

INTRODUCTION



Description of the District

The New Plymouth District was formed in 1989 as a result of the reorganisation of the New Plymouth City, North Taranaki District, Inglewood District and Clifton County councils into a new territorial local authority under the Local Government Amendment Act 1989.

Covering 2324.26 km², the district is one of the largest by geographic area in New Zealand, and stretches from the Mokau River in the north to the Hangatahua (Stony) River in the south and inland as far as the summit of Mount Taranaki/Egmont and Tariki.

The district's population is 68,901 (NZ Census 2006).

The New Plymouth District is comprised of the New Plymouth urban area (including Bell Block), and the towns of Waitara, Inglewood, Urenui, Okato and Oakura, together with a number of smaller settlements including, Lepperton, Egmont Village and Onaero.

There are five tribal (or IWI) areas located throughout the district. These include:

- Ngati Tama.
- Ngati Mutunga.
- Ngati Maru.
- Te Atiawa.
- Taranaki.

Only one IWI area, that of Ngati Mutunga, lies entirely within the district, with the ROHE (boundaries) of the other four IWI extending beyond the COUNCIL'S boundaries. The IWI are recognised as having a special relationship as the kaitiaki of the New Plymouth District. The focus for IWI and HAPU life continues to be the MARAE although not all HAPU in the district have their own MARAE.

The district has a varied landscape and caters for a wide variety of land uses. These are influenced by the coastline and Mount Taranaki/Egmont (height

2,518m). Only approximately five per cent of the district's land area is used for urban purposes with the remaining area being rural in nature.

There are two distinct types of natural landform in the rural area:

- The area of the flat to rolling Mount Taranaki/Egmont ring plain.
- The eastern hill country consisting primarily of steep erodable valley/ridge topography.

The ring plain is comprised of brown volcanic soils sloping from the mountain to the coast with the vegetative cover being predominantly pasture. By contrast the eastern hill country consists primarily of steep erodable valley/ridge topography with a large proportion covered in indigenous bush.

Rural land use is dominated by the traditional pastoral activities of dairy, beef and sheep farming. There is, however, a growing trend towards more intensive farming activities in areas of animal husbandry, horticulture and forestry.

The district is well endowed with energy resources. The large petrochemical plants at Motunui and in the Waitara Valley, established in the early 1980's, convert natural gas into methanol and synthetic petrol, the bulk of which is exported through Port Taranaki. Oil and gas exploration is ongoing within the district.

In the west the district is characterised by its extensive coastline and several RIVERS that connect to the sea. Located in the west is the New Plymouth urban area, the largest urban community in the district with a population of 49,278 (NZ Census 2006). The urban settlements of Oakura and Urenui are also situated along the coastline. These are popular fishing and holiday destinations that show substantial increases in population during the summer period.

STATE HIGHWAYS 3, 3A and 45 link the district by ROAD with other centres. The Marton-New Plymouth Railway line provides rail linkage beyond the district. Port Taranaki, at New Plymouth, is one of the largest (in terms of total tonnage handled) ports in New Zealand and is the only deep-water port on the west coast of the North Island. New Plymouth Airport, near Bell Block, provides second and third tier air transport passenger and freight links to other parts of New Zealand.

The ROAD, rail, sea and air transport routes facilitate commercial activity within the district, including tourism and the importation and export of goods. As the closest city to Mount Taranaki/Egmont, New Plymouth also provides services and activities for domestic and international visitors. The city has a large renowned entertainment venue - the Bowl of Brooklands - and a number of well-featured parks, gardens and reserves.

The district's population is expected to increase at a modest rate, estimated at approximately 1.4 per cent per annum, over a 10 year planning period. The general pattern of current land use is expected to endure over the planning period.

However, the demand for houses is influenced primarily by changing household demographics. The average number of people per household is declining. As a result the household growth rate is expected to increase at a greater rate than the population growth rate. The Framework for Growth (March 2008) predicts that the number of households will increase at an average rate of 250-300 per year.

