rural character begins to be lost. The 8ha average used for the Rural 1 zone has been selected for reasons other than rural character, (see SUB-O1), but also represents a density at which rural amenities will not be adversely affected by housing.</p> <p>Both Rural zones have special controls on the ribbon development of housing along rural roads, to help maintain the rural appearance of these areas. New allotments created will have to meet these requirements, as well as the yard controls applied to give adequate setback for rural residents from roads and each other. The latter aims to achieve a rural ambience for the occupants of rural houses.</p> <p>Elements of urban character already exist around some rural focal points and around the edge of certain townships, where the need to retain “ruralness” is less important. These rural focal points are Colyton, Hiwinui, Taikorea, Glen Oroua, Rangiwahia, Utuwai, Waituna West and Pohangina. The townships concerned are Apiti, Feilding, Rongotea, Bunnythorpe, Cheltenham, Sanson, Kimbolton, and Halcombe. Council will consider small lot subdivision (i.e. minimum lot size of around 4000m²) in these localities as a discretionary activity. What is appropriate for these places, however, is a low-density rural settlement rather than a fully-fledged township.</p> <p>Water supply, stormwater, and farm drainage</p>		

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	<p>An effect of subdivision is that new lots usually need their own separate access to water supplies, farm drainage and stormwater disposal. If left unserviced, or without an appropriate level of servicing, the development that occurs after subdivision can have an impact on the health, safety and wellbeing of the District’s residents. Potential problems include surface ponding, an inability to properly drain farmland, more rapid or uncontrolled stormwater runoff, and lack of proper access to drinking or stock water. Action at the subdivision stage can avoid these problems by for example creating appropriate easements so that new lots have legal access to public drains.</p> <p>People often expect to be buying ready-serviced sections if located in a water supply scheme area. These schemes however have vastly different levels of independence, financial structures, policies and bylaws. The only feasible uniform approach is to refer subdivision applications to the appropriate supply authority for their action.</p> <p>Domestic effluent disposal</p> <p>The new dwelling which is expected after subdivision will need to dispose of domestic effluent. If disposal is not properly catered for, adverse effects on water quality may result. The effects of unsewered disposal can be cumulative, only being visible when a certain “threshold” density is reached.</p> <p>It is preferable to address the potential effects at the subdivision stage rather than leaving it until a building consent is applied for. The subdivision stage is the best time to have new sewer mains and connections installed, e.g. when new streets are being constructed. People in sewerred townships expect their newly-purchased section to be serviced already.</p> <p>Secondly, if a communal treatment scheme is the most practical method for a particular subdivision, it is difficult to get one built once the lots have been sold and a number of different owners are involved. If a group treatment scheme fails, there can be serious problems if possible</p>		

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	<p>backups, (e.g. sufficient land for soakage) were not considered at the subdivision stage.</p> <p>Thirdly, the last people to build in an unsewered subdivision may have to use much more expensive disposal methods if water quality is starting to be degraded by previous houses.</p> <p>Effluent must be disposed of within the allotment concerned, unless a communal system is proposed or a town sewer is available. Council will not accept easements over adjoining properties to be used for effluent disposal. Existing systems may be required to be re-laid to fit within the allotment, and new systems will have to be contained within it.</p> <p>Natural hazards</p> <p>Council has a duty under the Act to mitigate natural hazards and limit construction of buildings (particularly dwellings) on land liable to flooding or instability. Section 106 of the Act states that:</p> <p>“A consent authority shall not grant a subdivision consent if it considers that either -</p> <p>Any land in respect of which consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or</p> <p>Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to that land, other land, or structure by erosion, falling debris.....</p> <p>unless the consent authority is satisfied that the (above) effects will be avoided, remedied or mitigated by.....rules in the District Plan, conditions of resource consent.....or other matters including works.”</p> <p>For example, subdivision may be permitted under this Section if Plan rules prevent building, or if stopbanking is proposed.</p> <p>Any potential building site must include space for the facilities which support a dwelling, particularly effluent disposal systems and water</p>		

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	<p>supply tanks in the rural situation. These facilities can be just as adversely affected by events like land slippage or flooding. If people need to escape during or after a hazard event it is also important that their access routes are not blocked by hazards (NH-O2).</p> <p>If natural hazards are addressed under the Plan at the subdivision stage, it is easier for purchasers, vendors and Council to know the limitations and possibilities of a particular block. We must avoid situations where people buy land in the mistaken belief that it can be built on.</p> <p>The plan does however take into account that a building site is not always important. One example is where a farm runoff property will be used in conjunction with other land and no new dwelling is needed.</p> <p>Traffic Safety and Efficiency</p> <p>Traffic safety and efficiency is directly related to the purposes of the Resource Management Act (1991), which requires the management of natural and physical resources in a way that enables people and communities to provide for their health and safety.</p> <p>Subdivision of land often results in the creation of additional access points into the roading network which results in an increase of traffic. To manage this, the Plan implements the following traffic safety and efficiency standards:</p> <ul style="list-style-type: none"> • Minimum sight distances from vehicle crossings, intersections and railway crossings. • Minimum spacings between vehicle crossings, and between intersections, on arterial routes. • Physical formation of vehicle crossings and rights-of-way, depending on their likely level of use. <p>Urban growth</p> <p>SUB-O8 recognises new urban growth areas for Feilding and the provision for urban growth in other settlements in the district.</p>		

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	<p>Residential and industrial growth projections signal a continuation of demand across the district, with a concentration in Feilding. To provide for additional housing and industrial demand across the district, two approaches to growth are set out in the above policies.</p> <p>Firstly, SUB-P24 sets a criteria-based approach for determining areas for urban growth in Manawatū towns (apart from Feilding) and settlements. This criteria approach is applied where no urban growth areas have been identified, and enables broad and specific considerations to be used in assessing private plan changes to rezone land to Residential or Settlement Zone.</p> <p>Secondly, SUB-P25 to SUB-P27 provide a more directive approach for managing urban growth in Feilding to meet the anticipated demand.</p> <p>Criteria approach</p> <p>For the first approach, SUB-P24.1 relates to natural hazards, as a constraint to extending many of the towns and settlements. For instance, flooding occurs to the north of Sanson and to the south of Bunnythorpe. Tangimoana relies on stopbank protection from the Rangitikei River. Any growth in Himatangi Beach should not be toward the south, which would entail moving sand dunes. Apart from the ecological effects of removing those dunes, constructing streets and sections afterwards would pose severe sand stabilisation problems. The possibility of sea level rise also needs to be taken into account for the beach settlements. It would have a significant effect on ground water table levels and on drainage ability, which is already limited in Tangimoana.</p> <p>Urban growth can have adverse effects on the landscape (SUB-P24.2) and can impinge on areas which have heritage value, including significant habitats of indigenous fauna. Council is not aware of any potential problems of this nature, apart from potential impact on coastal values at Himatangi Beach and Tangimoana and the impact on rural</p>		

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	<p>amenities which results from converting farmland to urban use (SUB-P24.8).</p> <p>The effects of urban expansion upon versatile soils also need to be considered (SUB-P24.3). Such land is a valuable and relatively limited resource, and its future options for use need to be safeguarded whenever possible. Subject to all other factors being equal, developing less versatile soils is preferable to highly versatile soils.</p> <p>SUB-P24.4 refers to the provision of utility services (water supply, effluent and stormwater disposal). It is essential that any extensions to townships with sewers are also provided with utility services. Whether connection to the town system or a completely new system is proposed, an agreement will need to be reached between Council and the developer about the costs of extending and connecting to utility services. (Refer: Financial Contributions Chapter: Utility Sites/Services Purposes, FIN-P8 to FIN-P13).</p> <p>SUB-P24.5 recognises that land use, energy consumption and provision of transport are interrelated. Minimising transport and energy costs in connection with urban growth areas, (e.g. the cost of residents travelling to and from the town centre), needs to be taken into account in considering any growth areas.</p> <p>SUB-P24.6 acknowledges the importance of access to amenities in new growth areas. An extension of an existing urban area, where amenities are already provided, will enable new growth areas to more quickly become part of a functional neighbourhood. A situation of isolated residential streets separated from the rest of the town must be avoided.</p> <p>Directive Approach</p> <p>SUB-P25 relates to the urban growth of Feilding only and applies a more directive approach than SUB-P24. Council has identified specific areas around the periphery of the existing urban area for future residential and industrial development. These growth areas were identified based on a multiple-criteria analysis of areas suitable/unsuitable for urban</p>		

