

SECTION 1.0 GENERAL INTRODUCTION

1.1 PURPOSE OF THE DISTRICT PLAN

The Hastings District Plan (the District Plan) provides the means for the people of the Hastings District to manage the effects of the use, development and protection of the natural and physical resources within the Hastings District. It guides and controls how land is used, developed or protected in order to avoid or lessen the impact of any adverse effects.

1.2 STATUTORY FRAMEWORK

1.2.1 RESOURCE MANAGEMENT ACT

The District Plan is prepared by the Hastings District Council in response to its obligations under the Resource Management Act 1991 (the Act). The District Plan includes Objectives, Policies and Methods to achieve the integrated management of the effects of the use, development or protection (as appropriate), of land and associated natural and physical resources of the Hastings District. The District Plan meets the statutory provisions of the Resource Management Act, particularly Sections 31, 75 and 76, and Part II of the Second Schedule. Section 31 sets out the functions that territorial authorities have in terms of how the Act is put into effect.

Part II of the Second Schedule gives more detail with regard to the functions established by Section 31, and emphasises that District Plans must be concerned with the effects of activities rather than the activities themselves.

Section 75 sets out the way a District Plan must address the matters identified in Section 31 and the Second Schedule. This section requires the District Plan to identify the resource management issues which face the community and the environmental outcomes they are seeking to achieve through the District Plan.

Section 76 allows a local authority, in achieving the objectives and policies of the District Plan, to carry out its functions under the Act, and to make rules to prohibit, regulate or allow activities.

1.2.2 SUSTAINABLE MANAGEMENT

The purpose, function and contents of District Plans are directed towards achieving the purpose of the Act, which is *'to promote the sustainable management of natural and physical resources'*. Section 5 of the Act defines sustainable management as:

'Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while -

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment"*.

Section 6 of the Act also places a duty on Council to recognise and provide for a range of matters of National Importance, and Section 7 identifies other matters which Council must have regard to in exercising its functions and powers under the Act. Section 8 of the Act requires Council to take into account the principles of the Treaty of Waitangi.

1.3 THE CONCEPT OF SUSTAINABILITY

1.3.1 GLOBAL CONTEXT

The Act introduces the concept of the sustainable management of natural and physical resources. The principle of sustainable management is recognised globally as being essential for the future of life on this planet, and has been defined by the World Commission on Environment and Development as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. The Act is New Zealand's response to the international challenge to 'think globally, act locally'. The District Plan is the Council's response to its obligations to sustainable management under the Act.

1.3.2 NATIONAL CONTEXT

District Plans are not intended to be developed in isolation to meet Councils obligations under the Resource Management Act 1991. The District Plan is influenced additionally by planning policies of other agencies and by other statutory initiatives such as:

- Local government reform and emphasis on accountability, consultation and performance
- Treaty of Waitangi
- Management plans and strategies prepared under legislation other than the Resource Management Act 1991
- National Environmental Standards in terms of natural resources
- National Policy Statements on matters of national significance (as provided for under Part V of the Resource Management Act 1991)
- Historic Places protection
- Iwi management planning

1.3.3 LOCAL CONTEXT

The District Plan is developed within a 20 year planning horizon, though it is required to be reviewed every ten years. The District Plan is an important document that is designed to enable the Council, and the community to work towards its long term vision for the Hastings District. The District Plan provides the environmental parameters within which the community and market place can make sound investment and development decisions.

The District Plan is an enabling document, designed to minimise rules and regulations, and encourage innovation and diversity in the use of the Hastings District's resources. It does not seek to direct development, but does have a role in ensuring that the market addresses the environmental impacts of its decision making, and is sensitive to the long term sustainability of the Hastings District's natural and physical resources. In preparing the District Plan the Council has been careful to ensure that the community has played a significant role in shaping the direction of the document. The Objectives, Policies and Methods reflect the Council's roles in establishing leadership for its community through the District Plan, responding to the comments, interests and concerns from the community and meeting the legislative framework of the Act, within which the District Plan operates.

1.4 RELATIONSHIPS OF THE DISTRICT PLAN WITH OTHER PLANS AND DOCUMENTS

1.4.1 The Act requires the integrated management of the environment. The District Plan alone cannot achieve a sustainable Hastings District. As such the District Plan forms part of a group of inter-related planning and policy. The intention of the Act is that all these plans and documents should work together to achieve the integrated management of natural and physical resources. While each Plan deals with the management of natural and physical resources, there is a requirement that District Plans must not be inconsistent with National Policy Statements or Regional Policy Statements and Plans. The planning and policy documents are discussed below. References to the Resource Management Act 1991, other Acts of Parliament, Statutory Regulations, National Policy Statements, Regional Policy Statements and Regional Plans were accurate at the time this Plan was approved for public notification on 11 November 1997.