Plan Development Process

This plan has been developed pursuant to the requirements of the Resource Management Act 1991 and replaces the five sections of the New Plymouth District Transitional Plan. The five sections of the Transitional Plan being replaced are:

Section I

New Plymouth City excluding Bell Block and Glen Avon: *Operative 1 January 1990.*

Section II

Bell Block and Glen Avon: *Operative 18 March 1991.*

Section III

Former North Taranaki District: *Operative 1 January 1992.*

Section IV

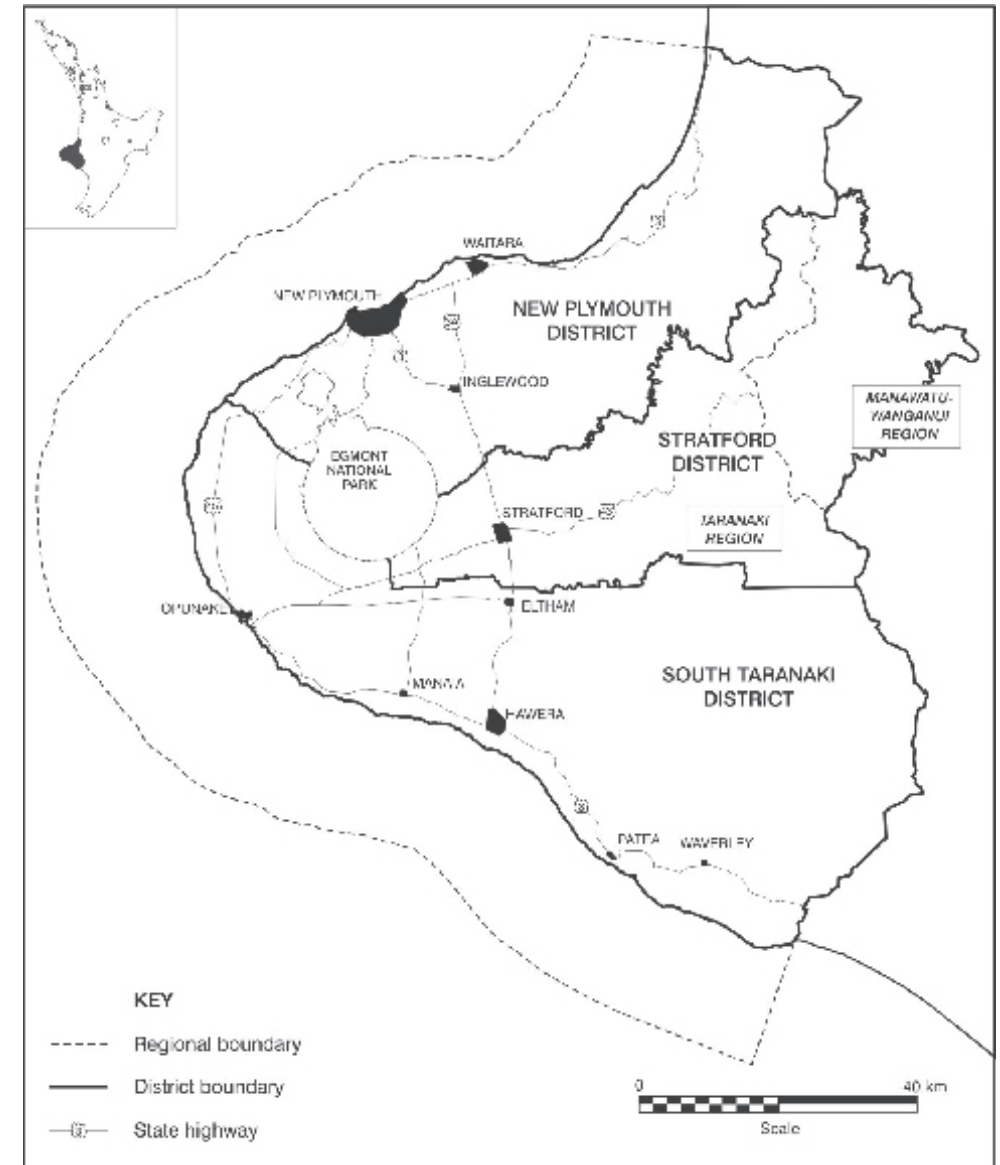
Former Clifton County: *Operative 1 December 1984.*

Section V

Inglewood Area: *Operative 1 December 1992.*

Rather than being a consolidation of the transitional plans, the Resource Management Act 1991 has provided an opportunity to take a new and comprehensive approach to land use planning in the district.