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	<p>development as well as community consultation. Any proposed extension to the boundaries of the growth areas would require careful consideration of environmental and community standards and the necessity for, and appropriateness of extending public services.</p> <p>To address these urban growth issues, Council has prepared Structure Plans for the growth areas (called Precincts). The Structure Plans are based on a series of investigations and illustrate an urban form and structure that responds to individual localities and includes the provision of infrastructure (particularly stormwater), road networks, open space networks, density and site layout. A range of residential lifestyles and industrial properties are to be provided in order to accommodate growth now and in the future.</p> <p>Within the existing urban areas, capacity exists for intensification of housing through the redevelopment of existing properties. This intensification may be in the form of single houses on existing properties or multiple houses on larger properties.</p> <p>Council should always look at the capacity for growth within the existing urban boundary. Infill development is an efficient use of resources (SUB-O9). Kimbolton and Halcombe have a relatively low density and have the potential to cater for significant development by way of infill. Considerable potential for infill also still exists in Feilding.</p> <p>Urban Neighbourhoods</p> <p>Subdivision design and the physical works undertaken at subdivision time have a large and permanent effect upon the form and character of an urban area. Street patterns, reserve locations, shop sites, walkways, road widths and surfaces, land contour and retention of trees are decided at the subdivision stage. Structure Plan Growth Precincts are spatially planned in individual Structure Plans. The Structure Plans provide a spatial plan comprising the density expectations, transport links, open space areas and neighbourhood focal points. The transport links include the indicative location of Collector Roads and main Local</p>		

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	<p>Roads to ensure connectivity throughout a Precinct, and to its surrounds.</p> <p>The Subdivision Design Guide provides more guidance on developing the subdivisions to meet the urban neighbourhood expectations set out in SUB-O9 and the principles set out in the Feilding Framework Plan.</p> <p>SUB-O9 is also relevant for greenfield subdivision and development outside the Feilding township.</p> <p>The influence of urban design to achieve more efficient connected neighbourhoods will result in urban places with more cost effective and greater range of movement options for people – this will also increase social interactions and an overall benefit to the welfare of current and future generations.</p> <p>Infill subdivision can make better use of existing urban land, streets and utility services. It can also reduce the need to lay new piping and for farmland to be converted to urban use. Under the Act a liberal attitude must be taken toward infill, as long as potential adverse effects are avoided. Council goes further and aims to actively promote infill. In many places though, the slope of the land, or the limited capacity of utility services, will limit the number of new lots which can be created.</p> <p>Urban Allotments</p> <p>When people purchase an allotment, they expect to be able to use it. Council will make sure that new lots are reasonably capable of being used for activities permitted in the zone. It is relevant to consider whether the allotment is suitable for a range of different uses/buildings rather than just the one proposed by the applicant. This does not apply to some subdivisions such as the tiny allotments created for utilities.</p> <p>The residential growth areas are anticipated to meet the short and long term need for greenfield developments. Larger lots can meet the immediate need for housing and lifestyle choices. However, in the longer-term, these larger lots may need to be repurposed for more intensive uses through further subdivision. Therefore, at the time of</p>		

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	<p>original subdivision, the size and shape of lots and the location of buildings on these larger lots is to demonstrate the ability for future intensification/subdivision to meet future needs.</p> <p>Fragmentation of Natural Areas and River Channels</p> <p>Indigenous forest areas, lakes and wetlands owned by more than one party can be more difficult to manage as one entity. Each landowner may have their own ideas on weed control, drainage, stock access, public use etc. People may decide to fence new boundaries running through bush areas, to the detriment of the bush.</p> <p>The Plan’s rules therefore only permit new boundaries through indigenous forest areas or significant wetlands if those areas are to be protected by a legal covenant. The same requirement applies to subdivisions which would increase the number of parties who own the bed or fringes of a lake. Likewise rural subdivision in the coastal area has been made a discretionary activity so that its impact upon the coastal environment can be assessed.</p> <p>SUB-P34 recognises that stream valleys becoming more closely subdivided can lead to pressure from the new owners for the stream to be straightened and stopbanked. Smallblock owners are likely to be less receptive to the stream’s shifts in direction than a person who owns the whole stream floodplain and “gains and loses” every time the river shifts. Straightening and stopbanking have an adverse impact on the natural character on the waterway and on its ecological value, e.g. suitability for fish spawning.</p> <p>Council will monitor the subdivision of areas where such impacts may become a problem, and will introduce specific controls for those areas if warranted.</p>		
GENERAL DISTRICT-WIDE MATTERS			
ASW – Activities on	District Councils are responsible for controlling the effects of boating and other activities on the surface of lakes (over 8ha in area) and rivers. The main effects are noise and conflict between users, e.g. swimmers vs	Much of the text in this explanation is the original wording from the 1995 draft of the District Plan. District Plans do not need to reiterate Regional Council bylaws or	Delete the explanations in ASW-Activities on

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the Surface of Water	<p>power boaters. The Regional Council has authority for navigational safety on the Manawatū River and its tributaries under the Harbours Act 1950. It has passed a bylaw under that Act to control noise emissions and boat speeds and to coordinate activities on the surface of those rivers. This bylaw is a result of the Regional Council’s long association with river user groups on the Manawatū River. Council fully supports it, but recognises that the primary responsibility for surface water activities under the Resource Management Act remains with the District Council.</p> <p>Activities on the District’s water bodies do not cause a significant nuisance at present. The Plan will need to intervene however, in places where intensive use by power boats is having an impact on neighbours and the local environment. The Plan also contains controls over the source of power boat noise. These are similar to those contained in the Regional Council’s bylaws, and are necessary to make sure that noise on the Rangitikei River is addressed as well.</p>	<p>the Act. This information is potentially outdated and could create confusion for plan users.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards or the Act. On that basis it is recommended that the Explanation in ASW-Activities on the Surface of Water is deleted in its entirety.</p>	the Surface of Water in their entirety.
CE – Coastal Environment	<p>ASW-O1 follows on from Section 6 of the Act. The Regional Policy Statement recognises the District’s coastline, namely the beach, foredunes and interdunal lakes and wetlands, as an outstanding landscape. It has a number of other policies relevant to management of the coast. The Government’s NZ Coastal Policy Statement also provides some overall direction. It states that "It is important to maintain biological and physical processes in the coastal area in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature."</p> <p>The Act uses the term “coastal environment” but does not define it. This is understandable since in some places steep coastal cliffs mean that the coastal band is quite thin. In other places like the Manawatū, sand dunes extend inland for 20km. This Plan uses the term “coastal area” to refer to the land within about 4 km of the ocean.</p> <p>Dune lakes, swamps and young dunes are very poorly represented in the District’s coastal area. The coastal strip of the District where sand is still drifting or has been stable for no more than 50 years is particularly</p>	<p>The coastal environment chapter has been the subject of changing national direction since the Plan was made operative. While Council has not yet reviewed this section of the Plan in its Sectional District Plan Review process, the commentary in this explanation does not change how proposals are considered under the District Plan. The direction within the New Zealand Coastal Policy Statement for example has primacy over the District Plan provisions.</p> <p>Many of the statements made in this explanation would generally be found in a Section 32 Evaluation Report. As outlined earlier, neither the Act nor the National Planning Standards require that explanations are included in District Plans. On that basis retaining these statements are unnecessary and the explanation should be deleted.</p>	Delete the explanations in CE-Coastal Environment in their entirety.

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	<p>important ecologically due to the distinctive plant communities which it supports. It has been identified on the Planning Maps as the “coastal vegetation area” and is subject to special controls on clearance of vegetation for this reason. (Refer HH-APP8). The focus should be on preserving the ecological values of these remaining natural areas, and on maintaining open spaces which play an important ecological role along the coastal fringe. Adjacent land uses can have adverse effects on natural areas and the natural character of the coastal environment by eliminating open space, covering dune landforms, or altering the water table of wetlands. Council will assist bodies such as the Department of Conservation in working alongside landowners to actively protect their natural areas.</p> <p>The NZCPS also states that "it is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate". For example a series of ephemeral wetlands existed behind the foredune prior to the establishment of plantation forestry. These wetlands could be recreated by not replanting this area. As the coastline aggrades, another area of these wetlands can establish.</p> <p>Coastal management is a “cross-boundary issue” (Refer to the Cross Boundary Issues chapter). Responsibility for the beach front is split under the Act, with District Councils looking after the area above the high tide mark (Mean High Water Springs) and Regional Councils and the Department of Conservation having responsibilities in the area between high tide and the 12 mile limit. The various authorities therefore need to work closely together.</p> <p>There are a number of good reasons for being cautious about further development in the coastal area. As well as landscape and ecosystem impacts, the potential natural hazards and servicing constraints justify a policy of limiting urban growth. For these reasons the Plan’s rule allowing possible development of rural house allotments (down to 4000 m2 in size) as a discretionary activity around many of the District’s settlements does not apply to Himatangi Beach or Tangimoana. Likewise rural subdivision in the coastal area has been made a</p>		