1.4.2 NATIONAL LEVEL

At the National level the Act provides for:

National Policy Statements: which are intended to state policy on matters of national significance relevant to achieving the purposes of the Resource Management Act.

National Environmental Standards and Regulations: which are technical standards in the form of regulations with regard to the use, development and protection of natural and physical resources.

1.4.3 REGIONAL LEVEL

At the Regional level there are Policies and Plans produced by the Hawke's Bay Regional Council. These include:

Regional Policy Statement: which is a compulsory policy document which provides an overview of the resource management issues of the region and policies and methods to address the integrated management of the natural and physical resources of the whole region.

Regional Plans: which are optional and are intended to focus on particular issues and areas and to assist the Regional Council in carrying out their functions under the Resource Management Act.

The Hastings District Plan must be consistent with the intent of any Regional Policy Statement or Plan. The Hawke's Bay Regional Council has indicated matters of regional significance for which local authorities should have regard. These include waste discharges, soil loss, protection of the coast, air pollution, ecosystems, landscape features, natural hazards, energy use, waste management, transport, hazardous substances, and the built environment. The Regional Council is also concerned that development does not compromise the natural values of the coast and waterways. The sustainable use of our coastal environment and waterways is promoted by the Hawke's Bay Regional Coastal and Water Plans. The management of waterbodies and the management of discharges from land activities either to the air, ground or water, requires Council to have a working relationship with the Hawke's Bay Regional Council. These two Councils have established a clear understanding of the functions, duties and powers of each, and have established clear lines of demarcation.

Issues identified as being of regional significance also necessitate a level of integration with the District Plans of adjacent territorial authorities. Issues such as rural residential housing, urban expansion, transportation, industrial development and landscape features have impacts on the Napier City Council's District Plan, while coastal management and Tangata Whenua issues impact across all boundaries from Wairoa to Central Hawke's Bay.

1.4.4 LOCAL LEVEL

At the local level, the Act provides for:

District Plans: which is a compulsory policy document which provides an overview of the resource management issues of the Hastings District, and Objectives, Policies and Methods to achieve the integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the Hastings District.

1.4.5 OTHER PLANS

Section 74 of the Resource Management Act also requires the District Plan to take into account a range of other plans. These are discussed below.

(a) Strategic and Annual Plans

The Strategic Plan will be a long term visionary document which outlines the nature and direction that District growth and development is likely to take, over the next 20 years. It also establishes a vision of the type of community which the Hastings District's people would wish to see develop. Some elements of the Strategic Plan are reflected in this District Plan. However, a great deal of the Strategic Plan's vision is related to longer term development issues including socio-economic development and infrastructure planning. As such it is a complementary document providing a policy direction for matters which cannot be dealt with by this document. The Annual Plan is concerned with identifying the nature, scope and financing of the activities which the Council will undertake in the next year. This allocation of Council's financial resources is undertaken within a policy framework of objectives and policies which also form part of the Annual Plan. A number of the District Plan methods recognise the role of the Annual Plan. In addition a number of the District Plan's financial mechanisms are updated regularly through the Annual Plan.

(b) Iwi Management Plans

The development and adoption of Iwi Management Plans will, over time, provide a guiding document that Council can refer to when administering activities located within areas of iwi and hapu influence. Development Plans will also be formulated that will reflect the individual hapu/iwi aspirations, where there are particular differences between the various locations and Marae.

(c) District Plans of Adjacent Territorial Authorities

Hastings District shares territorial boundaries with five other local authorities. The most significant of these is with Napier City, which Hastings District encompasses. The common movement of people and goods between these two authorities and the proximity of industrial, residential and commercial centres means that the planning undertaken by each authority will have potential implications for its adjoining neighbour.

A number of the common boundaries in the Hastings District are water bodies. The management of land based activities in the water catchment, and the direct management of activities on the surface of water bodies requires some consistency to ensure that the goals and aspirations of both communities are achieved. Significantly different approaches to land management could lead to an overall lowering of environmental standards.