Figure 2: Boundaries of the New Plymouth District



Source: Taranaki Regional Council

The plan development process has involved the identification of the significant resource management issues of the district, both current and anticipated, and the management of those issues using the methods proposed within the plan.

Using a variety of consultative means, community input has helped to significantly shape this planning document. Community comment and submission has been sought in respect of an Issues Discussion Document (June 1993), 15 Issues Papers (1994-95) and 13 Technical Papers (1995-97).

Consultation with the IWI of the district, primarily through MARAE-based hui, has been undertaken. In addition consultation has been undertaken with specific stakeholder groups on matters relating to landscape and views, INDIGENOUS VEGETATION, heritage BUILDINGS and items, NOTABLE TREES, exotic forestry and horticulture.

Commencement

The planning period, and therefore the life of the plan, is 10 years. The District Plan became operative on 15 August 2005.

Jurisdiction

The plan covers that area of land located landward of the Mean Low Water Springs mark and within the boundaries of the New Plymouth District shown on Figure 2.

Statutory Framework

Purpose and Principles

Section 5 of the ACT (the ‘purpose’) and sections 6, 7 and 8 (the ‘principles’) establish the overall framework and direction for resource management in the district.

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

- (2) *In this 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 wellbeing 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.*

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *The protection of recognised customary activities.*

7 **Other Matters**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

- (a) *Kaitiakitanga*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon.*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy.*

8 **Treaty of Waitangi**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Functions of District Councils

The ACT sets out the functions, powers and duties of central, regional and territorial government. The major functions of territorial authorities are set out in section 31 of the ACT:

31. Functions of territorial authorities under this Act-

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use,*

development, or protection of land and associated natural and physical resources of the district:

- (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - (i) *the avoidance or mitigation of natural hazards;*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *Repealed:*
 - (d) *The control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *Any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

Duties and Restrictions

Use of land

Section 9 of the ACT specifies restrictions on the use of land. The ACT is permissive in that the use of land is not restricted unless it contravenes a rule in a regional or District Plan. Where this is the case, a resource consent for that activity is required.

Within a District Plan, land includes the surface of water in any lake or RIVER but does not include the bed of any lake or RIVER nor the coastal marine area.

Use of land under section 9(4) includes:

- “...
- (a) *Any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the land; or*
 - (b) *Any excavation, drilling, tunnelling, or other disturbance of the land; or*

- (c) Any destruction of, damage to, or disturbance of, the habitats of plants or animals in, on, or under the land; or
- (d) Any deposit of any substance in, on, or under the land; or
- (da) Any entry on to, or passing across, the surface of water in any lake or river, or
- (e) Any other use of land- and “may use” has a corresponding meaning.”

The rules in this plan relate to the above activities. Each activity has a number of parameters with specified standards, conditions and terms. For an activity to be permitted ‘as-of-right’, the conditions for a permitted activity, as specified in the rules tables, must be met. Where an activity does not meet the relevant conditions, a resource consent from the COUNCIL is required and the standards and terms specified in the rules tables determine what kind of consent is required, how it is assessed and what conditions may apply.

If you meet all the relevant conditions for your activity, it is permitted.

Existing use rights

Where an activity that was established prior to this plan being notified would now contravene a rule, in this plan that activity will have existing use rights provided that:

- The use was lawfully established prior to notification; and
- The effects of the use are the same or similar in character, intensity and scale to those that existed prior to notification.

There are also provisos where activities have been discontinued for a period of time (refer to section 10 of the ACT for the full text).

Existing use rights mean that an activity can continue to operate in contravention of the plan without the need for a resource consent, providing the requirements listed above continue to be met.