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	<p>discretionary activity so that its impact upon the coastal environment can be assessed (Refer SUB-R13 to SUB-R20).</p>		
<p>ER – Esplanade Reserves</p>	<p>The above objectives aim to recognise and provide for the matters of national importance quoted above. The first two objectives do not mention lakes. This is because the lakes of over 8ha within the District (Pukepuke Lagoon, Kaikokopu, Omanuka, Karere Lagoon and Hamilton’s Bend Lagoon) are important bird habitats. Opening up general public access could conflict with their conservation values. Public access could also have a detrimental effect on parts of the coast and on certain rivers and indigenous forest areas which are important wildlife habitats.</p> <p>The Act provides special scope for new public access points to be secured when a property is subdivided or developed. Progress in establishing riverside walkways would however be extremely slow if Council just waited for the adjoining properties to be subdivided. Some properties may never be subdivided. This means that Council needs to actively negotiate the acquisition of access, especially where one or two links are needed to complete a desired walkway.</p> <p>Council aims to work toward better public access to the coast and the full length of the Rangitikei, Oroua and Manawatū rivers. The aim is also to establish walkways along the specific waterways listed in ER-P5 which adjoin Feilding and Palmerston North and where future demand for walking opportunities is likely to be strongest. ER-P6 aims to provide extra options on other streams for casual recreation such as picnicking, in spots which are readily accessible from roads, i.e. up to 1km from bridges and other access points.</p> <p>The Department of Conservation and the Regional Council also have responsibilities (and greater expertise) in protecting conservation values and water quality. The Regional Council has prepared a land and riparian management strategy which adopts a nonregulatory approach to riparian management. This Plan aims to complement Department of Conservation and Regional Council actions by recognising the natural values associated with riparian areas, by taking these values into account</p>	<p>Much of this explanation includes a level of detail that is not consistent with the provisions of the Act or the rules of the District Plan therefore creating confusion for plan users. Best practice is to include the rationale behind the objectives and policies in a Section 32 Evaluation Report rather than in an explanation that has no legal status.</p> <p>Figure 27 is an excerpt from an existing template in use by consent planners at Council. The figure is not referred to by any parts of the plan other than the ER-Esplanade Reserves explanatory text and has no legal status. Inclusion of the figure potentially causes confusion for plan users.</p> <p>Matters relating to potential funding sources from the Regional Council are outside the scope of the District Plan and may have changed since the District Plan became operative. Retaining these references is potentially misleading to plan users.</p> <p>As outlined in other parts of this Report, the commentary within the explanations would typically be included in a Section 32 Evaluation Report rather than explanations with no legal effect. On that basis the explanation should be deleted.</p>	<p>Delete the explanations in ER-Esplanade Reserves in their entirety.</p>

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	<p>when managing development and subdivision, and by providing direct protection to some areas. (HH-O1).</p> <p>Esplanade management has a number of significant benefits. Riparian vegetation helps shade the water, providing better water temperatures for aquatic life. It can act as a breeding ground for fish and a nesting area for birds. It helps delay stormwater runoff, thereby reducing the severity of flood events, and helps to filter out excess nutrients and chemicals in runoff from adjacent land. Strips of vegetation along rivers can provide “corridors” for seasonal movement of birds, as well as enhancing amenity and landscape values. Benefits to landowners include shelter for stock, less soil erosion, and a possible alternative income source from trees. The public can obtain better recreational opportunities from more attractive waterways with healthier ecosystems.</p> <p>The influence of riparian vegetation on in-stream ecological values and improved water quality is greatest in small streams because of the greater proportion of edge vegetation to water area. Proactive riparian management along small streams results in cumulative water quality benefits in main stem rivers. Riparian management is most effective when carried out on a comprehensive catchment-wide basis.</p> <p>The extensive network of drainage channels on the plains collecting runoff from farmland often has little riparian vegetation through which to filter runoff. Ideally water quality in main rivers could be improved through sensitive farm management practices alongside drainage channels.</p> <p>River user groups have supported the idea of Council adopting an information role. This involves identifying where legal access to water bodies exists now (e.g. paper road access), telling the public and user groups about it, and perhaps signposting or providing poled routes. (Landowner liaison is needed before any signposts go up). Council has already mapped all legal road access and existing reserves along the District’s rivers. These maps are available for people to consult at the</p>		

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	<p>Council office. A necessary adjunct to improving access is then to help educate people about the duty of care which results from having the privilege of access. This will include providing appropriate signs, e.g. to tell people that dogs on an esplanade strip must be kept on a lead.</p> <p>ER-O6 recognises the importance of river control and drainage works to the District. Such works could be compromised if buildings were erected so close to waterways that they obstructed access for machinery engaged in drain clearing or stop-bank maintenance. Buildings can also limit Council’s opportunities to later acquire a workable esplanade strip or esplanade reserve next to a water body. As a result, the Plan includes building setback distances from waterways. In some cases there will also be building restrictions because of the flood risk arising from the waterway (see the NH – Natural Hazards chapter). The Regional Council has controls on people building close to or undermining the structural integrity of stop-banks.</p> <p>ESPLANADE RESERVES AND STRIPS</p> <p>These are tools created by the Act which the Plan can use to achieve Objectives ER-O1 to ER-O6.</p> <p>Esplanade reserves are strips of Council reserve land, usually 20 metres wide, located along the edge of rivers, lakes and the sea. The Act defines “rivers” as those which have a bed with an average width of more than 3 metres at “annual fullest flow without overtopping its bank”. “Lakes” are those which have a bed of over 8ha in area. Esplanade reserves are usually created at the time of subdivision, and are a type of financial contribution. (Refer to the FIN – Financial Contributions chapter).</p> <p>This Plan specifies which water bodies esplanade reserves will apply to, and the width of the reserve which will be sought. (Refer ER-R1 and ER-ST1 to ER-ST6). Esplanade reserves will be required irrespective of the size of the allotment being created.</p> <p>With allotments of 4ha and over, the landowner must be compensated under the Act for the value of the land taken as a reserve. It is unfair to</p>		

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	<p>compensate people who create 4.1ha blocks but not those who create 3.9ha blocks. Council will therefore pay compensation irrespective of the size of the allotment. Compensation will include any extra fencing and survey costs. Esplanade reserves and strips can be acquired by direct negotiation or purchase at any time, whether a subdivision is proposed or not. They can also be transferred by mutual agreement to the Regional Council or the Department of Conservation.</p> <p>Esplanade strips also involve pieces of land of defined width (usually 20m) along the water’s edge. Instead of being transferred to the Council, though, esplanade strip land remains in the owner’s possession. A legal agreement is drawn up, obliging the landowner to allow public access or recreation and/or protect conservation values on the strip. This agreement is registered on the land title concerned and binds future landowners. The Act prescribes standard conditions applying to use of all esplanade strips including bans on vandalism and stock interference. Different sets of requirements can apply to strips, depending on whether they are created for protection of conservation values, for recreation, for public access, or for a mixture of these things. For example public access can be banned from conservation strips.</p> <p>Personal safety and security can be a concern for landowners if public access is created along waterways through their properties. On the unformed and less-used walkways much of this concern can be overcome by the landowner being able to “keep tabs” on who is using the strips across their property. Council’s standard esplanade strip agreement for public access (see Figure 24) therefore contains a condition that all persons using a strip which does not contain a walkway formed or marked by the Council must advise the landowner concerned prior to use. The strip also must not be used during the hours of darkness.</p> <p>Any person breaching the conditions of an esplanade strip (e.g. by vandalism) commits an offence under the Act. It is also possible to close esplanade strips for specified reasons and times.</p>		

