

Manawatū District Plan

Proposed Plan Change I: Minor Amendments – Appendix 3

Technical Planning Report: Evaluation of Assessment Criteria for Discretionary Activities

October 2024

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1. Purpose

The purpose of this report is to consider the most appropriate way to address Assessment Criteria associated with Discretionary Activities in the GEN-General Approach chapter of the District Plan. Council sees the need to review the status of content no longer required by the Resource Management Act, particularly where this content has not been subject to a recent Schedule 1 review.

In terms of scope matters, note that Assessment Criteria for Discretionary Activities do exist outside of the GEN-General Approach Chapter list. These are found in the following chapters:

- KEN-Boarding Breeding and Training Kennels (KEN)
- HH-Historic Heritage (HH)
- GRZ-General Residential Zone (GRZ) (specifically those provisions relating to the Maewa area of Feilding covered in GRZ-MAE-AC21 to 26)

The Assessment Criteria in the KEN, HH, and GRZ-MAE chapters do not form part of the scope of PCI. Those three sections of the Plan have been reviewed and the Assessment Criteria referenced have been the subject of recent section 32 analysis. On that basis PCI does not include those chapters within its scope.

2. District Plan Preparation in the 1990s

The operative District Plan included Assessment Criteria (AC) for Discretionary Activities listed in Rule A1 of the original District Plan, now found in the GEN-General Approach Chapter. Through recent reviews, the need for these provisions was questioned, particularly as Discretionary Activities by their very nature should not have assessment criteria, rather they rely on the Objectives and Policies of the Plan. This report assesses the assessment criteria in the new GEN-General Approach chapter of the Plan and considers if they should be retained in the District Plan.

To understand where assessment criteria originated from in the operative District Plan and why they had been included in a District Wide section of the District Plan, a review of the Resource Management Act at that time has been undertaken. In an edition of the draft District Plan from 2000, Restricted Discretionary Activities were present. Restricted Discretionary Activities were not legislated as an option in the Resource Management Act until after 2003. At the time, many District Plans around the country were exploring the concept of restricting discretion under the name 'Restricted Discretionary' or 'Limited Discretionary', alongside fully discretionary activities. Drafts of the Manawatū District Plan in 1993 and 1995 (see Table 1) explored Limited Discretionary, but the 2000 draft settled on Restricted Discretionary.

Table 1 Discretionary activities in the draft District Plan (1993 & 1995)

Document	Discretionary Activities	Discretionary Activities – Limited
Proposed District Plan Objectives Introduction and Background 1993¹	To which consent can be refused, – or granted subject to a condition Council considers reasonable to achieve the purposes of the Act or the Plan. It is possible for the Plan to limit this discretion to allow conditions concerning specific matters only, eg traffic safety.	N/A
Proposed District Plan Objectives Introduction and Background 1995²	To which consent can be refused, – or granted subject to any condition Council considers reasonable to achieve the purposes of the Act or the Plan. Every potential effect of the proposal must be examined before coming to a decision.	Consent can be granted or refused. The Plan is however written to specifically state particular aspects of the activity which Council is concerned about, eg dust and traffic from a quarrying operation. Only those aspects can then be examined in making a decision and any conditions have to relate to them.

At the time, section 76(3B) of the Act read:

Where a rule in a district plan or proposed district plan provides for a discretionary activity, the rule may also –

(a) State the standards and terms that the activity shall comply with; and

(b) State the matters to which the territorial authority has restricted the exercise of its discretion; and

(c) if the territorial authority has restricted its exercise of its discretion in accordance with paragraphs (a) and (b), state whether an application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A).

Section 76(3B)(b) in particular signalled to plan makers that an option for at least two types of discretionary activities existed at the time. Sections 3A and 3B were repealed from the Act in 2003, at which time section 77B Types of Activities was introduced and Restricted Discretionary became a class of activity in subsection (3) (this information is now held in section 87A Classes of Activities).

¹ Manawatū District Council. 1993. Proposed District Plan Objectives: Introduction and Background. Pg 3.4.

² Manawatū District Council. 1995. Manawatu District Plan: Draft Policies and Objectives. Pg 39.

When the Manawatū District Plan became operative in 2002, the 2003 amendments were in their bill stage progressing through the law making phases. This meant that any division of the different types of discretionary activities was made using the Plan-writer’s expertise rather than being grounded in a legislated distinction between the two. There is a possibility, noting how the explanations were also included in the District Plan, that these provisions were included to help guide Plan users, particularly as the transition from the old Town and Country Planning Act to the new Resource Management Act was occurring.

The inclusion of the Assessment Criteria for Discretionary Activities was not specifically analysed as part of the original Section 32 Reports for the first Manawatū District Plan. Considering all of the above factors, it is possible that those matters over which Council “limited” its discretion in the draft 1995 Plan became the Assessment Criteria for Discretionary Activities in the Operative District Plan. As noted above, these provisions were drafted before amendments were made to the Act introducing Restricted Discretionary Activities.