The Hastings District's Tangata Whenua also cover areas of Wairoa, Napier, and Central Hawke's Bay, in addition to the Hastings District. It is important for their rights and aspirations to be mutually respected by the different local authorities and for complementary provisions to be in place for the management of Papakainga, Waahi Tapu and Marae.

(d) Historic Places Register

The Historic Places Register which is established by the Historic Places Act 1993, lists buildings, places and sites which are of special or outstanding historical or cultural significance or value (Category I) and those of historical or cultural heritage (Category II). The Register can include buildings, sites, archaeological sites and waahi tapu. A copy of the Historic Places Register containing such sites located in the Hastings District is held by the Hastings District Council.

(e) Plans for Public Reserves

Within the Hastings District there are a number of Reserves administered under the provisions of the Reserves Act 1977. The appropriate use and development of such reserves is controlled by individual Reserve Management Plans that ensure any uses are consistent with the reserve's classification. The Reserves Act, which is primarily administered by the Department of Conservation, makes provision for the acquisition, control, management, maintenance, preservation, development and use of public reserves, and for public access to the coastline and countryside.

(f) Conservation Management Strategy and Conservation Management Plans

All natural and historic resources that are managed by the Department of Conservation are subject to Conservation Management Strategies and Conservation Management Plans formed under the Conservation Act 1987. Natural and historic resources include protected natural areas and walkways. Conservation Management Strategies are designed to implement general policies and establish objectives for the management of the natural and historic resources managed by the Department. Conservation Management Plans implement Conservation Management Strategies, and establish detailed objectives for the management of conservation assets.

1.5 THE HASTINGS DISTRICT PLAN

1.5.1 DISTRICT PLAN FORMAT

The Hastings District Plan has been prepared as a single document which brings together all the resource management issues facing the Hastings District. The document should be viewed as a whole so that the common themes and inter-relationships between various sections can be understood and appreciated. In the process of formulating this District Plan, the Council has been guided by a series of principles which were developed at the start of the process. Those principles state that the District Plan should, as far as practicable, be simple and concise, clear, community focused, acceptable, innovative and effective.

1.5.2 THE STRUCTURE OF THE PLAN

The District Plan consists of a three part structure as follows:

Part A Introduction and Strategies

Part A provides an overview of the Hastings District, its resources, and the key strategic directions established for these resources by the District Plan. These strategies are given effect through the objectives, policies, and methods contained in Part B of the District Plan.

Part B Implementation

The District Plan recognises that the effects of activity differ by location, intensity, and as a result of particular environmental characteristics. The District Plan introduces a range of Zones, Resource Management Units and District Wide Activities, to enable the effects of activities to be effectively and discretely managed.

- Land Use Activity Zones and Special Character Zones - The Hastings District is divided into a number of zones which are managed according to the different environmental outcomes that are being sought for each zone. Activities within the zones are managed according to the anticipated environmental effects, and the ability of the District Plan to avoid, remedy or mitigate these.
- Resource Management Units (RMU) - These provide objectives, policies and methods to address resource management issues which relate to specific sites or localities in the Hastings District. These units may occur across the Hastings District, irrespective of zones. Generally the RMU's modify the opportunity to generate particular effects, where these are likely to have a negative environmental impact on a particular RMU value. The provisions and rules of an RMU will have to be complied with first, before the relevant underlying zone or District Wide Activity rules shall apply.
- District Wide Activities (DWA) - These are specified activities that can occur across the Hastings District, irrespective of zones. Each activity has its own objectives, policies and methods to address the issues identified in the District Plan. Where a District Wide Activity is however, located in a Resource Management Unit, it will be required to comply first with the objectives, policies and methods of that Resource Management Unit. In determining Permitted Activity status, consideration has already been given to the effects of such activities on the relevant Objectives and Policies of the Plan. Applications for District Wide Activities which have Controlled or Restricted Discretionary Activity status and which require assessment against the Objectives and Policies of the Plan, will be assessed in terms of those Objectives, Policies and Methods for the District Wide Activity and for relevant Resource Management Units, which are relevant to the matters that the Council has retained control over, or restricted the exercise of its discretion to, but not in terms of the Objectives, Policies and Methods of the underlying zone.
- General Provisions - These cover provisions relate to Parking, Loading and Access, and Noise. These provisions manage effects which are generated by all activities carried out in the Hastings District, and provide a common policy and regulatory environment for these effects.
- Subdivision and Land Development - These are Objectives, Policies and Methods that specifically deal with subdivision and land development, reserves contributions, development levies and roading contributions.
- Designations - Designations identify land required for public works or projects. Once a designation is included in the District Plan, it overrides the zone provisions of that District Plan and any resource consent provided the land is being used for the designated purpose.
- Appendices - A number of Appendices are referred to throughout the District Plan. These Appendices are included at the end of the section to which they apply. These include inventories of special resources, and technical information pertaining to development standards, within the Hastings District.