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	<p>Esplanade strips do not need to be surveyed and move with any changes of river direction to maintain practical public access. (If rivers shift, fixed esplanade reserves can end up in the middle of the river bed!) This Plan lists the water bodies along which strips will be sought (Refer ER-CR1 to ER-CR7.3). If Council requires strips on allotments of 4ha and over, compensation for the loss of use of land is payable under the Act. Any additional survey and fencing costs will also enter into the compensation calculations. (Esplanade strips for water quality purposes for example need to be fenced to keep out stock in order to grow a vegetation buffer).</p> <p>Weed control on esplanade strips will be up to the landowner concerned, except where Council forms a walkway along the strip. In such cases weed control by the Council will be part of maintaining the walkway to an appropriate standard for people to use and enjoy.</p> <div data-bbox="344 759 629 1161" style="border: 1px solid black; padding: 5px;"> <p>FIG 4 – STANDARD CONDITIONS OF ESPLANADE STRIP FOR PUBLIC ACCESS</p> <p>The 'Esplanade Strip Instrument' which creates the strip is registered on land titles and contains a number of standard conditions as follows:</p> <ol style="list-style-type: none"> The following acts are prohibited on the strip: <ol style="list-style-type: none"> Willfully encroaching, building, or arranging any lawful use of the strip (including the corner or corner of the strip); Willfully encroaching or conducting, with any structure, adjoining or on the land, including an existing, fence, gate, stile, marker, drainage or road; Willfully marking with or disturbing any livestock lawfully permitted on the strip. <p>The prohibitions referred to in paragraphs (b) and (c) above do not apply to the corner or corner of the strip.</p> The following further acts are prohibited on the strip: <ol style="list-style-type: none"> Lighting any fire; Discharging firearms; Discharging or shooting any firearm; Canoeing; Striking into the strip the strip, except on a boat; Bringing any horse onto the strip, except with the permission of the corner or corner of the strip; Towing any vehicle onto, or driving or having any charge or control of any vehicle on, the land (whether the vehicle is licensed or non-licensed); Willfully damaging or removing any plant (unless acting in accordance with the Natural Health Act 1992 or the Biosecurity Act 1993); Using any person or setting any work of the Council, acting in accordance with the Agricultural Pesticides Act 1992 or the Biosecurity Act 1993. <p>The prohibitions referred to paragraphs (a) to (l) above do not apply to the corner or corner of the strip, the grantor or the Manawatu-Wanganui Regional Council where the latter is engaged in their control works.</p> Any fencing (including costs) whether temporary or permanent, bounding the strip and the landowner's other land shall be the responsibility of the landowner. Where Council and the landowner however agree that such fencing needs to be erected for the safety or convenience of the public using the strip, the costs of this fencing shall be settled on negotiation. Stiles are to be provided where fences cross the strip. The responsibility (including costs) for providing stiles shall be borne by the Council. Council will consult with the landowner prior to undertaking any work on the strip including provision of stiles and walking paths. Any person shall have the right to pass and re-pass over and along the strip between open and closed water as specified in the following conditions: <ol style="list-style-type: none"> At all times when the strip is used as a walking path or marked by the Council must advise the landowner concerned prior to use; At all times when the strip is used as a walking path or marked by the Council must advise the landowner during working hours; and when a hazard to people using the strip is present. Such hazards include tree falling, flooding, overhanging and post control operations, land instability, flooding and flood damage. <p>HE. Any person occupying from premises is committing an offence and is liable to prosecution under the Resource Management Act 1991.</p> </div> <p><i>Figure 24 – Excerpt from Council’s standard esplanade strip agreement</i></p> <p>Landowners have duties under the Health and Safety in Employment Act 1992 to warn visiting people about hazards on their property. Since these responsibilities will be increased by visitors using an esplanade strip, Council should assist in identifying hazards and by providing</p>		

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	<p>signage where appropriate. Any hazards resulting from work carried out by the Council, such as track clearance, will be Council’s responsibility.</p> <p>As with esplanade reserves, Council will also compensate people who subdivide blocks under 4ha in area. The actual amount of compensation can be determined in each case using normal valuation principles. In determining an amount of compensation, consideration will be given to a number of factors including the value of the parent block before and after the creation of the esplanade strip; the use of the land; land improvements; and accessibility. The Act provides for an independent valuer to be appointed if Council and a landowner cannot agree on the amount of compensation, and for a system of arbitration if either party is dissatisfied with the valuer’s assessment.</p> <p>The Regional Policy Statement signals the Regional Council’s intention to provide resources for riparian management, where there are water quality benefits. The Department of Conservation has indicated a willingness to assist in situations where the esplanade reserve provides access to Department of Conservation land, protects significant natural values, or is protected by a covenant. A co-operative approach to cost sharing, perhaps including user groups, is the best solution.</p> <p>Esplanade strips are favoured as a tool rather than esplanade reserves. The only situation where esplanade reserves may be better is when there are plans to physically develop the water’s edge as a park or picnic area.</p>		
EW – Earthworks	N/A		
FIN – Financial Contributions	<p>[Explanation 1]</p> <p>Sewerage, water and stormwater systems, roading networks and recreation reserves are important in maintaining an acceptable level of public health, safety and convenience. Council has a role in ensuring the continued provision of roading and reserves, and provides utility services</p>	<p>Much of this content justifies the use of Financial Contributions, which would typically be included in a Section 32 Evaluation Report rather than the District Plan. A lot of this explanation is covered in the Objectives and Policies as well, such as the rationale for financial contributions being taken from those who benefit directly from the development. Retaining this</p>	<p>Delete the explanations in FIN-Financial Contributions in their entirety.</p>

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	<p>in some places. These facilities are part of the physical resources which need to be managed under the Act.</p> <p>New development and subdivision often results in a demand for the extension and upgrading of services, including reserves. It would be unreasonable for the entire cost of such extensions and upgrading to be met by the community as a whole. The purpose of taking financial contributions is to recover a portion of these costs from those who benefit directly from development (i.e. the subdivider/developer). A large part of the developer’s “contribution” will often be installing new roads and services to cater for the development itself. Such works are not within the definition of “financial contributions”, but will be required as a condition of subdivision or land use consent. For the sake of completeness, the Council’s approach to provision of such works is set out in the policies below.</p> <p>Methods other than regulation (or possibly withholding permission to connect to services until certain moneys are paid) are unlikely to convince subdividers/developers to make appropriate contributions. District Plan rules will therefore be used.</p> <p>[Explanation 2]</p> <p>Reserves fall into four main groups, namely:</p> <ol style="list-style-type: none"> 1. “Local purpose” utility sites for water reservoirs, pumping stations etc. 2. Neighbourhood or amenity reserves. (Local children’s playgrounds and planting strips). 3. Area reserves which serve a wider area. (e.g. Timona Park) and 4. Those which have a District wide function such as Mt Lees Reserve or Totara Reserve. <p>The actual relationship between subdivision and demand for reserves is not a direct one. Any increase in demand occurs not when the</p>	<p>explanation adds unnecessary duplication with the provisions of the Plan and may cause confusion for Plan-users.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards. For these reasons and those above, it is recommended that the FIN-Financial Contributions explanation is deleted in its entirety.</p>	

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	<p>subdivision happens, but when a new dwelling is built and a householder moves into it.</p> <p>Reserves contribution will however continue to be levied at subdivision time, since this is the stage when Council needs sometimes to be able to take land for reserves. If instead land was to be taken sometimes at the subdivision stage, with the remainder of cases paying cash at the house construction stage, things would be unduly complicated and potentially unfair.</p> <p>Since the demand for reserves is related to new households, contributions should be taken whenever a subdivision would result in a potential additional dwelling, and whenever a second dwelling is built upon a property. To be consistent this will apply to urban and rural situations. One fee of \$1,250 per additional lot/household will be charged throughout the District. This sum represents the minimum necessary for Council to maintain the current level of reserves development expenditure. The size of the reserves contribution fee will be updated each year to take account of inflation. The same fee applies throughout the District to reflect that some of Council’s reserves have a District-wide function and that many others are used as part of networks which cater for recreation throughout the Manawatū.</p> <p>Sometimes subdividers have tried to rid themselves of land which was difficult to develop (e.g. gullies), by donating it as a reserve. Council will only accept such land if it is of practical use to the community. (FIN-P4).</p> <p>Esplanade reserves are also a type of financial contribution. (Refer: Esplanade Reserves Chapter). They form part of the recreational opportunities available to people. It would be unfair to require some subdividers to contribute more toward these opportunities than others, purely because they happen to have a river running through their property. Subdividers will therefore be entitled to offset the value of esplanades against their total reserves contribution.</p> <p>Reserves contributions on industrial and commercial building projects and subdivisions are very difficult to justify, both in terms of fairness and</p>		

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	<p>impact on demand. The Plan does not therefore include this type of requirement.</p> <p>[Explanation 3]</p> <p>A variety of subdivision types and land use activities will require access to water, stormwater and sewerage services. In some cases this will require the extension of trunk services and in others, new service connections will be needed. Installation of these services should be at the subdivider or developer’s cost.</p> <p>In some cases the extension of services may benefit other landowners, e.g. where a larger capacity pipe is put in to service other land “upstream” of a particular subdivision. In these circumstances the subdivider should only have to pay a proportion of the costs involved.</p> <p>Council will meet the extra expense involved, but will recover these costs from the owners of the “upstream” land when they in turn come to subdivide.</p> <p>Extending services and adding new connections has the cumulative effect of “stressing” the utility networks. The result of this may be the need to upgrade mains, sewage treatment plants and water supply facilities. Properties within water or sewerage scheme areas will have contributed over time to the cost of the existing network. New properties which want to become part of a township (i.e. new growth areas) or become part of a rural water supply scheme haven’t contributed toward the cost of the existing utility system. They therefore could be seen as “getting a free ride”. This issue is more apparent in the rural water supply areas and smaller towns. Each new household in such areas puts a comparatively bigger strain upon plant capacity than would be the case in Feilding.</p> <p>Activities like industries, which place large demands on water and sewerage capacity, have to negotiate with Council as supplier before they can be connected to the public system. The supply agreement</p>		

