

PART 2 MANAGING THE DISTRICT'S RESOURCES

2.1 SUSTAINABLE MANAGEMENT

The overall purpose of the Resource Management Act 1991 ('the Act') is to promote the sustainable management of natural and physical resources; this means land, soil, water, built environment, plants and animals, air and energy resources.

In the Resource Management Act "sustainable management" means "*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 land, water soil and ecosystems; and*
- c. *Avoiding, remedying or mitigating any adverse effects of activities on the environment."*

Section 5 of the Resource Management Act must be read in conjunction with Section 6 which sets out matters of national importance, Section 7 which sets out other matters which regard must be had to and Section 8 which sets out obligations under the Treaty of Waitangi.

In terms of the Act the District Plan is the principal document by which the Council carries out its resource management role. But other documents will have an increasingly important role, hence the need to keep this Plan continually under review.

2.2 MANAGEMENT FUNCTIONS

Under Section 31 of the Act, the Franklin District Council has the following main functions in dealing with the management of resources, primarily through the District Plan:

- Developing and implementing objectives, policies and practical methods in order to achieve the integrated management of the effects of activities;
- Controlling any actual or potential effects of the use, development or protection of land. This includes minimising natural hazards such as coastal erosion, land subsidence and flooding, and controlling effects associated with hazardous substances;
- Controlling the subdivision of land;
- Controlling the emission of noise and mitigating its effects;
- Controlling any effects of activities in relation to the surface of water in rivers and lakes.

2.3 ACTIVITIES, EFFECTS AND THE ENVIRONMENT

Clearly, the Plan must recognise the link between *activities*, their *effects* and the *environment*.



Activities has a broad meaning. It includes but is not limited to the development or reshaping of land; modifying or removing the habitats of plants or animals; all building and demolition work; using land or buildings for residential, farming, business, social or other purposes; subdividing land; "industrial" processes; recreational and other activities on land or water; transport of goods and people; and also the actions of individuals related to any of these activities.

Effects is defined in the Act and is also wide-ranging. It includes things both positive and adverse; temporary or permanent; past, present or future; combined or cumulative over time; and of any scale, intensity, duration or frequency. It also includes effects of high probability, or of low probability with a high potential impact.

Environment includes:

- Natural and physical resources;
- People, communities and 'ecosystems' in general;
- Amenity *values* - being the natural or physical qualities and characteristics through which we appreciate the pleasantness and other attributes of an area; and
- The social, economic, aesthetic and cultural conditions affecting or affected by these aspects of the environment.

2.4 MANAGEMENT PROCESS

Resource management is a process. The process involves the following key steps:

- Gathering information on natural and physical resources and the environment;
- Analysis of information and study of the effects of activities;
- Development of "desired outcomes", objectives and policies;
- Monitoring and review of policies and methods; and at all stages
- Ongoing consultation with the community.

A fundamental part of the process is the preparation and notification of this District Plan.

The purpose of the District Plan is to assist the Council to carry out its functions to achieve the sustainable management of natural and physical resources. It is not the only instrument by which its statutory functions can, or will, be implemented.

2.5 OTHER METHODS

The practical implementation of the Council's resource management objectives and policies will be achieved through both rules in the District Plan and by other methods outside the District Plan. For example, the Council aims for its Environmental Objectives to use both "financial incentives" (rates relief; "Environmental Lots" and "education" methods (informing the public of good stewardship practices).

Most 'other' methods can be implemented through the Annual Plan which allocates the necessary finances to carry them out.

The Annual Plan process will also be an important instrument where objectives and policies are aimed at enhancing the environment, as opposed to protecting or safeguarding it. This is because significant enhancement or improvement of the environment often involves large capital sums.

It is anticipated that other Plans, for instance Council's *Strategic Plan* now under preparation, and Iwi Management Plans, will provide greater assistance in the management of resources during the term of this Plan.