Part C PLANNING MAPS

The Planning Maps cover each area on two facing maps: A and B.

Map A: identifies the zoning for the area and the Natural Hazards RMU if this applies.

Map B: identifies the additional planning controls that may exist on specific land parcels, including other Resource Management Units (RMUs), designations, historic buildings and waahi tapu for example.

1.5.3 HOW IS EACH SECTION OF THE DISTRICT PLAN STRUCTURED?

The individual sections of the District Plan have been structured to follow the same layout. This layout is described and explained in the table below:

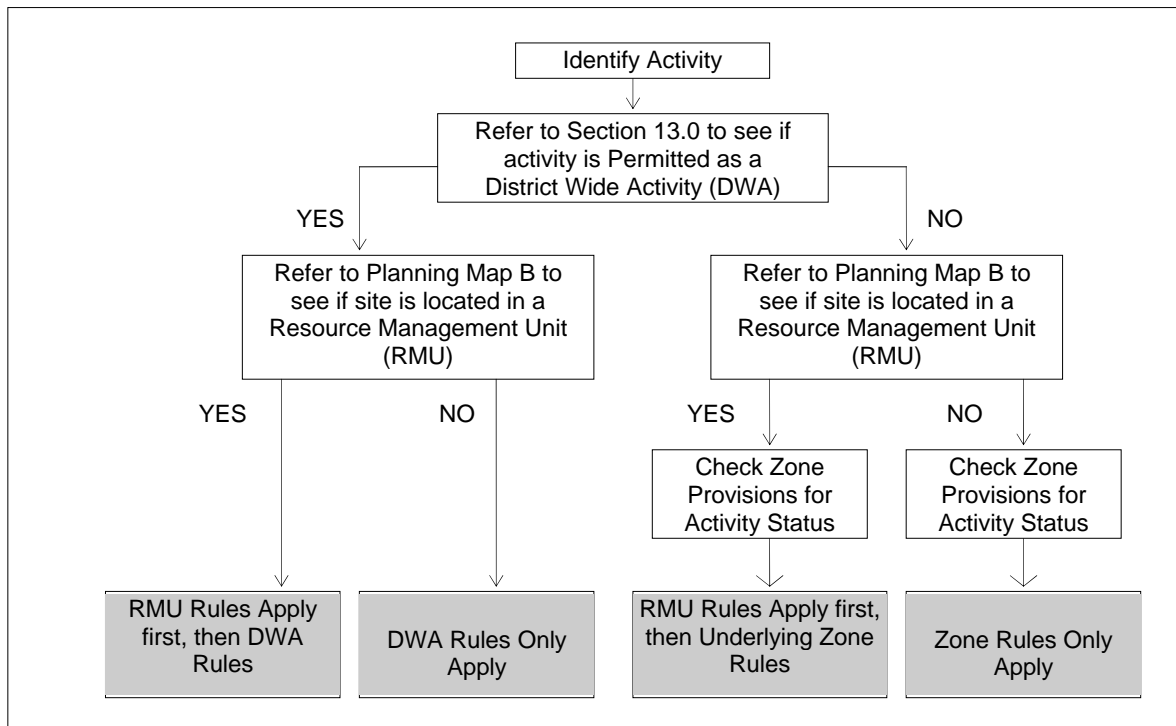
SECTION	PURPOSE
a) Introduction	Briefly discusses the resources and activities addressed.
b) Issues	Identifies the main issues, and how the community may wish to respond to these issues.
c) Objectives	Set out the direction the Council intends to take in relation to the issues, and the environmental outcomes it seeks to achieve
d) Policies	Identify the means by which the Objectives will be achieved.
e) Methods	The Methods used, or to be used, consist of: (i) Rules - the techniques that will be administered through the District Plan (ii) Other Methods - the methods to be administered outside of the District Plan, including other Acts administered by the Council and other agencies, non-regulatory methods such as education and Council services.
f) Anticipated Outcomes	The specific outcomes that are anticipated from the implementation of the Objectives, Policies and Methods. These are used for the purpose of monitoring and play an important role in understanding the consequences of the District Plan provisions.
g) Rules	Determine whether an activity is Permitted, Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited, to achieve the objectives and policies of the District Plan, and include Standards and Terms which activities must comply with, in order to protect the environment from adverse effects of activities. (i) Performance Standards and Terms - Measurable and specific restrictions on the effects of activities. There are General as well as Specific Performance Standards and Terms. (ii) Outcomes - allow the District Plan Standards and Terms to be interpreted in the context of what objectives are being sought. (iii) Assessment Criteria - Where there is a list headed 'Assessment Criteria' in this Plan that list constitutes the matters which the Consent Authority may exercise its control over (for Controlled Activities); and/or the matters to which the Consent Authority has restricted the exercise of discretion (for Restricted Discretionary Activities); and/or a non-exhaustive list of matters which the Consent Authority may assess the activity against (for Discretionary Activities).