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	<p>which is reached will then include cost-sharing arrangements for any capital upgrading required.</p> <p>[Explanation 4]</p> <p>All sorts of subdivisions may involve the formation of new roads, lanes and rights-of-way. If such roads and driveways will only benefit the lots in the subdivision, they should be paid for fully by the subdivider.</p> <p>Subdivisions and other land use activities may also result in a need or demand for existing roads (including unformed roads) to be upgraded, widened or realigned. Existing roads within the District are usually sufficient to fulfil their present function, and Council is under no obligation to form them to a higher standard. Council is of course willing to discuss the possibility of upgrading specific roads. This may involve a staged programme including payments from the landowner.</p> <p>The Plan allows Council to require a subdivider to pay all or part of the cost of upgrading any existing road, (formed or unformed) if:</p> <ol style="list-style-type: none"> 1. The particular subdivision or development is likely to give rise to additional traffic on the road concerned, and 2. The road then needs to be upgraded to a higher standard as a result of this traffic. <p>If an existing road does need to be upgraded, any benefits to other landowners on the road will also be considered. The actual amount of contribution sought will be fixed at the time of subdivision consent. Once it has been paid, Council is obliged to carry out the full upgrading which has been costed.</p> <p>There will be many situations where subdivisions or new houses rely on an unformed road for access. As noted above, Council is under no legal obligation to form or upgrade any unformed road. In cases where a building or new allotment needs access from such a “paper” road, the cost should be borne by the subdivider or developer, rather than by the</p>		

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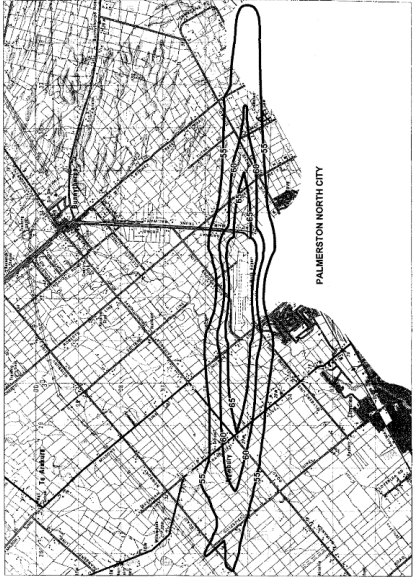
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	<p>community at large. Council will ensure that any works take concerns such as drainage and soil stability into account.</p> <p>The onus will always be on the landowner and/or the operator of any land use activity involving heavy traffic to consult with the roading authority at an early stage to determine whether their proposals are compatible with the roading network (GRUZ-ST8). Council will seek to recover the cost of any repairs to its roads (above those caused by normal “wear and tear”) from the landowner and/or operator through the relevant legislation.</p>		
KEN – Boarding, Breeding and Training Kennels	N/A		
NOISE – Noise	<p>The NZ Standard for Airport Noise is concerned with managing aircraft noise in the vicinity of airports, to protect community health and amenity values. It is intended to ensure communities living close to airports are properly protected from the effects of aircraft noise, while recognising the need to be able to operate an airport efficiently.</p> <p>Detailed investigative work using methods recommended by the NZ Standard has identified large areas of land surrounding Ohakea Air Base and Milson Airport which are subject to varying levels of noise intrusion from aircraft operations. A level of noise nuisance also results at times from light aircraft use of the Feilding Aerodrome at Taonui. The predicted future noise impact of Milson and Ohakea airports is shown on Figure 26 and Figure 46 Council recognises that all three airports are an important physical resource for the Manawatū region, including Palmerston North. They are key links in the regional transport network and national defence system, and together they enable people within the region to provide for their social and economic well-being. It is therefore essential to put in place appropriate protection to ensure the efficient on-going use and development of the airports.</p>	<p>This explanation references a previous New Zealand Standard and noise measurement that existed at the time the District Plan was made operative. Since the District Plan was made operative NZS6805 has been amended and now uses L_{Aeq} to manage noise. The NOISE-Noise chapter uses the new measurement, however the explanation was not changed at the time. Figure 46 is also based on the old NZ standard and adds further confusion to plan users.</p> <p>PC55 introduced the new noise standards, but did not amend the provisions that related to air noise provisions associated with airports in the District. Plan Change A: Rural and Flood Channel Review is proposing to update airport provisions within the District Plan. Council expects to notify this plan change in Q1/Q2 of 2025.</p>	Delete the explanations in NOISE-Noise in their entirety.

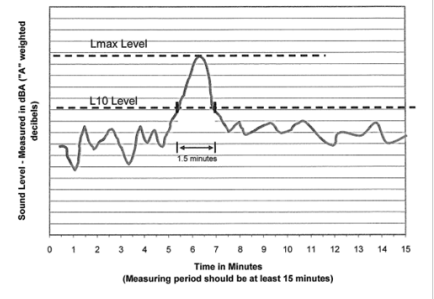
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	<p>Council’s plan of action for Ohakea and Taonui airports will emphasise working with the airfield operators and local communities to discuss noise issues and secure agreement to a noise management plan. This approach is in line with the NZ Standard’s philosophy. The Royal New Zealand Air Force is preparing a Land Management Plan for RNZAF Base Ohakea, which will adopt the NZ Standard as the basis of control for airfield noise and as a guide to appropriate land use controls.</p> <p>For Milson Airport, Council has followed the general approach suggested by the NZ Standard, and defined three areas around the airport within which varying levels of control will apply, based on the predicted degree of noise exposure in each area. The Palmerston North City Council has included parallel controls within its District Plan for the affected parts of the City, using the same data. The three distinct areas are shown on NOISE-APP1 and on the relevant Planning Maps, and are:</p> <p>Air Noise Area</p> <p>The land with the highest level of aircraft noise exposure (above the 65 dBA Ldn predicted noise contour). Within this area any new noise sensitive activities, such as dwellings, are prohibited due to the adverse effect that aircraft noise will have on the health of their occupiers.</p> <p>Inner Control Area</p> <p>This incorporates the land between the 60 dBA Ldn and 65 dBA Ldn noise contours. Within this area habitable rooms associated with any new educational or residential activity will be required to be insulated to a standard which will ensure that any disturbance to sleep or conversation attributable to aircraft operational noise is properly mitigated. The construction must meet a noise insulation rating of 20 decibels for habitable rooms, 25 decibels for classrooms and communal activities, and 30 decibels for bedrooms. These standards are based on both the maximum Ldn noise prediction and the maximum single noise event generated by an aircraft at night.</p> <p>Outer Control Area</p>	<p>Figure 26 is also a poor-quality version of Appendix 3A / NOISE-APP1, which is referred to in the rules. Therefore repeating the map is unnecessary.</p> <p>The Noise Schedule table for NOISE-SCHED 1, 2 and 3 is expanded upon in the NOISE chapter appendices. The rules refer to the appendices, rather than the Explanation, making the reference table in the Explanation for information purposes only and therefore unnecessary.</p> <p>Explanations also have no legal effect, nor are they required under the National Planning Standards. Overall it is recommended to delete NOISE-Noise explanation in its entirety.</p>	

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	<p>Which incorporates the land between the 55 dBA Ldn and 60dBA Ldn contours. In the Outer Control Area disturbance to sleep has been identified as having the greatest potential for disruption to people and for causing complaint about aircraft activity. The insulation requirement for new dwellings in this area is 25 Decibels for bedrooms, to protect against sleep interference, and 20 decibels for classrooms and communal activities. (As the maximum aircraft noise level in this zone is five decibels less than in the Inner Control Zone, sound insulation requirements are also five decibels lower).</p> <p>Materials and methods of construction are described in NOISE-SCHED1, NOISE-SCHED2, NOISE-SCHED3. If properly built and maintained, buildings constructed of those materials will be deemed to provide the following sound insulation against aircraft noise:</p> <table border="1" data-bbox="338 722 887 943"> <tbody> <tr> <td data-bbox="338 722 607 799">NOISE-SCHED1 <i>(Schedule P)</i></td> <td data-bbox="607 722 887 799">20 decibels</td> </tr> <tr> <td data-bbox="338 799 607 876">NOISE_SCHED2 <i>(Schedule Q)</i></td> <td data-bbox="607 799 887 876">25 decibels</td> </tr> <tr> <td data-bbox="338 876 607 943">NOISE-SCHED3 <i>(Schedule R)</i></td> <td data-bbox="607 876 887 943">30 decibels</td> </tr> </tbody> </table> <p>The materials provided in the Schedules include a safety factor of 5dBA to ensure that when built the insulation does not fail to provide the requisite degree of aircraft noise reduction. Accordingly, to be permitted, any proposal using alternative means of insulation to that prescribed in the Schedules, shall also include a 5dBA safety margin.</p> <p>The responsibility for mitigating air noise impacts should not fall solely on present and future land owners around the airport. The airport operators should also play their part by working within noise limits and by looking for the best practicable option for noise reduction. To this end, the Palmerston North District Plan contains specific measures to limit noise from the operation of the Airport. This includes a requirement for aircraft operations associated with the Airport to comply with a 65 Ldn limit, measured at the air noise boundary.</p>	NOISE-SCHED1 <i>(Schedule P)</i>	20 decibels	NOISE_SCHED2 <i>(Schedule Q)</i>	25 decibels	NOISE-SCHED3 <i>(Schedule R)</i>	30 decibels		
NOISE-SCHED1 <i>(Schedule P)</i>	20 decibels								
NOISE_SCHED2 <i>(Schedule Q)</i>	25 decibels								
NOISE-SCHED3 <i>(Schedule R)</i>	30 decibels								