The provisions of the Assessment of Applications in the GEN-General Approach chapter (the old Rule A1.3) have not been fully reviewed or updated as part of the Sectional District Plan Review. As a result, the usefulness of Assessment Criteria for Discretionary Activities has not been assessed and updated. Under the Act, discretionary activities are required to be assessed against a suite of matters and can consider almost any effect as part of the assessment of environmental effects.

3. Operative District Plan

Assessment Criteria for Discretionary Activities that link back to the GEN-General Approach chapter are referenced in the following chapters:

- NH-Natural Hazards
- SUB-Subdivision
- ASW-Activities on the Surface of Water
- EW-Earthworks
- GRZ-General Residential Zone
- SETZ-Settlement Zone
- GRUZ-General Rural Zone
- COMZ-Commercial Zone
- OSZ-Open Space Zone

There are 25 GEN-AC Assessment Criteria that are contained in the GEN-General Approach section that each of the above chapters reference.

4. Discussion

Each GEN-AC assessment criteria has been reviewed and assessed whether it is a matter already provided for under the Act or if an existing Objective or Policy already provides direction for decision makers when assessing resource consent applications. This analysis is contained in Appendix A with the overall conclusions being that each of the criteria:

- a matter already covered under the Act
- a matter already covered in a relevant Operative District Plan Objective or Policy

- a matter already covered by a higher order document like a National Environmental Standard or National Policy Statement

As outlined above, the original reason for including these Assessment Criteria in the GEN chapter is unclear. Based on the analysis undertaken in Appendix A the GEN-AC criteria are unnecessary as many of the existing objectives and policies throughout the relevant chapters of the District Plan already provide sufficient guidance for decision makers. Retaining these matters may well cause confusion and complexity for plan users. Discretionary Activities are already open to wide assessment under the Act, as often the breadth of effects for a Discretionary Activity are unknown. Objectives and policies in the Operative District Plan give clear direction to Plan users assessing Discretionary Activities without the need for the additional Assessment Criteria in the GEN-General Approach chapter.

Applicants and consent planners are able to lean on the existing Objectives and Policies of the Plan when assessing Discretionary Activities. Crucially to Plan Change I, removing these Assessment Criteria does not change the overall effect of rules in the Plan, nor the importance of the existing Objectives and Policies relevant to the specific activity being assessed.

Discretionary Activities under the Act can consider a broad range of potential or known effects through a resource consent. The list of Assessment Criteria could be seen as artificially narrowing down the possibilities for assessment, which is considered to be inconsistent with the direction in the Act.

In order to find how these Assessment Criteria are being used in day-to-day consent planning, a review of how Council's Consent Planners used the Assessment Criteria in practice was undertaken. Of note was the following:

- They are useful when a new planner is using the Manawatū District Plan for the first few times because they help to guide the assessment of environmental effects
- They are already matters which consent planners consider when processing applications
- They make the District Plan unnecessarily onerous to use.

In reviewing consent decisions, it is noted that none referenced back to the Assessment Criteria either in the Planning or Decision Reports. The capacity in which the Assessment Criteria were used was for the Planner's information exclusively. When asked if removing the Assessment Criteria would create more work or make the Plan difficult to use, the consent planners were neutral on the matter. As for the matter of using the Plan the first few times and relying on the Assessment Criteria for direction, this can be managed with appropriate training of consent planners, which is already undertaken.

Plan Change I is focused on improving the usability of the District Plan. Changes in planning practice and amendments to the Act have meant that the inclusion of Assessment Criteria for Discretionary Activities in district plans is outdated. For the reasons outlined above, and in light of the assessment in Appendix A, this report has concluded that deleting the GEN-AC assessment criteria in the GEN-General Approach chapter would create a more streamlined assessment of Discretionary Activities during the consenting process.

5. Recommendations

For the reasons outlined in the table in Appendix A the GEN-AC assessment criteria in the GEN-General Approach chapter are recommended to be deleted from the District Plan.

Appendix A: Remove Assessment Criteria associated with Discretionary Activities

Assessment Criteria (AC)		Comments	Recommendation
GEN-AC1	Subject to Part II of <i>the Act</i> , the matters specified in Section 104 of <i>the Act</i> .	The Act requires this as a matter under s104B. To retain this criteria within the Plan is unnecessary and adds no benefit to the Plan or plan users. As this AC repeats the Act, GEN-AC1 should be deleted from the District Plan.	Delete GEN-AC1
GEN-AC2	Compliance or otherwise with standards applying to similar permitted or <i>controlled activities</i> .	This criteria creates a circular argument within the District Plan and could be considered to undermine the integrity of the District Plan. Discretionary Activities by their nature do not meet permitted or controlled activity standards. Referring the Plan user back to criteria which replicates a Controlled or Permitted standard creates a circular process which is overall inefficient and confusing. For these reasons, GEN-AC2 should be deleted from the District Plan.	Delete GEN-AC2
GEN-AC3	The environmental results sought by this Plan for the zones concerned.	The Environmental Results Anticipated (ERA) sections are no longer a requirement for district plans under the Act due to an Amendment Act in 2005 moving this content from mandatory to optional to include in district plans (see section 2. of this report). PCI is also recommending that the ERAs throughout the Plan are removed. For these reasons, it is recommended that GEN-AC3 is deleted from the District Plan.	Delete GEN-AC3
GEN-AC4	Any potential detractor from the amenities of the area through odour, smoke, noise, or other noxiousness whether from the operation itself or any ancillary aspect.	Objective GEN-O5 covers amenity values as an overall objective of the District Plan. GEN-AC4 is considered to be redundant as a result. Many provisions throughout the Plan also deal with odour, smoke, noise, etc relevant to the zone they are in for example GRUZ-P10 (General Rural Zone) and GRZ-O1.5 (General Residential Zone). GEN-AC4 replicates existing provisions in the relevant objectives and policies which Discretionary Activities would already be assessed against through the resource consenting process. Noise is specifically covered by the NOISE-Noise chapter which has been recently reviewed and contains appropriate objective and policy	Delete GEN-AC4