In addition to these requirements, for activities on the surface of water to have existing use rights, they must apply for a resource consent within six months of the rule in the plan becoming operative (refer to section 10A of the ACT).

Land uses established prior to notification of the plan may have existing use rights.

Subdivision of land

Section 11 of the ACT specifies restrictions on subdivision. Unlike land uses, unless a rule in a plan allows subdivision as-of-right, a resource consent is required from the COUNCIL.

Within this plan, subdivision always requires consent from the COUNCIL. How the subdivision is assessed, and the conditions placed on it, depend on whether the standards and terms for the relevant parameters are met or not.

Subdivision of land requires consent from the COUNCIL under all circumstances.

District Plans

The preparation of a District Plan is mandatory under the ACT and must state:

“... ”

- (a) The objectives for the district; and
- (b) The policies to implement the objectives, and
- (c) The rules (if any) to implement the policies.

The District Plan may state:

- (a) The significant resource management issues for the district; and
- (b) The methods, other than rules, for implementing the policies for the district; and
- (c) The principal reasons for adopting the policies and methods; and
- (d) The environmental results expected from the policies and methods; and
- (e) The procedures for monitoring the efficiency and effectiveness of the policies and methods; and
- (f) The processes for dealing with issues that cross territorial authority boundaries; and
- (g) The information to be included with an application for a resource consent; and
- (h) Any other information required for the purpose of the territorial authority’s function, powers, and duties under this Act.

A district plan must give effect to:

- (a) Any national policy statement; and
- (b) Any New Zealand coastal policy statement; and
- (c) Any regional policy statement.

A district plan must not be inconsistent with:

- (a) A water conservation order; or
- (b) A regional plan for any matter specified in section 30(1).

In addition a District Plan must not be inconsistent with:

- Any national policy statement or the New Zealand Coastal Policy Statement.
- Any water conservation order.
- The regional policy statement.
- Any regional plan.

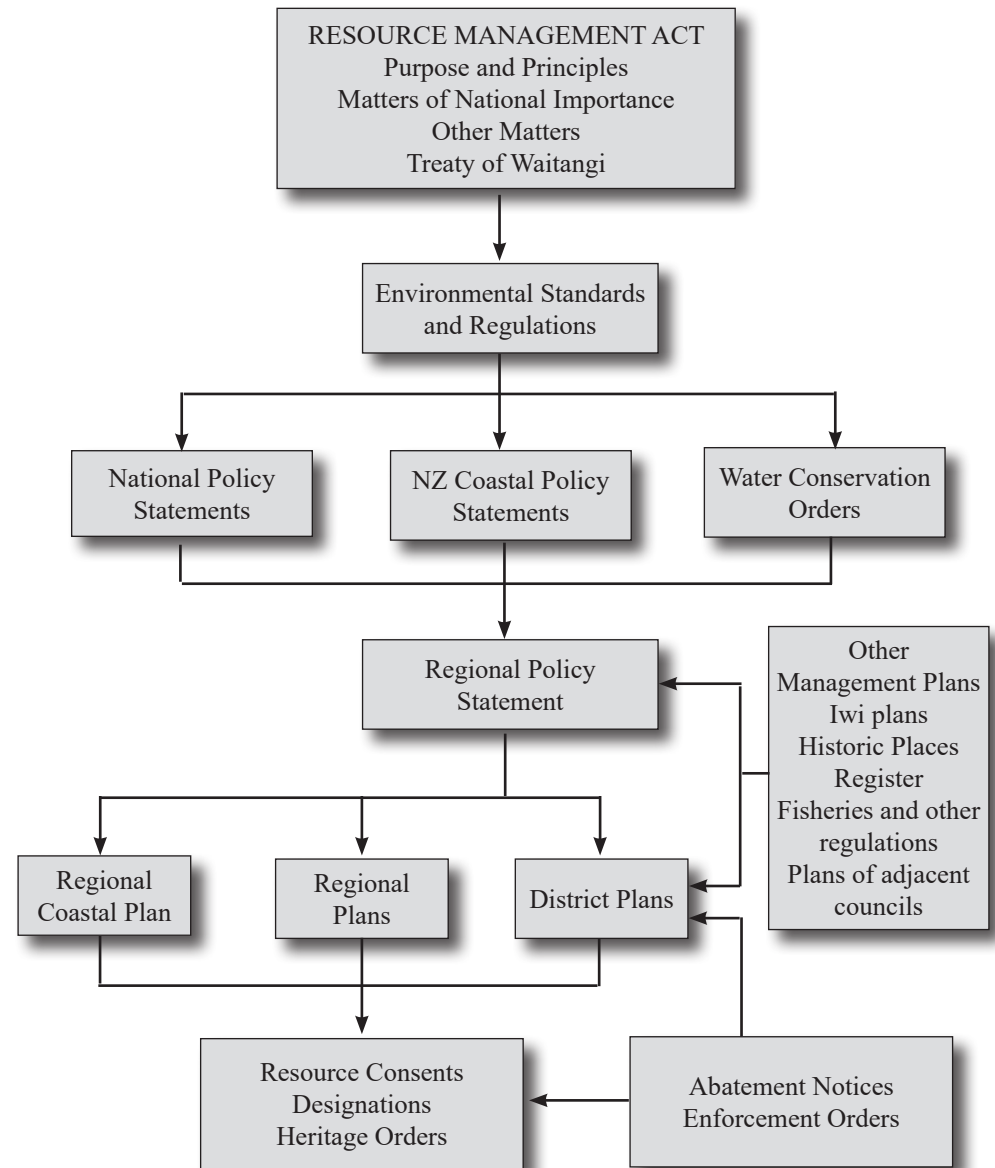
Refer to section 75 of the ACT for the full text. Section 76 specifies the requirements for rules. Part II of the Second Schedule to the ACT sets out those matters that may be provided for in District Plans.