The Council will strive to use the most efficient and effective method for achieving each of its resource management objectives.

2.6 CROSS BOUNDARY ISSUES

The District shares a common boundary with Manukau City and Papakura District to the North and Waikato District to the South. As well Franklin is within two regions, the Auckland Region to the north and Environment Waikato to the South. In some instances it is likely that resource management issues will cross territorial boundaries. Where this occurs early consultation with the other agencies is important to ensure a consistent approach. This is particularly important in the coastal environment where the effects of activities may cross the coastal marine boundary and therefore consultation will be required with both the appropriate Regional Council and the Department of Conservation.

Where applications are made for the same activity at both a Regional and District level the issue of whether or not to hold a joint hearing will be determined after consultation with the applicant and relevant Regional Council.

2.7 DISTRICT PLAN APPROACH

This is the first District Plan prepared by Franklin District Council under the Resource Management Act 1991.

This single Plan replaces the five separate *District Schemes* inherited from the former Borough and County Councils. In doing so it seeks to provide a single new set of resource management provisions that apply consistently to all rural and urban areas in the District.

In preparing this first District Plan the Council has been guided by the following principles:

2.7.1 EFFECTIVE MANAGEMENT OF RESOURCES

The management of activities, primarily through "zoning" and subdivision rules, is justified in order to manage the environmental impacts of activities that will, if inappropriately located, have an adverse effect on the natural and physical resources of the District and indirectly, or cumulatively, on its people and communities.

2.7.2 MINIMISING UNNECESSARY REGULATION

Significant costs, in terms of time and financial resources, can be incurred by both applicants and the Council as a result of unnecessary regulation.

The Resource Management Act 1991 has done a great deal to facilitate the cost-effective processing of 'non-conforming' proposals. This Plan makes use of the new activity types and 'non-notification' provisions that can be specified to further streamline resource consent processing.

This Plan has also minimised the number of different management areas (zones) that will apply to the District. All zones are based on an effects-based management system. However the Business Zone and Recreation Zone and to an extent Part 15 are different from the rest in that they do not include lists of activities but rely instead on performance standards.

2.7.3 PROVIDING CERTAINTY

In preparing the District Plan the Council has endeavoured to provide legal certainty as well as familiarity and clarity for the public.

People should clearly and easily be able to establish whether they can do a particular activity in a particular location; what consents, if any, will be required; what information they need to supply to the Council; and on what basis or assessment criteria a decision will be made.

2.7.4 CUMULATIVE EFFECTS

The Act requires the Plan to consider effects which arise over time, or which in combination with other effects would produce an adverse (cumulative) effect. While an individual proposal may not have a significant impact, that same proposal repeated over time or in a "sensitive" locality may well have adverse consequences.

Examples where the cumulative effects of activities could be adverse include indiscriminate urban development of elite land or prominent landscapes; concentrations of household septic tanks in low lying areas and areas with low soil infiltration rates; increased flows of stormwater runoff due to urban development in stormwater sensitive catchments; or "ribbon" development on a visually prominent length of coastline.

The Plan will control the effects of activities in circumstances where the combined or cumulative effects of subdivision, landuses, buildings or developments could be adverse for a locality or a resource, and where the Plan's strategic aims justify firmer management.

2.7.5 CONSULTATION

This is an ongoing exercise. There has been a wide range of consultation to date, but not all issues have been worked through in depth. Council seeks to continue the dialogue, to improve understanding, to share information, and to reach negotiated solutions wherever possible. All parties can benefit from this process.

2.7.6 A PRECAUTIONARY APPROACH

There is a lack of information relating to many of the natural and physical resources in the District. Without adequate data bases it is difficult to make accurate assessments about the effects of activities on resources, let alone the dynamics and interrelationships of resource use, development or protection. Some of the District's resources are of national and international importance. The community must understand the competing pressures on resources, and the respective roles of Regional and Central Government in managing them.