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		<p>guidance meaning this criteria is unnecessary. In addition, noise is also covered by section 16 of the Act as a matter which needs to be managed.</p> <p>Overall this criteria is unnecessary when considering the Objectives and Policies in the Operative District Plan that already provide the guidance for assessing discretionary activities. Recommend to delete GEN-AC4 from the District Plan.</p>	
GEN-AC5	The degree to which proposed <i>buildings</i> would detract from the visual amenities of the area.	<p>Objective GEN-O5 covers amenity values as an overall objective of the District Plan, and is an objective which applies to all activities undertaken through the District Plan. GEN-AC5 is considered to be redundant as a result. The GRZ-General Residential Zone, GRUZ-General Rural Zone and the SETZ-Settlement Zone all contain existing policies which specifically address visual amenity. These are: GRZ-P4, GRUZ-P10, and SETZ-P6. The Plan has prioritized visual amenities in these particular zones to retain their character. HH-Historic Heritage also has a policy (HH-P1.15) which addresses visual amenity as part of its assessment. There are additional provisions throughout the plan that provide guidance when assessing discretionary activities such as TR-Transport TR-P10; GIZ-General Industrial Zone GIZ-P8.1 and 8.2; OSZ-Open Space Zone OSZ-O2.6; STADZ-Stadium Zone STADZ-O2 and O3; EW-Earthworks EW-O1, EW-P1, EW-P4; NFL-Natural Features and Landscapes NFL-P11; NOISE-Noise NOISE-O1 and NOISE-O1; SIGN-Signs SIGN-O1, SIGN-P1, SIGN-P2 and SIGN-P5; DEV1-Rongotea South Development Area DEV1-P4.4.</p> <p>On the basis of all the specific references in existing objectives and policies relating to amenity GEN-AC5 is unnecessary and merely repeats provisions already in the Plan. Recommend to delete GEN-AC5 from the District Plan.</p>	Delete GEN-AC5
GEN-AC6	Vehicle crossings shall be assessed in terms of the sight distance and driveway spacing guidelines contained in TR-APP3, and the seal widening and	The Transport Chapter was reviewed as part of Plan Change 55 District Wide Rules. The new structure of that Chapter (see TR-Transport) contains specific rules for vehicle crossing and formation standards. There is also a specific Discretionary Activity rule that stands alone and does not refer back to GEN-AC6. This means that this criteria is no longer	Delete GEN-AC6

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	formation standards contained in TR-APP3.	relevant and has become redundant in the District Plan structure. Recommend to delete GEN-AC6 from the District Plan.	
GEN-AC7	Whether there is sufficient and adequate provision for the collection or disposal of solid waste, including tailings.	This criteria is very specific to the collection and disposal of solid waste. Activities relating to GEN-AC7 would be assessed under the GEN chapter general objectives and policies. GEN-O1 is particularly relevant as it recognises the “potential adverse effects of activities upon the natural and physical environment” and the need to manage any adverse effects through avoiding, remedying or mitigating them. This, along with other general objectives and policies in the GEN-General Approach chapter, is considered to provide sufficient guidance for assessing activities such as landfills and solid waste matters which may fall under this criteria. For these reasons, it is recommended to delete GEN-AC7 from the District Plan.	Delete GEN-AC7
GEN-AC8	The degree to which any waste treatment ponds are adequately separated from other activities, taking into account topography, type of waste to be treated, wind direction, tree planting and existing vegetation and the location and number of existing and future dwellings likely to be affected by such ponds.	Schedule 4 of the Act highlights the key areas for assessment of applications, which includes describing any discharges under 6(1)(d), which requires a description of the discharge as well as the adverse effects on the environment to be described in the resource consent, as well as how any adverse effects will be managed. Subclause 6(1)(f) requires the resource consent to identify who the discharge might affect, which covers “future dwellings likely to be affected by such ponds” in GEN-AC8. Discharges to land and water (i.e. waste treatment ponds and effluent disposal) also generally need resource consent from Horizons Regional Council. GEN-P3 in the GEN-General Approach chapter is relevant here as it directs Plan-users to consider how an activity may affect existing land uses, while GEN-P2 requires consideration of future residents of an activity near any given site. GEN-P8 is also relevant to this AC as it ensures that the land is available for the activity to take place. As this AC is sufficiently covered by requirements under Schedule 4 of the Act, recommend to delete GEN-AC8 from the District Plan.	Delete GEN-AC8