Section 74 of the ACT sets out those matters that a territorial authority must have regard to in preparing or changing a District Plan:

“(2)...

- (a) Any-
 - (i) Proposed regional policy statement; or
 - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
- (b) Any-
 - (i) Management plans and strategies prepared under other Acts; and
 - (ii) Repealed.
 - (iii) Relevant entry in the Historic Places Register; and
 - (iii) Regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations of bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),- to the extent that their content has a bearing on resource management issues of the district; and

Figure 3: Hierarchy of planning instruments and processes established under the Resource Management Act 1991



- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must –*
 - (a) *take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and*
 - (b) *recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.”*

The COUNCIL cannot take into account trade competition.

Other Documents

Land Information Memorandum

A land information memorandum (LIM) may be obtained from the COUNCIL in respect of any property. It is a means of ascertaining information held by the COUNCIL in respect of land and development and can assist in planning the use of a SITE and preparing resource consent applications. A fee is payable for a LIM.

Design Guides

Design guides are often referred to in this plan as a non-regulatory method. They will be produced over the life of the plan and will sit outside of this plan, i.e. they will not be compulsory, but will be used to assist the community to achieve the desired outcomes in a practical manner.

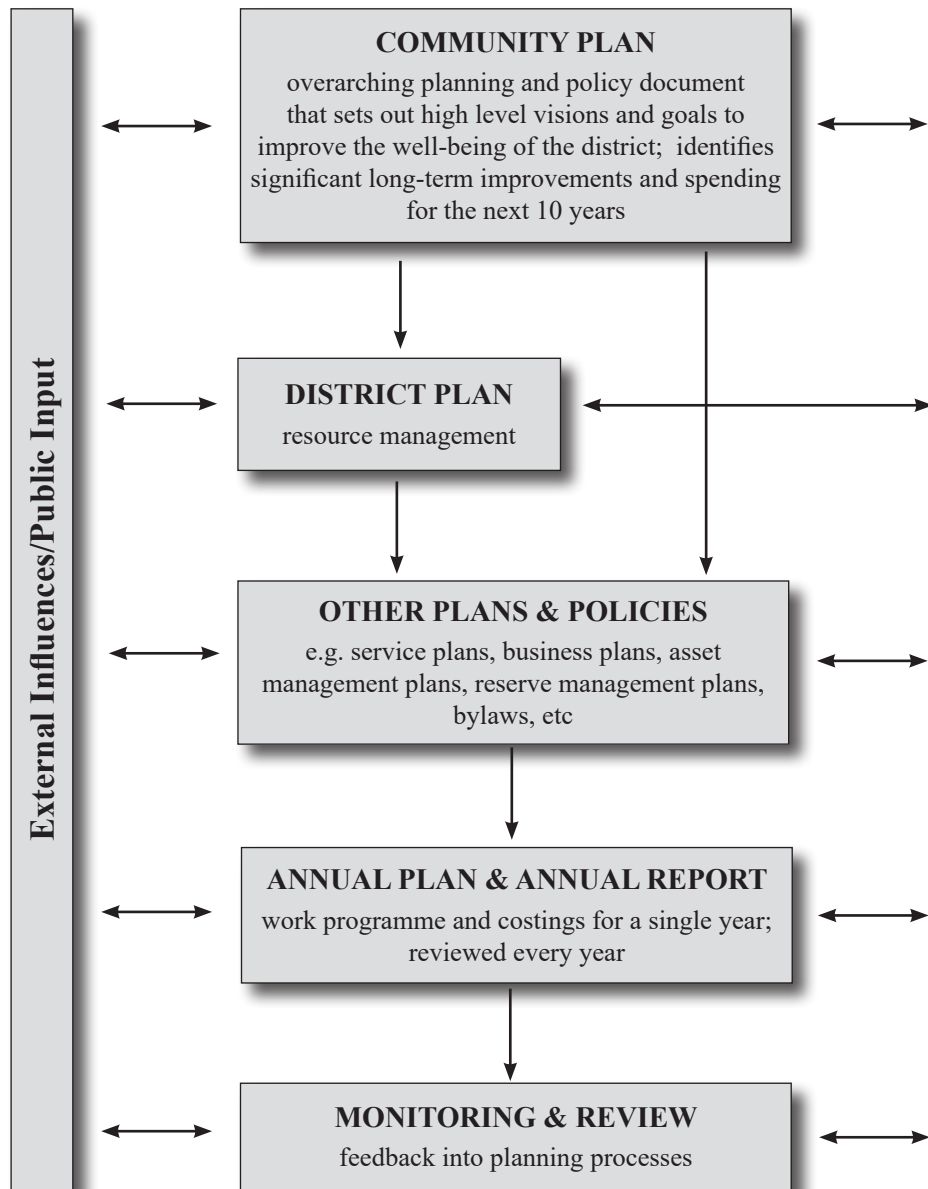
New Zealand Standards