Where there is insufficient information available regarding particular resources or uncertainty as to the nature of effects likely to occur, the Council has taken a precautionary approach in managing the use, development or protection of those resources or activities.

2.7.7 PLAN REVIEW

This Plan once operative is not required to be reviewed under the Resource Management Act for a further 10 years. Given the rapid pace of change in society today it is unrealistic to expect a document conceived and written today to accurately reflect the concerns of the future. The Council therefore proposes to continually review this document, particularly in the light of its monitoring responsibilities.

At the same time any person may request a change to the District Plan. The request shall be in writing and shall explain the purpose of, and reasons for the proposed change. The request shall also describe any environmental effects anticipated from implementation of the proposed change. Part II of the First Schedule of the Resource Management Act sets out the process and the requirements for such requests.

2.7.8 SUMMARY

At any point in time the Council's information bases and justification for its policies will be incomplete. During the term of this first District Plan the Council will improve both the quantity and quality of information on resources and effects of activities. This will aid consultation and information sharing, and enable policies and rules to be more focused. This in turn will bring greater certainty and the potential for greater flexibility. The Plan can be changed to reflect these various needs for more effective and efficient resource management.

| |
|----------------------------------|
| 2.8 DISTRICT PLAN CONTENT |
|----------------------------------|

2.8.1 ISSUES TO RESULTS

In accordance with Section 75 of the Act the District Plan identifies the different aspects of Franklin's environment, including resources and "amenities", and states the significant resource management issues or concerns of the District. These may only be of significance in the short term, but usually they have longer term implications which are not readily appreciated. These issues are summarised in Part 3.0.

The Plan states objectives, outlining statements of a desired environmental outcome and policies, outlining how the Council will achieve those objectives as well as how adverse effects are to be dealt with. Where necessary the Plan states the methods to be used to give effect to the policies.

The Plan also states the environmental results which are to be anticipated from the objectives, policies and rules (or other methods) of the Plan.

The Plan explains further, or gives reasons for the objectives and policies chosen, and in some cases outlines the alternative methods available to give effect to them.

2.8.2 MANAGEMENT AREAS

The District Plan acknowledges that there are locations and areas where particular resources and activities predominate. In turn there are different types and levels of effects and environmental amenity.

Because different resources and different levels of amenity are found throughout the District, there is a need for different management techniques to be used. Where these techniques need to be confined to identifiable areas, the District Plan defines Zones, Management Areas, and Special Policy Areas.

Rules and other methods are used to control those effects of activities that could *adversely affect* or damage the resources or amenity values of defined areas.

The following Zones are identified in the District Plan:

| | |
|--------------|---|
| Rural Areas: | Rural Coastal Wetland Conservation Forest Conservation Village Village Business Zone Rural Countryside Living Zone |
| Urban Areas: | Residential Tuakau Industrial Tuakau Industrial Services Business Waiuku Industrial Waiuku Industrial Services Rural-Residential Residential 2 Light Industrial Industrial 2 |

| | |
|----------------|---|
| Special Zones: | Aggregate Extraction and Processing Iron and Steel Production Kingseat Special Mauro (Waikato North Head) Mining Motorway Service Motorway and Rural Service Recreation Timber Processing Queen's Redoubt Heritage Zone |
|----------------|---|

Superimposed over the zones are Management Areas or Policy Areas, which are used to deal with specific issues, objectives, and policies pertinent to defined areas and which cross zone boundaries:

| | |
|-------------------|--|
| Management Areas: | Awhitu Rural Central Rural Hunua Rural Hunua Forestlands Southern Rural Waikato River Tasman Coastal Manukau Harbour Seabird Coast |
| Policy Areas: | Pukekohe Hill Special Pukekohe North-East Growth Area |

2.8.3 STANDARDS

Within the Zones development and performance standards have been used to establish:

- The *status* of activities in terms of being *Permitted, Controlled, Restricted Discretionary, Discretionary, or Non-complying*, and therefore whether a resource consent needs to be obtained to do those activities. (Refer to Appendix One for an explanation of these activities);
- The establishment and ongoing performance of an activity.