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<p>GEN-AC9</p>	<p>Compliance or otherwise with any relevant NZ Standards, regulations or Industry Guidelines.</p>	<p>Schedule 4 clause 2(2)(c) of the Act states:</p> <p><i>The assessment under subclause (1)(g) must include an assessment of the activity against –</i></p> <p><i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i></p> <p>This is considered sufficient guidance for Plan users to assess Discretionary Activity applications and does not need to be replicated as an assessment criteria. On that basis there is no requirement for the District Plan to retain GEN-AC9. Recommend that GEN-AC9 is deleted from the District Plan.</p>	<p>Delete GEN-AC9</p>
<p>GEN-AC10</p>	<p>Any danger to people from hazardous goods and natural hazards, including any risk assessments, contingency plans and proposals to mitigate such hazards.</p>	<p>Objective GEN-O2 addresses health and safety from a land use perspective and would apply to any consent for a discretionary activity in the District Plan. Section 6(h) of the Act speaks to managing “significant risks from natural hazards.” Natural hazards are also managed through the NH-Natural Hazards chapter of the District Plan. Higher-order national direction through the ‘National Environmental Standards for assessing and managing contaminants in soil to protect human health’, the Health and Safety at Work Act 2015, and the Hazardous Substances and New Organisms Act 1996 provide councils with adequate direction for the management of hazardous goods. These higher order documents and other legislation override the provisions of the District Plan meaning that this criteria is unnecessary.</p> <p>For these reasons, it is recommended that GEN-AC10 is deleted from the District Plan.</p>	<p>Delete GEN-AC10</p>
<p>GEN-AC11</p>	<p>The potential possibility of any animals escaping on to adjoining properties, roads, or public places.</p>	<p>This criteria is not considered to be a relevant resource management issue. Landowners have responsibility for their animals, not the District Plan. GEN-O1 provides a general statement about “recognis[ing] the potential adverse effects of activities upon the natural and physical environment ...”, under which escaped animals would be considered an “adverse effect”. There are policies in the GRUZ-General Rural Zone that</p>	<p>Delete GEN-AC11</p>

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		<p>provide more relevant and specific guidance for assessing Discretionary Activities than GEN-AC11. For instance GRUZ-P7 requires that “any nuisance generated by existing activities is mitigated”, while GRUZ-P16 and P17 address farming and separation of animal pens from dwellings. Objective GRZ-O1.8, also states that “Problems associated with dogs and other wandering, dangerous or noisy animals are kept to a minimum”, providing adequate guidance for the GRZ-General Residential Zone.</p> <p>While the District Plan has additional policy guidance, the specific issue of animals escaping covered by this criteria is considered to be a matter outside the scope of the District Plan and therefore GEN-AC11 should be deleted from the District Plan.</p>	
GEN-AC12	Whether any exterior lighting is to be used or installed which would tend to annoy people nearby.	<p>Objective GEN-O5 covers amenity values as an overall objective of the District Plan, which is considered to cover this AC implicitly. Lighting specifically, as well as light as an adverse effect, is covered by GRZ-General Residential Zone Objective GRZ-O1.11 and Policy GRZ-P1, while there are also provisions in the General Industrial Zone Objective GIZ-O2.1 and Policies GIZ-P6, GIZ-P7. There is also existing objective and policy guidance in the GRUZ-General Rural Zone and OSZ-Open Space Zone as follows: GRUZ-O4, GRUZ-P7, OSZ-O2.7.</p> <p>Given that there are a number of existing objectives and policies throughout the District Plan that already provide guidance for assessing Discretionary Activities GEN-AC12 is considered to be unnecessary. Recommend GEN-AC12 is deleted from the District Plan.</p>	Delete GEN-AC12
GEN-AC13	The <i>effect</i> of the proposal on the heritage values and preservation of any place or object listed in HH-APP1, HH-APP2, HH-SCHED1, HH-SCHED2, HH-SCHED3, HH-SCHED4, and items listed in TREE-SCHED1, or upon the heritage	<p>All heritage items listed in the appendices and schedules of the HH-Historic Heritage chapter and TREE-Notable Trees chapter are identified on the District Planning maps. Since the Plan was first made operative, the historic heritage provisions relating to built heritage and notable trees have been reviewed and new Discretionary Rules have been prepared. This means that the need for this criteria has been superseded by the new HH-Historic Heritage and TREE-Notable Trees chapters in the District Plan. Retaining GEN-AC13 therefore repeats provisions already in</p>	Delete GEN-AC13