Section	Explanation	Comment	Proposed change
	<p>Subdivision within the area affected by the air noise controls will be dealt with through the Plan’s requirement to identify a potential house site for each new allotment which meets the Plan’s standards. If a new lot is wholly within the Air Noise Area, for example, this requirement will not be met and the subdivision may be declined accordingly.</p>  <p><small>SOURCE: Palmerston North Airport Noise Study - Air Plan Consultants Ltd. (1988 Update)</small></p> <p>Figure 26 - Milson Airport, Calculated Noise contours (DBA LDN)</p>		


Section	Explanation	Comment	Proposed change
	 <p>Fig 27 - Interpreting Noise Standards</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The L_{max} noise level is the highest sound level recorded during the measuring period. 2. The L_{10} noise level is the sound level which is reached or exceeded for 10% of the measuring period, e.g. over a 15 minute measuring period, it will be reached or exceeded for 1.5 minutes. 3. L_{dn} noise levels are used in this plan in relation to airport noise. They indicate a 24-hour daily sound exposure averaged usually over a three-month period, with 10dB being added to night-time levels to take account of the increased annoyance caused by noise at night. L_{dn} levels cannot therefore be compared the L_{10} and L_{max} levels. 4. Note, this is a greatly simplified attempt to explain some terms used in noise standards. For precise definitions, please refer to NZ Standards 6801:1991, 6802:1991 and 6805:1992. 		
REL Relocated Buildings	– N/A		
SIGN – Signs	N/A		

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TEMP – Temporary Activities	N/A		
PART 3 – AREA-SPECIFIC MATTERS			
RESIDENTIAL ZONES			
GRZ – General Residential Zone	<p>Objective GRZ-O1 outlines the environmental outcomes which should be fostered. The controls applied by the previous District Schemes have produced a reasonable result in terms of residential amenity. This Plan therefore retains the effective rules from the past.</p> <p>Multi-unit developments on small sections in Feilding have not always measured up to the level of amenity which the town should be trying to achieve. The problem may result from a perceived lack of green space around the dwelling, from a high floor area to site area ratio (e.g. with a two storied dwelling), or from the use of “low-cost” materials. Rather than raising the minimum size of building sites, the Plan will require a closer examination of building size, layout and site coverage on smaller sections.</p> <p>The concept of people starting a small business from home is widely accepted. Such businesses have many benefits, like reducing travel costs, providing an affordable start for new enterprises, and producing more interesting and varied neighbourhoods. They can provide convenient meeting venues, convenience shopping and social services for residents. People also expect to pursue their hobbies at home.</p> <p>The scale and effects of such activities must however be managed properly, so that the quality of the zone is not compromised. The Plan aims to deal with the effects which home occupations and non-residential activities have, rather than with what the business or activity is. Whether it is being done for profit or as a hobby is not relevant. Action can be taken on specific “eyesores” and nuisances via abatement notices and enforcement orders.</p>	<p>While incorporated into the GRZ-General Residential Zone as a whole, this explanation refers to Feilding except for Maewa (Growth Precinct 4). Provisions for Maewa (Growth Precinct 4) were introduced through Plan Change 51 in 2019 and did not contain any explanations as they are not a requirement of District Plans.</p> <p>The content of this explanation is more appropriate as evaluation under a Section 32 Report. The Explanation repeats a lot of the content in the objectives and policies such as providing for home occupations. This does not need to be reiterated in the explanation.</p> <p>Explanations have no legal effect, nor are they required under the National Planning Standards. For these reasons and those listed above, it is recommended that the Explanation GRZ-General Residential Zone is deleted in its entirety.</p>	Delete the explanations in GRZ-General Residential Zone in their entirety.

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Section	Explanation	Comment	Proposed change
<p>SETZ Settlement Zone –</p>	<p>The above objectives and policies are justified by the Act’s statements about amenity values and social and environmental matters. The Plan’s policies and rules should also of course reflect the community’s aspirations.</p> <p>A common theme for the smaller settlements is that their settlement character is valued. Residents have chosen not to live in a large town. Himatangi Beach and Tangimoana in particular are viewed as places of retreat. Residents want a bit of space around them and like the quality of life, which is difficult to define but includes having “nice people” in the community. Each settlement should develop in ways which don’t compromise the character which people value. The Plan’s policies for outward spread of each township are set out in SUB-O8, SUB-P24 to SUB-P27. This is complemented by a provision for possible development of rural house allotments (down to 4000m2 in size) as a discretionary activity around the perimeter of most of the Settlements. (SUB-P6)</p> <p>In the unsewered townships (Apiti, Himatangi Beach and Tangimoana) the maximum density of houses is limited by the need to dispose of septic tank effluent in an environmentally-acceptable way. The use of new and improved disposal systems in the future could have an impact on what density is considered appropriate. The sewerred settlements (Sanson, Rongotea, Longburn, Bunnythorpe, Cheltenham, Kimbolton and Halcombe) do not have this constraint. A larger site area per dwelling has still been set in these townships compared to Feilding, to reflect the more rural ambience which is being sought in these places.</p> <p>Quite a wide range of non-residential uses are provided for in the Settlement Zones, particularly in the established “settlement centres” which have been marked with “identified frontage” on the Planning Maps. This level of flexibility reflects the service nature of the District’s townships and the impracticality of having a number of “spot” zones.</p> <p>Some of the Settlements are located close to broad-impact land uses such as industrial plants or airfields, and this has an impact on the level of amenities which those townships have. Council will aim to provide</p>	<p>Much of the explanatory text is repeated in the chapter’s provisions, making the need for the explanation unnecessary. Details contained within the explanation include justification for the provisions, which is better suited to a Section 32 evaluation report. The wording of the explanation has no legal weight in consent processing or decisions.</p> <p>In regards to Figure 46, the current air noise contours for Ohakea Airbase are unclear and have no legal status being in the explanation. Including additional information such as this figure is potentially confusing to plan users as there are no rules in the Plan that relate to the area shown. The figure should be deleted from the Plan.</p> <p>It is understood that the Minister of Defence is intending to lodge a Notice of Requirement to Designate for air and ground noise. The District Plan will be amended to recognise this once the Designation has been approved.</p> <p>As explanations have no legal status, and they are not required under the National Planning Standards the explanation in SETZ-Settlement Zone is recommended to be removed in its entirety.</p>	<p>Delete the explanations in SETZ-Settlement Zone in their entirety.</p>

Section	Explanation	Comment	Proposed change
	<p>information through the Plan to make land users aware of these effects, e.g. the noise contours around Ohakea Air Base shown on Figure 48.</p>  <p>Figure 46 - Ohakea Airbase - Calculated Noise Contours (dBA Ldn)</p>		
RURAL ZONES			
<p>GRUZ – General Rural Zone</p>	<p>Sustainable use of soil resources</p> <p>Over significant areas of the District the present land uses appear to be having an adverse effect upon the quality and stability of the soil resource. The most apparent example is grazing use of erosion-prone hill country. This in turn can have effects on other properties, for example through sedimentation. There is also evidence that over-cultivation of some arable land in the Kairanga plain has damaged the soil's structure and capability. While the latter problem may not be widespread at present, care must be taken to stop it becoming so.</p> <p>The Act requires the Plan to promote sustainable use of soil resources, i.e. to manage them with future use and future generations in mind. The soil is one of the key resources upon which all life depends. As stated in</p>	<p>Similarly to the SUB-Subdivision chapter, much of the explanations in the GRUZ-General Rural Zone chapter relate to highly productive land. Since the plan was made operative the National Policy Statement on Highly Productive Land (NPS-HPL) came into force. Soil conservation and protection of high class soils now falls under the NPS-HPL. The NPS-HPL overrides the provisions in the District Plan meaning the content here is unnecessary.</p> <p>Percentages of each class of soil in the District in Table 6 do not reflect the information Councils must rely on under the New Zealand Land Resource Inventory which is</p>	<p>Delete the explanations in GRUZ-General Rural Zone in their entirety.</p>