The standards must be sufficiently precise to establish, with legal certainty, the status of an activity at any point in time.

2.8.4 DISTRICT-WIDE MATTERS

There are a number of resource management issues that are not confined to geographically determined management Zones, for example "Transportation" and "Conservation". Parts 4.0 to 15.0 of the District Plan deal with these issues. They are to be read in conjunction with the zones and Policy Areas: Their rules are to be complied with in addition to those of the Zones; and their objectives and policies are partly achieved through the policies and methods stated in the various Rural, Urban and Special Management Zones.

2.9 REGIONAL POLICY STATEMENTS AND REGIONAL PLANS

The resource management functions of Regional Councils are set out in Section 30 of the Resource Management Act. These functions include developing objectives and policies relating to the integrated management of the region's natural and physical resources and the effects of the use, development, or protection of land which are of regional significance. Regional Councils are also responsible for soil conservation, including controlling land disturbance activities which have the potential to discharge elevated levels of sediment into water bodies and coastal waters, control of the coastal marine area, maintenance and enhancement of water quality, water quantity control, discharge of contaminants, natural hazards and hazardous substance control.

Section 63 of the Resource Management Act allows a Regional Council to produce a Regional Plan which can set rules relating to these functions. A resource consent may be required from the Regional Council for any activity over which the Regional Councils have control including land disturbing activities such as earthworks and roading.

| |
|--|
| 2.10 AUCKLAND REGIONAL GROWTH AND LAND TRANSPORT AND LAND USE INTEGRATION |
|--|

2.10.1 LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

The Local Government (Auckland) Amendment Act 2004 directs all local authorities in the Auckland region to change their Resource Management Act planning documents to give effect to the Growth Concept in the Auckland Regional Growth Strategy and to integrate the land transport and land use provisions, so that matters specified in Schedule 5 are contributed to in an integrated manner. Those matters are:

- (a) Providing increased certainty in the assessment of resource consents, designations, and plan changes related to transport and urban form, and ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency, and liveability in the Auckland Region; and
- (b) Managing transport and transport infrastructure, facilitating a multimodal transport network, and facilitating integrated transport management; and
- (c) Reducing adverse effects of transport on the environment (including improving air and water quality, reducing noise and stormwater, improving heritage protection and reducing community disruption and transport land use), and reducing the adverse effects and increasing the positive interactions of transport and land use; and
- (d) Supporting compact sustainable urban form and sustainable urban land use character, and values of urban form and design); and
- (e) Integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the Auckland Regional Policy Statement, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.

This District Plan shall give effect to Section 40 of the Local Government (Auckland) Amendment Act (2004) through the significant resource management issues and other provisions provided in 2.10.4 and 2.10.5.

For the purposes of the Local Government (Auckland) Amendment Act 2004, these provisions shall also apply to that part of Franklin District within the Waikato Region.

2.10.2 THE AUCKLAND REGIONAL POLICY STATEMENT

As a result of the Local Government (Auckland) Amendment Act 2004 Schedule 1 was introduced to Change 6 of the Auckland Regional Policy Statement. Schedule 1, in conjunction with Appendix H of Change 6, signals that Pukekohe Town Centre should have minimum dwelling and employment densities, and that Pukekohe is a Future Urban Area with additional 'greenfields' growth. The planning horizon is public notification by 2010.