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	significance of any <i>natural area</i> in terms of the criteria in HH-APP3.	the Plan where there is sufficient objective and policy guidance for consent decision making. On that basis GEN-AC13 should be deleted from the District Plan.	
GEN-AC14	Any detrimental <i>effect</i> of the proposal upon the operation or future development of any other existing permitted use in the vicinity. This includes whether the proposal requires a level of amenity which is incompatible with the operation and management of any such permitted use.	Existing GEN-P2 requires the potential impacts on future residents of an affected property to be taken into account when managing land use effects, while GEN-P3 requires plan users to minimize the potential for conflict between new activities and lawfully existing activities. These existing policies are considered to provide sufficient guidance for consent decision makers on the matters covered by GEN-AC14. To retain GEN-AC14 results in unnecessary repetition in the Plan and the deletion of this criteria is recommended.	Delete GEN-AC14
GEN-AC15	Any potential adverse <i>effects</i> of the proposal upon the life supporting capacity of soils, or upon options for their future use, due for example to compaction, fragmentation of ownership, soil removal, coverage or risk of contamination.	Managing effects on the life supporting capacity of soils is now provided for by the National Policy Statement on Highly Productive Land (NPS-HPL). The NPS-HPL overrides the provisions of the District Plan in relation to highly productive land. The current wording of this criteria is therefore unnecessary to be retained in the District Plan. Council is currently preparing Plan Change A: Rural and Flood Channel Zones which will implement the direction contained within the NPS-HPL. For these reasons, it is recommended to delete GEN-AC15 from the District Plan.	Delete GEN-AC15
GEN-AC16	For quarrying and gravel extraction:	Quarrying and gravel extraction are addressed in the GRUZ-General Rural Zone chapter through policies GRUZ-P5 (which seeks to reduce effects that unsustainable land use practices have on other properties), GRUZ-P16 (which recognizes that rural residents need to accept some adverse effects from primary production and other rural activities), and GRUZ-P15 (which seeks to avoid or mitigate the effects of quarrying while recognizing the importance of minerals as a natural resource). The matters in GEN-AC16.1 to 16.4 would typically be provided as part of a	Delete Gen-AC16 in its entirety
GEN-AC16.1	The techniques to be used in the operation.		
GEN-AC16.2	The likely duration of the quarrying or extraction.		
GEN-AC16.3	Restoration and the ultimate use of the <i>site</i> .		

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	GEN-AC16.4	Adequate set-back and separation distances from roadways and adjoining uses, for visual amenity reasons and for noise attenuation.	<p>consent application to address the matters contained in Schedule 4 of the Resource Management Act to enable the decision maker to understand the scale and significance of the effects the activity may have on the environment. The matters in GEN-AC16 could be considered to narrow down the matters that could be considered for a Discretionary Activity unnecessarily. It is noted that where quarrying is undertaken on highly productive land the provisions of the NPS-HPL override the provisions in the District Plan.</p> <p>For the reasons given above, it is recommended that GEN-AC16 is deleted from the District Plan.</p>	
GEN-AC17	<p>The degree of separation proposed between any <i>building</i> or pen housing animals and any <i>building</i>, boundary or <i>road</i>. Council may increase or relax the separation distance where on the grounds of public health, amenity, intensity of use, odour, visibility, noxiousness or other reasons it is appropriate to do so. The separation distances proposed by the Pork Industry Board’s Code of Practice shall be used as a guideline for assessing the adequacy of separation around any proposed <i>pig farming</i> operation.</p>		<p>GEN-AC17 is worded with a degree of uncertainty for plan users. Buildings or pens housing animals are referenced predominately in the GRUZ-General Rural Zone. GRUZ-P17 seeks to ensure that buildings and pens housing animals are adequately separated from adjoining properties. This means this criteria is unnecessary as there is also clear policy guidance for consenting decision makers.</p> <p>The reference in GEN-AC17 to the Pork Industry Board’s Code of Practice would be considered another matter under Section 104 of the Act for some activities.</p> <p>Given that GRUZ-P17 already provides guidance for decision makers GEN-AC17 should be deleted from the District Plan.</p>	Delete GEN-AC17
GEN-AC18	<p>In relation to <i>service stations</i>:</p>		<p>Service stations are generally a discretionary activity in the MUZ-Mixed Use Zone, GRZ-General Residential Zone, and the SETZ-Settlement Zone.</p> <p>The matters in GEN-AC18.1 would be considered under avoiding adverse effects on residents in COMZ-O2 which seeks to “avoid or mitigate the adverse effects of Commercial <i>zone</i> activities upon residents and upon people using the zone.” COMZ-P3, also addresses reverse sensitivity of</p>	Delete GEN-AC18 in its entirety
	GEN-AC18.1	<p>The extent to which the proposal will be screened from adjacent residential uses by landscaping or fencing.</p>		