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Section	Explanation	Comment	Proposed change
	<p>GRUZ-P1 permanent damage to the soil resource must be avoided. There is a large “grey area” concerning what uses are sustainable for various types of land. The best approach is to try to make land uses more sustainable rather than trying to define a precise dividing line between “sustainable” and “unsustainable”.</p> <p>The Regional Council has prime responsibility in the soil conservation and stability area, and has prepared a Land and Water Regional Plan. That Plan contains rules to prevent land uses from becoming less sustainable through, for example, inappropriate clearance of vegetation and soil disturbance on land vulnerable to erosion.</p> <p>To change present land use practices into others which are more sustainable is a huge task.</p> <p>Retiring land from pastoral farming may be the “sustainable answer” for some hill country properties, but the landowners may be simply unable to afford the change.</p> <p>Financial support from local, regional or national sources would help, but it is unlikely to be forthcoming in amounts which would enable the massive changes needed to be made quickly. Education and information may well be the most effective methods to use. As Council has no specific expertise in this field it is most appropriate to support the Regional Council and other agencies who do.</p> <p>Objective GRUZ-O1 recognises that all land is an important resource, and that as well as preventing soil degradation, it is important to keep open a wide range of options for its future use. We do not know what sort of new land uses may crop up in the future. There may be some types of soil (e.g. wine-producing gravels) which aren’t seen as important now, but might be later on. The average lot size mechanism is one tool which the Plan uses to try and retain options for all land in terms of fragmentation through subdivision. (Refer to SUB-O5).</p> <p>GRUZ-P4 refers to versatile land, which in this Plan means Class I and II land except for Class IIs2. Class I and II land is defined in the Land Use</p>	<p>used to define Highly Productive Land under the NPS-HPL. In addition the Regional Policy Statement direction for versatile soils has been amended through the One Plan since the District Plan became operative. Therefore retaining this information in the District Plan is now misleading.</p> <p>This explanation includes justification for why certain objectives and policies were written into the Plan, which would typically form part of a Section 32 Evaluation Report.</p> <p>Deletion of this explanation does not alter the direction within the General Rural Zone provisions as there is a lot of repetition between the provisions and the explanation.</p> <p>As outlined elsewhere in this Report, District Plans are not required to include explanations, and with the changes that have occurred to higher order direction since the District Plan was made operative, the explanation is out of date and potentially confusing for plan users. On that basis the explanation in its entirety is recommended to be deleted.</p> <p>Note that Council is currently working on Plan Change A: Rural and Flood Channel Review which will replace this chapter in its entirety. Notification is expected in Q1/Q2 of 2025.</p>	

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Section	Explanation	Comment	Proposed change										
	<p>Capability (LUC) classification of the NZ Land Resource Inventory. There are 8 classes, ranging from Class I land which has very few limitations to use and can be used for a wide range of productive purposes, to Class VIII which has extreme limitations and is unsuited to any use except catchment protection planting.</p> <p>Class IIs2 land is a specific type which occurs extensively in the Ashhurst-Bunnythorpe-Colyton and Sanson-Rongotea-Halcombe areas. It theoretically has the potential to be used for the same wide range of productive options as other Class II land, but in practice its use is limited by an impervious sub-surface soil layer (a fragipan) which impedes drainage. Since this limitation is extremely difficult to overcome by practical drainage works, the Class IIs2 soils are not regarded by this Plan as having the same level of versatility as the Class I and other Class II soils.</p> <p>Versatile land is a special resource for a number of reasons. It can be used for the widest range of potential uses of any land. It can be used for intensive production without the need for extensive artificial inputs such as fertiliser. It is therefore an important resource, for example, for any future low-energy organic production methods. There is also only a small amount of versatile land, (nationally and locally) compared to the other land classes. This is shown in Table 6 below. For example the Manawatū District has half as much Class I land (14,350ha) as the entire South Island (28,900 ha). Lastly, versatile soils have the greatest potential capacity for supporting life. Safeguarding the life-supporting capacity of soil is part of the definition of sustainable management in Section 5 of the Act.</p> <p><i>Table 6 – Luc Classes in Manawatū District Compared to New Zealand. Data from Landcare Research, May 1998.</i></p> <table border="1" data-bbox="338 1246 1093 1361"> <thead> <tr> <th data-bbox="338 1246 524 1281">LUC Grouping</th> <th data-bbox="524 1246 658 1361">Manawatū District</th> <th data-bbox="658 1246 835 1361">Manawatū Wanganui Region</th> <th data-bbox="835 1246 965 1361">North Island</th> <th data-bbox="965 1246 1093 1361">South Island</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 1281 524 1361"></td> <td data-bbox="524 1281 658 1361"></td> <td data-bbox="658 1281 835 1361"></td> <td data-bbox="835 1281 965 1361"></td> <td data-bbox="965 1281 1093 1361"></td> </tr> </tbody> </table>	LUC Grouping	Manawatū District	Manawatū Wanganui Region	North Island	South Island							
LUC Grouping	Manawatū District	Manawatū Wanganui Region	North Island	South Island									

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Section	Explanation					Comment	Proposed change
	LUC Class I	5.5%	1.5%	1.3%	0.2%		
	LUC Class II (except IIs)	12.9%	3.9%	4.0%	2.1%		
	Other LUC classes	80.7%	93.9%	92.2%	93.4%		
	Rivers, lakes, towns, estuaries, etc	0.9%	0.7%	2.5%	4.3%		
	TOTAL	100.0%	100.0%	100.0%	100.0%		
	<p>This Plan has included particular policies and objectives for versatile soils because:</p> <ul style="list-style-type: none"> • They are a special and limited resource (as set out above). • They are under a lot of pressure locally, especially around the edge of Palmerston North. Their options could be severely compromised, for example, by uniform small-lot subdivision. • Their management is a real issue for the District’s people, and also regionally. <p>Soil quality is only one of the factors that influence the actual uses to which land is put. Other factors include current levels of land use, location, water, microclimate, community values, scarcity, drainage and infrastructure.</p> <p>The Regional Policy Statement (RPS) recognises Class I and II soils as special compared to the rest. RPS Policy 5.1 states that: “All land shall be managed sustainably. In particular the adverse <i>effects</i> of land use activities resulting in a significant: (inter alia) irreversible loss of Class I and II land ...Shall be avoided, remedied or mitigated.”</p> <p>This Plan’s rules treat versatile land differently in only three ways. Firstly the impact on high quality soils is one of the factors which needs to be taken into account when looking at proposed urban expansion. (Refer SUB-O8). Secondly that impact also needs to be considered when</p>						

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Section	Explanation	Comment	Proposed change
	<p>assessing a <i>discretionary activity</i> (GEN-AC1 to GEN-AC25). Thirdly the versatile land has a different average lot size control for subdivision compared to the rest of the District – 8ha vs 4ha. (SUB-O1).</p> <p>Rural Character and Amenities</p> <p>Policy GRUZ-P6 reflects the fact that industrial, commercial and tourist operations as well as new housing have the potential to adversely affect the character of the rural environment, particularly in the areas of highest demand around Palmerston North and Feilding. The impact of the density of new housing in the rural zones is managed through average lot size controls and a rule which limits ribbon development of houses along and close to rural roads. (GRUZ-ST3).</p> <p>The presence of a family flat, in addition to a residential dwelling on a site, can adversely affect the character and amenity of the rural environment. In order to manage the nature and density of development within the Rural Zone, the number of dwelling units and the size, location and access to family flats will be restricted. The size and scale of family flats are to be secondary to that of the main dwelling.</p> <p>Small scale industrial and commercial activity is permitted in the rural zone, since its effects are little different to what a farmer may be involved in anyway, e.g. retail sales or some light manufacturing in the implement shed.</p> <p>Beyond the “home occupation” scale, specific provision has been made for those non-farming activities which fit into the rural scene rather than intruding upon it (i.e. the things which people expect to see in the countryside.) Some examples are silos, sawmills, quarries, golf courses, contractors’ depots and halls. While these activities are specifically listed, there is scope to consider other proposals as non-complying activities if they do not conflict with the Plan’s objectives.</p> <p>The Plan recognises that there are some activities (mainly industries) which need to be located in rural areas due to their effects upon towns or vice versa. One example is landfills. As noted in GRUZ-P12 however,</p>		

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Section	Explanation	Comment	Proposed change
	<p>the first aim with “broad-impact” operations is always to reduce their effects “at source”. GRUZ-P12 reflects the fact that there are parts of the rural zones which currently have different levels of amenity compared to the rest, due for example to the presence of a broad-impact land use such as an airport or industrial complex.</p> <p>Special management has been afforded to the rural area around Milson Airport for noise attenuation reasons. Special controls restrict the establishment of residential land uses, and those involving the congregation of people, within a defined air noise area (NOISE-O2, NOISE Explanation section). These controls also have the added benefit of reducing the risk of injury to people from aircraft accidents near the end of the runway.</p> <p>GRUZ-P8 refers to the many small “historical” land titles which exist throughout the District, including some “paper towns”. If each of these titles is built on, new rural-residential enclaves could develop which have effects which conflict with GRUZ-O2, and SUB-O1 to SUB-O5. This Plan’s approach is to assess each title against the rural density sought by the subdivision rules, and if it would meet that density, a house can be built. The Plan does however support the development of smallholdings around some specific localities (SUB-P6).</p> <p>There are many “spare” areas of legal road throughout the District, e.g. where the road verges are very wide. GRUZ-P9 recognises that planting those areas in trees would be a better use of resources and may improve the amenities of the countryside. The locations for such plantings have to be chosen carefully, to avoid any adverse effects upon neighbours and road safety.</p> <p>GRUZ-P10 recognises that visual impacts resulting from land use activities, particularly those termed “eyesores”, can be a real problem. If sited prominently or if grouped together in one place, they can have a serious effect on environmental quality. The Plan enables Council to place screening requirements on activities like auto wreckers which are inherently unsightly, or to decline consent for such proposals. Individual</p>		