2.10.3 THE AUCKLAND REGIONAL GROWTH STRATEGY

The Auckland Regional Growth Strategy was adopted in 1999 "to ensure growth is accommodated in a way that meets the best interests of the inhabitants of the Auckland Region". The Auckland Regional Growth Strategy manages growth by promoting quality, compact, contained urban environments. It directs most growth towards existing urban areas, and encourages re-development of town centres along major passenger transport routes to promote higher residential densities and a mix of activities that are well integrated with

transport facilities. New greenfield development is contained in identified growth areas in the north, south and west of the region. Growth in rural areas is to be accommodated within the limits of existing rural and coastal settlements, with any expansion of these settlements occurring in a carefully controlled manner.

2.10.4 THE SOUTHERN SECTOR AGREEMENT

The launch of the Auckland Regional Growth Strategy was accompanied by the signing of a Memorandum of Understanding between the members of the Auckland Regional Growth Forum. The Memorandum of Understanding ensures a consistent and integrated approach is taken by members in the implementation of the Growth Strategy. It commits members to the development of sector-based agreements (being based upon geographical sectors in the region) to assess how local growth issues are to be addressed and how development in each of the sectors is aligned with the Auckland Regional Growth Strategy. The sector planning approach provides for flexibility to address local issues, while at the same time ensuring that the vision, outcomes and principles of the Auckland Regional Growth Strategy are met.

Franklin District Council is part of the Southern Sector Agreement which includes Manukau City Council, Papakura District Council and the Auckland Regional Council. The Southern Sector Agreement ensures issues are dealt with in a comprehensive and integrated manner and that cross boundary effects are taken into account in the development of growth management approaches. It establishes the manner in which allocated growth capacities in the Auckland Regional Growth Strategy for the sector can be accommodated in appropriate locations, form, and sequencing.

2.10.5 THE GROWTH CONCEPT

Issue

Growth can occur in ways which result in natural and community environments which adversely affect the ability of individuals and communities to provide for their wellbeing.

Objective

Growth occurs in a manner which results in desirable communities, good accessibility and a high quality natural and physical environment.

Policy

Growth is managed in a way that gives effect to *compact, contained and integrated communities*. Key features of this policy for Franklin District include:

- i. Where the urban growth of Franklin's settlements occurs, it should result in a compact, contained form to avoid inappropriately spreading the effects of urbanisation over a greater area. Intensification should be given emphasis over urban expansion, although expansion may be necessary at times to provide sufficient residential and business land capacity and locational choice.
- ii. The majority of growth should be accommodated in the rural and coastal settlements identified in **Schedule A**.
- iii. Good design, appropriate to the circumstances, is employed to create the high quality urban and rural amenity that is an integral component of liveable communities, creating a sense of place, identity and community within an area, and to provide for the needs of pedestrians, cyclists, motor vehicles and passenger transport systems.

- iv. The development of more intensive local employment, commercial and town centres in Franklin's settlements is supported in a way that enhances the opportunity people have to access local services, while maintaining and enhancing the character and amenity of settlements.
- v. Areas for greenfield development should provide a range of residential densities, with an identifiable centre and sufficient population to support a range of services.
- vi. Growth should be managed to protect or enhance environmental values in existing urban areas and leave less urbanised catchments as natural as possible, and enabling further urbanisation to occur first in partially urbanised catchments and catchments with low environmental values, rather than in highly valued catchments.
- vii. Growth should be managed in a manner that avoids, remedies or mitigates conflicts or incompatibilities (including reverse sensitivity effects) between new land use and both existing or planned regionally significant infrastructure. For the purposes of this policy "planned regionally significant infrastructure" is regionally significant infrastructure which is the subject of a Notice of Requirement, designation or resource consent, or which otherwise has statutory planning approval.

| Schedule A – Rural and Coastal Settlements Accommodating the Majority of the District's Growth | |
|---|--------------|
| Main Town | Pukekohe |
| | Waiuku |
| | Tuakau |
| Town | Clarks Beach |
| | Pokeno |
| | Kingseat |
| Key Villages | Patumahoe |
| | Buckland |

Methods of Implementation of Policies

Statutory and Non-Statutory methods including:

- District growth studies
- Design guidance
- Southern Sector Agreement
- Town/Structure plans
- District Plan changes
- Infrastructural asset and open space planning
- Council development activities
- Advocacy

2.10.6 LAND TRANSPORT AND LAND USE INTEGRATION

An efficient transport system is vital to the prosperity of the Auckland Region and to the well-being of Aucklanders. Transport and land use are closely interrelated. Transport systems can service growth and development and can also facilitate future development patterns.