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<p>GEN-AC18.2</p>	<p>The <i>effect</i> of any access points on traffic safety and efficiency.</p>	<p>dwellings in the Commercial Zone through ensuring “that residents ... have a level of amenity which recognises that some permitted adverse effects may arise from other activities in the <i>zone</i>.”</p>	
<p>GEN-AC18.3</p>	<p>The extent to which lighting will be managed to avoid nuisance on residential properties.</p>	<p>As discussed earlier in the Report, the transport provisions have been reviewed recently as part of the District Wide Rules Chapter. There are specific provisions in those chapters that are considered to supersede GEN-AC18.2 and GEN-AC18.4.</p>	
<p>GEN-AC18.4</p>	<p>Whether vehicle manoeuvring can be accommodated on <i>site</i>.</p>	<p>In terms of AC18.3, lighting would potentially be considered an adverse effect, which would naturally be assessed through the resource consenting process. The current wording of this criteria does not provide the decision maker with any additional direction than the provisions of the District Plan.</p>	
<p>GEN-AC18.5</p>	<p>The extent to which <i>signs</i> comply with general controls in the <i>zone</i> concerned.</p>	<p>Any signs would have to comply with the specifications of the SIGN-Signs chapter, which was also recently reviewed. The consideration of signage matters would be under the objectives and policies of the SIGN-Signs chapter. To retain GEN-AC18.5 is therefore unnecessary.</p>	
<p>GEN-AC18.6</p>	<p>The adequacy of proposals to collect and deal with potentially contaminated stormwater.</p>	<p>In terms of GEN-AC18.6 discharges from industrial activities is a Trade Waste matter. Council has specific requirements that would apply in the Trade Waste Bylaw. In addition, the HS-Hazardous Substances chapter, specifically HS-P3 (which states that sites which use or store hazardous substances have to be designed to manage this risk safely) and HS-P4 (which requires that hazardous waste is properly disposed of) already provide decision makers with sufficient guidance. Therefore the criteria is unnecessary.</p>	
<p>GEN-AC18.7</p>	<p>The extent to which the proposal is likely to have an <i>effect</i> on the amenities sought by the objective for the <i>zone</i> concerned.</p>	<p>GEN-AC.7 is also unnecessary as the objectives and policies of the relevant zone already provide the appropriate guidance to decision makers.</p> <p>Overall for the reasons outlined above GEN-AC18 should be deleted from the District Plan.</p>	

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<p>GEN-AC19</p>	<p>In relation to <i>industries</i> in the Business Zone:</p>	<p>This AC refers only to the areas of the Business Zone which are outside the Outer Business Zone and the Inner Business Zone. Plan Change 46 saw a new standalone chapter established for the Inner & Outer Business Zone and a new Discretionary Activity housed within that chapter. GEN-AC19 therefore only applies to the COMZ-Commercial Zone, which is located outside of the central area.</p> <p>Light industry is still provided as a Permitted Activity in the Commercial Zone. The only Discretionary Activity in the Commercial Zone is for Industry, the definition of which provides a list of possible activities.</p> <p>Given the remaining Commercial Zone sites are adjacent to General Residential Zone, it is appropriate for industrial activity applications to have full discretionary assessment without any assessment criteria to limit decision making.</p> <p>Based on the above assessment GEN-AC19 should be deleted from the District Plan.</p>	<p>Delete GEN-AC19 in its entirety</p>
<p>GEN-AC20</p>	<p>In relation to additions or alterations to <i>buildings</i> within the Air Noise Area, the degree to which the adverse <i>effects</i> of aircraft noise will be mitigated through <i>building</i> construction methods to achieve a satisfactory internal noise <i>environment</i>.</p>	<p>Air Noise Area is addressed in the GRUZ-General Rural Zone, NH-Natural Hazards, NOISE-Noise, and SUB-Subdivision chapters. The NOISE-Noise chapter provides a map of the Air Noise Area, including the Inner and Outer Control Areas in NOISE-APP1. The NOISE-Noise chapter was recently updated as part of the Plan Change 55 District Wide Rules. Objective NOISE-O2 requires plan users to “avoid, remedy or mitigate the adverse effects of noise upon people’s health and amenities.” This would include mitigations through additions or alterations within the Air Noise Area for proposed activities. The actual method used can be determined through the resource consenting process and is therefore unnecessary to be repeated under GEN-AC20.</p> <p>Under the NH-Natural Hazards chapter the only context that the Air Noise Area is mentioned is for Prohibited Activities sited in the Air Noise Area. Therefore GEN-AC20 does not apply.</p>	<p>Delete GEN-AC20</p>