1.5.4 HOW TO USE THE DISTRICT PLAN

This section identifies the steps to follow in using this District Plan. In determining if an activity is provided for by this District Plan or is provided for in a certain area, users should undertake the following steps.

1. If the activity is Permitted or Controlled, refer to the General, and where relevant, Specific Performance Standards and Terms to which it must adhere.
2. If the activity is a Controlled activity the District Plan will also contain Assessment Criteria for each activity. Assessment criteria may also be included for Restricted Discretionary and Discretionary activities.

3. In preparing a Resource Consent application for Discretionary or Non-Complying activities, reference should be made to the Performance Standards and outcomes, and the objectives and policies of the particular zone or Resource Management Unit. The application will then be assessed as to the requirement for notification and the necessity to obtain the consent of affected parties.
4. When an application is processed, the provisions of Section 104 and Section 105 of the Resource Management Act will be used, in addition to information on the assessment of effects on the environment and any other information provided, to assess the application.
5. Where consent is declined or the applicant is dissatisfied with the proposed conditions, there is a right of appeal to the Environment Court.



1.5.5 CLASSES OF ACTIVITIES AND RESOURCE CONSENTS

The following table summarises the types of activities described within the District Plan:

ACTIVITY	EXPLANATION
Permitted (Consent not required)	Permitted Activities are those which can proceed as of right, because they comply in all respects with relevant Standards and Terms (rules) specified in the District Plan. Where an activity does not comply with one or more of the relevant rules, the District Plan will indicate how it may be considered.
Controlled (Consent required)	Activities may, in some circumstances, have characteristics which can cause adverse impacts on the surrounding environment. To avoid this, in addition to the Standards and Terms (rules) specified in the District Plan, conditions may be placed on the consent in respect of the matters which Council has reserved control over. Resource Consent for Controlled Activities will be granted subject to the activity meeting the relevant Performance Standards and Terms (rules in the District Plan).
Restricted Discretionary (Consent required)	Restricted Discretionary Activities are those where Council has limited its discretion to particular matters, and retains a discretion to grant or refuse consent and impose conditions in relation to those matters only. Section 104 considerations or other matters derived from Part II or elsewhere are relevant only in relation to those matters. The Plan may also identify whether an application for a Restricted Discretionary Activity may proceed on a non-notified basis without the need for written approval from affected persons under Section 94 of the Act.
Discretionary (Consent required)	Where Council has not limited its discretion to particular matters and retains a general discretion subject to Section 104 of the Act. Council may grant or refuse resource consent for a Discretionary Activity and may impose conditions.
Non-Complying (Consent required)	Council has a discretion to grant or refuse consent, but must refuse consent unless it is satisfied that the adverse effects on the environment will be minor, or granting the consent will not be contrary to the Objectives and Policies of the District Plan. Conditions may be placed on the consent.
Prohibited	Applications cannot be made or granted for a Prohibited Activity because the adverse effects are deemed to be unable to be avoided, remedied or mitigated.

1.6 CROSS BOUNDARY ISSUES

Where any issue has been identified as a cross-boundary issue, Council will ensure that it consults with other affected local authorities at the time the appropriate District Plans are formulated or where an application for a resource consent is made.

Section 102 of the Resource Management 1991 Act makes provision for joint hearings where a proposal needs the consent of two or more territorial authorities. Procedure for such hearings and the relevant protocols are included in Councils Delegation registrar. The Council has established protocols with neighbouring Councils to enable matters which require consent from multiple Councils, to be heard together.

If activities within the Hastings District create a direct adverse effect on a neighbouring territorial authority, the Council will consult with the territorial authority, and may consider those effects in the formulation of financial contributions.