The New Zealand Standards Association publishes a variety of documents on a wide range of subjects. These documents have been used to formulate rules and may be referred to when assessing any application for resource consent or imposing conditions of consent.

Industry Guidelines, Agreed Standards and Codes of Practice

The COUNCIL has its own adopted Land Development and Subdivision Infrastructure Standard and a number of industry groups and associations also publish codes of practice or industry guidelines or standards relating to their spheres of interest. These documents have been used to formulate rules and may be referred to when assessing any application for resource consent or imposing conditions of consent. Undue repetition of guidelines, standards and codes of practice has been avoided.

Figure 4: Relationship with other New Plymouth District Council planning documents



Updated December 2009 (update 5k)

Role of Other Agencies

Taranaki Regional Council

Taranaki Regional Council has a wide range of functions under the ACT (refer to section 30 of the ACT for the full text) including:

- Establishment of objectives, policies and methods for the integrated management of natural and physical resources.
- Control of the use of land for the purposes of soil conservation, water quality and quantity, avoidance or mitigation of natural hazards.
- Control (in conjunction with the Minister of Conservation) of the use of the COASTAL MARINE AREA (refer to the ACT for a definition) under section 12 of the ACT.
- Control of the use of water (including taking, damming and diversion) under section 14 of the ACT.
- Control of the discharge of contaminants into land, water or air under section 15 of the ACT.
- Control of the use of the beds of RIVERS and lakes under section 13 of the ACT.