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		Plan Change A: Rural and Flood Channel Review is reviewing the provisions relating to noise effects from the Palmerston North Airport and Feilding Aerodrome. In the meantime, there is sufficient guidance for decision makers with the updated provisions of the NOISE-Noise chapter and GEN-AC20 should be deleted from the District Plan.		
GEN-AC21	In relation to new <i>buildings</i> within the Inner Control Area or the Outer Control Area, the degree to which the adverse <i>effects</i> of aircraft noise will be mitigated through <i>building</i> construction methods which meet the following noise insulation ratings plus a 5dBA safety margin:	As discussed above, there is already strong policy direction in the NOISE-Noise chapter for managing the adverse effects of noise on new activities in the Air Noise Area. GEN-AC21.1 to 21.3 merely repeat the noise schedules in NOISE-SCHED1, 2, and 3, other than the 5dBA safety margin. The Noise Schedules apply regardless. On that basis GEN-AC21 is not necessary as it repeats provisions already in the District Plan. Recommend that GEN-AC21 is deleted.	Delete GEN-AC21 in its entirety	
	GEN-AC21.1			<i>Buildings</i> to which NOISE-SCHED1 applies - 20 decibels
	GEN-AC21.2			<i>Buildings</i> to which NOISE-SCHED2 applies - 25 decibels
	GEN-AC21.3			<i>Buildings</i> to which NOISE-SCHED3 applies - 30 decibels
GEN-AC22	In relation to the rural subdivisions listed as a <i>discretionary activity</i> under SUB-R14:	SUB-Subdivision Policy SUB-P6 states “To enable some small-lot subdivision (i.e. down to around 4000 m2 in area), in identified rural and peri-urban localities which already have the character of a settlement and where such subdivision would be compatible with the amenities of the area.” This policy is signaling nodal areas, which SUB-R14 speaks directly to. SUB-P6, which seeks to enable small-lot subdivisions in rural and peri-urban areas, is considered to give the appropriate guidance to	Delete GEN-AC22 in its entirety	
	GEN-AC22.1			The need to provide a degree of separation between future dwellings by maintaining a minimum

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		allotment size of around 4000m ² .	decision makers when considering resource consent applications. On that basis the retention of GEN-AC22 is unnecessary.	
	GEN-AC22.2	The need for such allotments to still meet the standards in SUB-ST22 to SUB-ST27.	Objective SUB-O8 also requires plan users to provide for urban growth in such a way that any adverse effects are managed. SUB-P24 to SUB-P27 are also relevant as they seek to manage urban growth in the Residential Zone. These existing objectives and policies in the District Plan are considered to provide sufficient guidance for decision makers on Discretionary Activities and on that basis, GEN-AC22 should be deleted from the District Plan.	
	GEN-AC22.3	The <i>effect</i> of the proposed subdivision on potential future urban growth, including the feasibility of future roading patterns.		
GEN-AC23	In relation to Rural and Flood Channel <i>zone</i> subdivisions in the coastal area under SUB-R15:			
	GEN-AC23.1	The potential for natural hazards, including sand inundation, erosion and the possibility of future sea level rise.	As the GRUZ-General Rural Zone and NH-Natural Hazards chapter have specific Objectives and Policies the consenting planner will assess any discretionary activity consent under SUB-R15 against those relevant provisions. SUB-Subdivision is a chapter which applies across zones and the zone rules and standards are just as relevant as the SUB ones. This also applies to the coastal area, which is managed through the CE-Coastal Environment chapter. Any coastal subdivisions also have some national direction through the New Zealand Coastal Policy Statement 2010. NH-Natural Hazards policy NH-P2 requires decision makers to consider the potential effects of coastal hazards when planning for coastal communities. The matters is GEN-AC23.1 repeat this policy, which would apply to activities occurring in the coastal environment and around natural hazards. The CE-Coastal Environment chapter also contains specific objective and policy guidance for plan users and decision makers. Policies CE-P2 to CE-P2.6 speak to urban development in the context of Himatangi Beach and Tangimoana (the District’s only coastal settlements). This is considered to	Delete GEN-AC23 in its entirety
	GEN-AC23.2	Potential impacts upon the natural character and landscape values of the coastal area, including the ecological value of the Rangitikei River estuary, and upon any heritage places.		
	GEN-AC23.3	River control and drainage limitations, and the need		

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		to satisfactorily dispose of domestic effluent.	be sufficient guidance for development in the coastal environment and natural hazard areas.	
	GEN-AC23.4	The need to still comply with the Plan’s averaging formula for rural allotments.	<p>GEN-AC23 matters are also addressed in CE-P1, which seeks to protect the District’s significant natural, cultural and landscape values in the coastal environment, and CE-P3, which seeks to avoid, remedy or mitigate any adverse effects arising from activities in these areas. Heritage places in the Coastal Environment (as mentioned in GEN-AC23.2) would fall under the provisions of the HH- Historic Heritage chapter – all heritage items are well documented on Council’s internal mapping system and these items are covered by the HH chapter. In terms of protection of the coastal environment, this falls under s6(a) of the Act.</p> <p>River control, drainage limitations, and disposing domestic effluent in GEN-AC23.3 are all functions of regional councils and not under the jurisdiction of the Manawatū District Plan. Through the Horizons One Plan, the regional council manages discharges to land, air and water, and river and flood control.</p> <p>As GEN-AC23.4 is largely around the avoidance of fragmenting versatile land, the SUB-Subdivision chapter’s first objective SUB-O1, which seeks to protect the District’s versatile soils to ensure they can be used for a “wide range of options in future”. SUB-O1 and related policies SUB-P1 and SUB-P2 seek to protect versatile land from the effects of subdivision by ensuring that it occurs on lots of the appropriate size. This is considered to be sufficient policy guidance, making GEN-AC23.4 unnecessary.</p> <p>Overall there is sufficient Objective and Policy guidance within the existing Objectives and Policies throughout the District on the matters covered by GEN-AC23. On that basis GEN-AC23 should be deleted from the District Plan.</p>	
GEN-AC24	In relation to access, where common access to eight or more dwellings is to		Relevant policies are contained in the TR-Transport chapter in TR-P1.2 and TR-P2.2, which provides guidance for forming vehicle crossings	Delete GEN-AC24