The integration of land use and transport planning is vital. Enabling growth without sufficient provision for suitable transport, and planning transport networks which do not adequately service anticipated growth, both lead to a range of undesirable outcomes for communities.

The Auckland Regional Land Transport Strategy outlines the requirements for an affordable, integrated, safe, responsive and sustainable transport system able to cope with the demands of the growing numbers of people living and working in the Region and supporting the land use patterns promoted by the Auckland Regional Growth Strategy. The District Plan's objectives, policies and methods are the means by which land uses are managed to ensure that they are supportive of the transport systems.

The Auckland Regional Growth Concept anticipates a shift in land use patterns towards a more compact urban form which focuses growth in more intensive mixed-use centres and where appropriate along corridors. More intensive development can support a greater range of local services and facilities, increase the opportunity for safe walking and cycling and help support passenger transport systems by bringing people closer to the main routes.

It is acknowledged that, where access cannot be met conveniently, efficiently, effectively or practically by public transport, nor by viable walking or cycling options, transport options will remain limited and people will continue to use private motor vehicles for many of their travel needs. However, a reliance on private motor vehicle transport can be reduced by encouraging urban forms that support other transport modes.

Business activities that are best suited to locate and develop in town centres, should be enabled to do so within those areas. Some commercial activities outside of identified town centres have the potential to create adverse effects of both local and strategic (or wider) significance. These include effects on the transport network, nearby living environments, economic effects on existing town centres (where such effects would be of a scale that they affect the function and amenity of such centres), and also in terms of reverse sensitivity effects where an agglomeration of retail activity in an industrial area places pressure on permitted industrial activities to reduce their level of effects.

There is a range of business activities, including a limited range of retail (particularly large format retail) activities which due to form, scale or customer base are ill-suited to locate in town centres. These include activities that require extensive land, have noxious emissions, contribute to reverse sensitivity problems and create adverse effects on the environment.

Issue

Failure to closely integrate land use and land transport initiatives can compromise the efficient and effective functioning of the transport network, including limiting the ease of movement for pedestrians, cyclists, motor vehicles and the viability of passenger transport systems.

Objective

To achieve integrated land transport and land use which supports quality, compact and contained towns and rural and coastal villages, and facilitates integrated transport management and a multi-modal transport network.

Policy

Develop and implement integrated land transport and land use provisions, consistent with Schedule 5 of the Local Government (Auckland) Amendment Act (2004). Key features of this policy for Franklin District include:

- i. Ensuring the efficient and effective functioning of an interconnected transport network in the urban and rural environments, including facilitating opportunities for passenger transport systems and local pedestrian and cyclist activity.
- ii. Supporting towns and villages in their role as key transport nodes through the integration of retail, employment, residential and community activities with appropriate transport infrastructure.
- iii. Ensuring areas of greenfield development provide connections to and integrate with the transport infrastructure of existing towns and villages, providing for motor vehicle, pedestrian and cyclist activity and connecting to passenger transport systems.
- iv. Reducing the adverse effects of transport on the environment through the efficient use, management and development of transport infrastructure and systems.
- v. Integrating transport systems into land use planning at an early stage of the structure plan process by using an Integrated Transport Assessment process to highlight and address relevant matters.

Methods of Implementation of Policies

Statutory and Non-Statutory methods including:

- District Plan changes
- Transport planning, including planning for walking, cycling and passenger transport systems
- Southern Sector Transportation Study
- Advocacy.

[INTENTIONALLY BLANK]