In order to achieve these functions, the regional council has prepared a number of documents. These documents are reviewed from time to time and include:

- Regional Policy Statement for Taranaki.
- Regional Air Quality Plan for Taranaki.
- Regional Coastal Plan for Taranaki.
- Regional Fresh Water Plan for Taranaki.
- Regional Soil Plan for Taranaki.

The Regional Policy Statement provides “an overview of the resource management issues of the region and policies and methods to achieve the integrated management of the natural and physical resources of the whole region”

(section 59 of the ACT). The regional plans outline issues, objectives, policies and methods for each of their subject areas and may include rules.

In addition to any requirements under this District Plan, a resource consent may be required from Taranaki Regional Council.

Transit New Zealand

Transit New Zealand (TNZ) was established on 1 October 1989 by the Transit New Zealand Act 1989. This Act states that the primary objective of TNZ is:

“To promote policies and allocate resources to achieve a safe and efficient land transport system that maximises national economic and social benefits”.
(section 5)

TNZ controls the STATE HIGHWAY system including planning, design, supervision, construction and maintenance, and undertakes:

- Physical works on the ROAD and in the ROAD reserve.
- Strategic planning and input to planning documents.
- Control of access to STATE HIGHWAYS.
- Licences and agreements for the use of the highway.
- Efficiency and effectiveness monitoring.

This involves:

- Purchase of additional land for ROAD improvement.
- Statutory provisions (e.g. limited access ROAD provisions).
- Bylaw provisions (e.g. restrictions on SIGNS on legal ROADS).

Section 51 of the Act empowers TNZ to control all works within the legal ROAD.

The Act establishes a partnership between TNZ and the COUNCIL for the purpose of *“providing planned and orderly development of New Zealand’s land transport system”*¹.

¹ Transit New Zealand (1994). Highway Planning under the Resource Management Act 1991

New Plymouth District Council will consult with TNZ on any application that has the potential to affect the operation of the STATE HIGHWAY network.

Where a new VEHICLE ACCESS POINT is required on a LIMITED ACCESS ROAD, TNZ is the consent authority.

Heritage New Zealand Pouhere Taonga

Heritage New Zealand Pouhere Taonga is a Crown entity operating under the Heritage New Zealand Pouhere Taonga Act 2014. Their general functions are:

- To identify, record, investigate, assess, register, protect and conserve WAAHI TAPU, historic places and areas, to furnish information, advice and assistance, and to advocate for their conservation and protection.
- To foster public interest and involvement in historic places and areas.
- To manage, administer and control all historic places, BUILDINGS and other property owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it.

Heritage New Zealand Pouhere Taonga also has some specific roles under the Resource Management Act 1991, principally sections 93 and 94 (which relate to non/notification of applications for resource consent) and section 187 (which relates to heritage orders and heritage protection authorities).

As a statutory body given the responsibility to promote the conservation and protection of New Zealand’s cultural and historical heritage, Heritage New Zealand Pouhere Taonga must be notified of applications in relation to heritage and heritage orders.

New Plymouth District Council will notify Heritage New Zealand Pouhere Taonga of all applications that affect the cultural and historic heritage of the district.

Consent is required from Heritage New Zealand Pouhere Taonga to damage, destroy or modify an ARCHAEOLOGICAL SITE (in terms of the Heritage New Zealand Pouhere Taonga Act 2014).

The Civil Aviation Authority

The Civil Aviation Authority is a Crown entity with statutory functions under the Civil Aviation Act 1990. The primary function is specified as “to undertake activities which promote civil aviation safety and security at a reasonable cost” (section 72B). Under this primary function, the authority is also charged with (in summary):

- Establishing, monitoring and reviewing safety and security standards for the civil aviation system.
- Investigating and reviewing civil aviation accidents.
- Maintaining a registry of information regarding the civil aviation system, including a registry of aircraft.
- Collecting and providing aeronautical information and advice and education programmes.