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Section	Explanation	Comment	Proposed change
	<p>problems can also be dealt with by way of abatement notices or enforcement orders.</p> <p>The Plan has taken landscape effects into account when putting land uses into the permitted, controlled and discretionary categories (e.g. structures become discretionary if over 20m in height). The activities which are least likely to fit into the neighbourhood will usually need land use consent, and Council can therefore individually vet their landscape effects. While Objective GRUZ-O2 and related policies concern the amenities and landscape of the whole District, The NFL - Natural Features and Landscapes chapter introduces policies and rules for specific places which have been identified as outstanding natural features and landscapes.</p> <p>Potential conflict between rural and land uses</p> <p>Managing the effects of land uses upon each other is one of the core roles of District Plans. Objectives GRUZ-O3 and GRUZ-O4 above relate to effects on neighbouring properties and residents, rather than on rural character and landscapes.</p> <p>The term “broad-impact land use” in policies GRUZ-P12 and GRUZ-P13 refers to those activities which tend to have an effect upon neighbours sited hundreds of metres away. Examples are gun clubs, motocross tracks and rendering plants. Broad-impact uses often seek a location in rural zones due to a perceived incompatibility with urban areas.</p> <p>Often the most effective way to reduce the impact of any land use is at its source. Vehicles can be muffled, smokestacks can be filtered, or a curfew can be placed on night operations. There is however a limit as to how much can practically be done to reduce the effects of some land uses like airports. In such cases having a satisfactory distance between the land use and its neighbours, or additional soundproofing for the neighbours’ houses, can be an important way of mitigating effects. The most effective method of reducing nuisance will vary from situation to situation, and the best option should be chosen in each case.</p>		

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Section	Explanation	Comment	Proposed change
	<p>Special management has been afforded to the rural area around Milson Airport for noise attenuation reasons. (Refer to NOISE-O2 and the NOISE chapter Explanation section). These controls also have the added benefit of reducing the risk of injury to people from aircraft accidents near the end of the runway.</p> <p>In general most of the cost of providing an adequate separation distance (or mitigation measures on the neighbour’s property) should be borne by the proprietors of the nuisance. For example a desirable buffer distance between a particular broad-impact land use and neighbouring dwellings may be 300 metres. If the nuisance source is permitted to be established 50 metres from the property boundary, effectively 250 metres of the neighbour’s property is being used as a buffer. The neighbour then bears the costs in terms of their ability to subdivide, sell, build on or otherwise enjoy that part of their property. For the same reason it is appropriate to measure separation distances to boundaries rather than to nearby existing dwellings.</p> <p>There are many existing activities which do not have adequate buffer areas. Such operations, if lawfully established, have a right to continue. This must be recognised by those who subdivide or build nearby. Expansion prospects for such facilities often depends largely on whether the proprietors have been “good neighbours”.</p> <p>Virtually the only mineral extraction within the District in terms of GRUZ-P15 involves sand, gravel and aggregate quarrying. Quarrying in the hill and sand country, and gravel extraction from riverbeds will be covered by Regional Council Plans, for soil conservation and river management reasons. The District Plan complements these by requiring consents for extraction in areas within Council’s jurisdiction, so that effects on neighbours and the surrounding area can be addressed. These include dust, noise, vibration and heavy traffic movements. Prospecting and small-scale excavations have a relatively minor effect and are therefore permitted in the Rural zones. Some river beach extractions also have a minor effect due to their relative isolation. Processing of gravel will be</p>		

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Section	Explanation	Comment	Proposed change
	<p>regarded as an industrial activity. Short term use of a portable crushing plant is however permitted as a temporary activity (Refer TEMP-R1).</p> <p>Intensive farming is defined in the Definitions chapter. It can involve potential odour problems, noise, and large quantities of effluent. The problems arise largely from the intensive way in which the animals are kept. The same animals run on pasture would have a similar impact to horses or cattle. The Plan aims to control the scale of intensive farming and its proximity to neighbours. Accordingly small-scale operations, and buildings which occasionally hold animals, are permitted activities if they meet specific yard requirements. Larger operations will be regarded as discretionary activities, and will be assessed on their merits. Separation distances may be substantially reduced if “low-nuisance” designs and management systems are used. The issue of effluent disposal is governed by the Regional Council. This Plan is however still concerned with waste disposal issues, since land use consent should not be granted if effluent disposal cannot be properly taken care of.</p> <p>Some land uses that are discretionary activities in the rest of the Rural zone may be more appropriate as non-complying activities in nodal areas. Activities like intensive farming, landfills, and [PC64] rural industries are potentially incompatible with the rural-residential housing that can be expected to develop in such areas over time.</p> <p>The potential impacts of tree planting vary considerably depending on the species involved, and how they are trimmed and spaced. They are often welcomed by neighbours due to the shelter and privacy which results. Many of the possible impacts of tree planting can adequately be dealt with under other legislation, e.g. fire risk and impacts on adjoining roads such as frost formation or potential root damage to the road surface. The Plan’s rules therefore concentrate on managing the effects of overshadowing by trees on the amenities of adjacent properties and dwellings, and on potential obstruction of sight lines at intersections. The Plan contains minimum set-back distances for planting from property boundaries, if that planting would grow to over 4m in height. There are larger separation distances for planting from rural dwellings</p>		

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Section	Explanation	Comment	Proposed change
	and Residential and Settlement boundaries. These setbacks will not apply if neighbour's consent is obtained. Shading of dwellings is limited to certain times of the year at different times of the day, to preserve a minimum standard of amenity for residents. Consent also needs to be obtained from the road controlling authority if the planting might obstruct visibility at an intersection.		
COMMERCIAL AND MIXED USE ZONES			
COMZ – Commercial Zone	<p>Commercial Zone</p> <p>The District Plan's role is to help provide a pleasant physical environment, and to leave the businesses in the zones free of unnecessary restrictions. Any initiatives aimed at improving the financial viability of the town's businesses will be done by methods outside this Plan.</p> <p>The Plan must deal with any adverse effects which activities in the zone might have upon users and neighbours. The level of amenity sought for residents in the zone is not as high as for neighbouring residential areas, to reflect the primary business purpose of the zone.</p>	<p>Plan Change 46 Town Centre (PC46) introduced two new Business Zone (now TCZ-Town Centre Zone and MUZ-Mixed Use Zone) chapters for the town centre area of Feilding that did not include any explanations. There were other areas where a Business Zone had been used in Feilding and within the Villages (now referred to as Settlements) that had not been reviewed and amended. Those older provisions were retained in the District Plan at that time, including this explanation. These areas are now called the COMZ-Commercial Zone.</p> <p>The content of this explanation is more appropriately covered by a Section 32 Evaluation Report. In addition, as explanations are not required to be included in the District Plan, nor do they have legal effect, they do not support consenting processes or decisions. On that basis this explanation is recommended to be deleted.</p>	Delete the explanations in COMZ-Commercial Zone in their entirety.
MUZ – Mixed Use Zone	N/A		
TCZ – Town Centre Zone	N/A		
INDUSTRIAL ZONES			
GIZ – General Industrial Zone	N/A		

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Section	Explanation	Comment	Proposed change
OPEN SPACE AND RECREATION ZONES			
OSZ-Open Space Zone	<p>The purpose of each reserve, (e.g. for bush protection or for active sports fields) is included in the management plan for that reserve, along with any future plans for its development. Reserves management plans are prepared under the Reserves Act 1977 through a process of public input. Any work on the reserve must comply with the approved management plan.</p> <p>The District Plan sets out environmental standards which the park's neighbours can rely on. Buildings and facilities on reserves can have an impact on the adjacent neighbourhood especially through noise and parking. The Plan sets out the broad range of activities which are acceptable on reserves, and the management plan process then determines which of these activities are suitable for a particular park.</p>	<p>The explanation in the OSZ-Open Space Zone chapter does not reflect the provisions of the District Plan. Referencing to Reserve Management Plans prepared under the Reserves Act is merely information and not necessary to include in the District Plan.</p> <p>Reserve management is largely covered by Council's Reserve Management General Policy and five (5) Reserve Management Plans. Reserve Management Plans are prepared under the Reserves Act 1977 and hold relevant information about reserve development and maintenance.</p> <p>Explanations do not have legal effect, nor are they required under the National Planning Standards. For this reason and those listed above, it is recommended that the OSZ-Open Space Zone explanation is deleted in its entirety.</p>	Delete the explanations in OSZ-Open Space Zone in their entirety.
SPECIAL PURPOSE ZONES			
STADZ – Stadium Zone	N/A		
SDZ – Special Development Zone	N/A		
DEVELOPMENT AREAS			
DEV1 – Rongotea South Development Area	N/A		

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Section	Explanation	Comment	Proposed change
DEV2 Deferred Residential Zoning Development Area	– N/A		
DESIGNATIONS			
DES Designations	– N/A		