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	be provided, this access must be a new legal road, to be formed to Council's standards.	according to Council's standards. SUB-Subdivision SUB-O7 ensures traffic flow and safety for new roads. In addition to being covered by the Transport and Subdivision objectives and policies, GEN-AC24 is almost exactly the same wording as standards SUB-ST13 (All Zones Except Maewa) and SUB-ST25.4. This creates a circular argument where, if the standard for eight or more dwellings is breached in the SUB standards, the AC requires that at the Discretionary Activity level anyway. This makes the Plan inefficient to use and difficult to implement. For these reasons, GEN-AC24 should be deleted from the District Plan.	
GEN-AC25	In relation to subdivisions within any of the <i>Growth Precincts</i> , that do not comply with the minimum lot size and/or minimum lot frontage standard in SUB-ST1:	The matters in GEN-AC25 are all matters that need to be provided in a consent application as required under Schedule 4 of the Act. The SUB-Subdivision chapter contains specific provisions that address the matters in GEN-AC25 as follows: SUB-P26 in its entirety seeks to manage subdivision and development in the Growth Precincts according to a suite of best-practice policies. The Matters in GEN-AC25 are generally covered through SUB-P26. As these matters have adequate policy guidance, they do not need repeating as an AC. SUB-P26.2 states "development recognises and responds to the topographical and physical features of the land". This policy guidance is sufficient for assessing Discretionary activities against these matters and does not need to be repeated through GEN-AC26.2.a. SUB-P26.10 provides for open space, recreation opportunities (local purpose reserves), esplanade reserves. This is considered to provide consent decision makers sufficient guidance and does not need to be repeated within GEN-AC25. SUB-P26.6 provides for a "range of residential densities", and SUB-P26.1 directs Plan-users to consider that "development is well-integrated and	Delete GEN-AC25 in its entirety
	GEN-AC25.1	The extent of non-compliance.	
	GEN-AC25.2	The design and outcome of the proposed residential block layout and local street network, including: GEN-AC25.2.a	
		The recognition of the topographic and physical features of the <i>site</i> and surrounds;	

		GEN-AC25.2.b	The provision of open space including retirement of steep hillsides, gully systems, <i>esplanade reserves</i> and local purpose reserves;	<p>coordinated”. It is unnecessary to reiterate these matters as AC through GEN-AC25.2.c.</p> <p>SUB-P26.5 provides for “key road linkages” for development. This is adequate policy guidance for this matter. Additionally, SUB-P26.7 provides for a “logical roading network” to make residential areas accessible. It is unnecessary to reiterate these matters as assessment criteria through GEN-AC25.2.b. SUB-P26.4 broadly identifies the importance of connecting with existing infrastructure to meet future demands. SUB-P26.7 addresses a functional roading network which also provides for accessibility in residential areas. Due to the guidance in these two policies, it is unnecessary to repeat these matters through GEN-AC25.2.e.</p>	
		GEN-AC25.2.c	The use of residential density that integrates into the landscape;	<p>SUB-P26.9 encourages character and amenity through providing for “neighbourhood focal points ... meeting points and centres for individual neighbourhoods”. SUB-P26.1 also considers the concept of character and amenity broadly through providing for “well integrated and coordinated” development. It is unnecessary to repeat the matters in these policies through GEN-AC26.3.</p>	
		GEN-AC25.2.d	The extent of through roads within the subdivision and linkages within the <i>Growth Precinct</i> ; and	<p>In terms of lot sizes, SUB-P26.6 requires that a range of residential densities are provided, including larger lots that can be intensified in the longer term. This existing policy is considered to provide sufficient guidance, without the need for GEN-AC25.4 to repeat the provisions.</p> <p>SUB-P26.4 addresses infrastructure, transport (roading) networks, and “any potential requirements for upgrading capacity to meet future demands” (current and anticipated future demand). Intensification is addressed through SUB-P26.6, which includes “larger lots which can be intensified in the longer term.” It is unnecessary to repeat the matters in these policies through GEN-AC26.5.</p>	
		GEN-AC25.2.e	The level of accessibility		

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			for future lot owners.	Overall there is sufficient objective and policy guidance within the District Plan that GEN-AC25 is recommended to be deleted.	
GEN-AC25.3	The character and amenity anticipated by the subdivision design using positive features of established <i>urban areas</i>				
GEN-AC25.4	The ability of larger lots (2,000m ² and greater) to be further subdivided in the future to a size and form that creates good quality outcomes.				
GEN-AC25.5	The provision of infrastructure and roading networks, for the current and anticipated future demand, including future intensification if larger lots are created.				