Where an activity is undertaken within the AIRPORT FLIGHT PATH SURFACES shown in this plan, a resource consent may be required for the activity. In any event, developers should check Diagrams 11.1 and 11.2 (Appendix 11) within the appendices to this plan and, where their activity penetrates the notification surface, notification to the Director of Civil Aviation is required.

Where any object penetrates the notification surface (refer to Diagrams 11.1 and 11.2, Appendix 11) within the AIRPORT FLIGHT PATH SURFACES, the Director of Civil Aviation must be notified.

The object may be required to be marked or lit.

Ministry of Agriculture and Forestry

The Ministry administers the Forests Amendment Act 1993. The purpose of this Act is to “*promote the long term sustainability of indigenous forests by regulating their management for the production of timber and the maintenance of natural values*”². The Act lists specific mechanisms to achieve sustainable use, including controls on milling and export of indigenous timber.

² Ministry of Forestry (1993). [A guide to the Forests Amendment Act 1993](#)

The Act does not control clearance of indigenous forest for the conversion of land to alternative uses or cutting firewood for domestic use (provided a sawmill is not used). However, landowners who wish to harvest timber from indigenous forests for milling do require approval from the Ministry. Depending on a number of factors, including the type and quantity of timber milled, a Sustainable Forest Management Permit or a Sustainable Management Plan may or may not be required.

Landowners wishing to harvest timber from indigenous forests should contact the Ministry of Agriculture and Forestry to ensure the Ministry’s requirements are met.

Ministry of Commerce

The Ministry administers the Crown Minerals Act 1991. Under the Act:

“No person may prospect or explore for, or mine, Crown owned minerals in land unless the person is the holder of a permit granted under the Act which authorises the holder to do so, or is authorised to do so by the holder of such a permit in accordance with the permit, or is otherwise authorised to do so under this Act,”

A permit under this Act is not required where minerals are not owned by the Crown.

A permit may not be required:

- If a landowner or occupier takes minerals from their land for personal use (i.e. not commercial use) on their land provided that the minerals concerned are not already the subject of a permit.
- For use of sand, shingle, or natural other material taken from the bed of a RIVER or lake or from the COASTAL MARINE AREA unless the person is prospecting, exploring or mining minerals that are a component of those minerals.

This does not preclude the need to obtain consent under the Resource Management Act 1991.

Removal of minerals from the ground may require a mining permit under the Crown Minerals Act 1991, in addition to any consent required under the Resource Management Act 1991.

Developers wishing to extract minerals should:

- Check whether the minerals are owned by the Crown (Land Information New Zealand may be able to assist), and
- Where minerals are owned by the Crown, check with the Ministry of Commerce to ascertain whether a mining permit is required.

Ministry of Health

Under the Burial and Cremation Act 1964, old burial grounds and cemeteries are not permitted to be sold, leased or used for any other purpose. This Act is administered by the Ministry of Health, and Taranaki Healthcare act as designated officers on the Ministry's behalf.

If a person or organisation wishes to sell, lease, build on or use a burial ground for any other purpose, permission needs to be granted by obtaining ministerial approval. No such approval is available for a cemetery.

Any use of burial grounds and cemeteries requires approval from the Minister of Health.

Department of Conservation

The functions of the Department of Conservation are set out in section 6 of the Conservation Act 1987. They include:

- Managing land and other resources held under the Conservation Act.
- Preserving, as far as is practicable, all native freshwater fisheries and protect freshwater habitats and recreational fisheries.
- To advocate for the conservation of natural and historic resources generally and promote their benefits to present and future generations.

- To foster the use of natural and historic resources for recreation and allow their use for tourism, where these uses are not inconsistent with conservation.

The Resource Management Act 1991 provides an avenue to the department for its advocacy role.

The COUNCIL will consult with the Department of Conservation where land administered by the department is affected and for advice.

Plan Changes

Section 73 of the ACT allows for the COUNCIL to change a District Plan. This section also allows any person to request the COUNCIL to change a District Plan. The procedures to be followed for a change to be instigated are identified in the First Schedule of the ACT.

