

8. General

8.1 Activities Not Specifically Provided For

Explanatory Statement

Activity lists are used in the District Plan to provide certainty. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed shall, therefore, be treated as non-complying. In assessing non-complying activities specific regard will be had to the objectives and policies of the Plan and the ability of an activity to meet the performance standards for the zone. Where appropriate, Section 94 of the Act regarding limited notification and Section 93 of the Act regarding non-notification of applications shall be used.

8.1.1 Rule

Any activity not specifically referred to in the District Plan shall require a resource consent for a non-complying activity.

8.2 Temporary Activities

Explanatory Statement

Temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and activities incidental to a building or construction project are frequently in use within the District and should be provided for with appropriate controls.

Other temporary activities such as bazaars, military training exercises, carnivals, trade fairs, public meetings, concerts and conventions occur intermittently within the District and should also be provided for with appropriate controls. Provision for these activities subject to performance standards recognises that in some circumstances exemptions from specific requirements are the only practical solution.

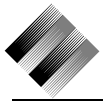
8.2.1 Significant Issues

8.2.1.1 Temporary activities can produce adverse effects such as noise, dust, visual impact and traffic generation affecting the amenity of the District on a short term basis.

8.2.2 Objectives and Policies

8.2.2.1 Objective

The amenity of the District is not compromised unduly by the adverse effects of temporary activities.



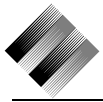
8.2.2.2 Policy

Mitigate the adverse effects of temporary activities taking into consideration the scale and duration of activities.

8.2.3 Rules

8.2.3.1 Permitted Activities

- (a) In any zone temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and activities incidental to a building or construction project, but only for the duration of that project or a period not exceeding 12 months whichever is the lesser.
- (b) In the rural, rural-residential, future urban and residential zones temporary ablution and storage sheds on sites on which no dwelling has been erected for a period not exceeding two years.
- (c) In any zone activities which fall within the definition of "places of assembly" and which:
 - (i) do not exceed three consecutive days in duration plus 2 additional days, one day for setting up prior to the event and one day to tidy up afterwards;
 - (ii) do not occur more than 6 times in any calendar year, nor more than twice in any calendar month;
 - (iii) do not involve the open air use of motorised vehicles (other than those vehicles used for transport to and from the site) unless the prior written consent of all adjoining neighbours is obtained including any neighbours on the immediate opposite side of an adjoining road, except that motorsport events held on public roads and public reserves are exempt from this rule (they are addressed through separate legislation);
 - (iv) comply with the requirements of Section 13 (Amenity) and Section 18 (Access and Parking but excluding Rule 18.3.1(m)) of this District Plan.
- (d) Portable sawmilling of trees grown on the subject property in the Rural G or Rural H Zones.
- (e) Sale of goods by Hawkers Licences under Council Bylaws relating to temporary, mobile activities on District roads.



- (f) In any zone temporary military training activities involving air, sea and road transport where: the written consent of the owner of the property has been obtained; the activity is limited to a period not exceeding 31 days; the activity does not require the construction of permanent structures; the activity does not require earthworks or excavation (mechanical or permanent) unless provided for elsewhere in this Plan, and flying activity is in compliance with civil aviation regulations or in agreement with local controlling authority.

8.2.3.2 Discretionary Activities

- (a) Carnivals, trade fairs, bazaars, conventions, public meetings not otherwise permitted and to be operated on a temporary and/or intermittent basis.
- (b) Within the rural, rural-residential, future urban and residential zones temporary buildings for hobby pursuits such as the construction of a boat, caravan or other structure not intended for commercial gain.

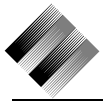
8.2.3.3 Activity Performance Standards

- (a) The relevant zone activity performance standards and general provisions shall be met by all permitted activities and shall be used as a guide for all other activities. Any permitted activity which fails to comply with any of these standards shall be deemed a discretionary activity for the particular non-compliance.
- (b) **Discretionary Activity Criteria** - The assessment and control of effects shall take into account:
 - (i) the duration of the activity.
 - (ii) scale of the activity.
 - (iii) access.
 - (iv) parking.

8.3 Activities on the Surface of Water

8.3.1 Activities on the surface of water are variously controlled by the District Council, Regional Council, and Maritime Safety Authority. The Regional Council is primarily concerned with environmental issues (water quality), allocation of water (taking), structures that affect the bed of the waterway, and in some instances navigation and safety. The Marine Safety Authority is concerned with navigation and safety of activities.

8.3.2 In this District Plan, rivers and waterways are zoned as with the surrounding land. Any controls administered by the District Council shall be those of the zone in the District Plan that covers the respective water body.



8.4 Status of Roads

8.4.1 As well as being able to be designated, roads are provided for as activities within zones. Existing District roads are permitted activities and new District roads are controlled activities in all zones but exclusive of Identified Significant Ecological, Landscape and Heritage Features and Public Reserves (see 17.3.1(aa) and (ab)).

8.4.2 The rules for roads are within Section 17 and provision has been made for a limited number of network utilities and works within the legal formed road.

The District Plan does not permit other activities within formed roads. Notwithstanding this Council may issue Hawkers Licences to temporary, mobile activities on the public road but not State highways.

8.4.3 The state highways and proposed deviations/bypasses have been designated by Transit New Zealand. The Plan also provides for new State Highways as discretionary activities in all zones exclusive of the Identified Significant Ecological, Landscape and Heritage Features and Public Reserves. Transit New Zealand will in the future have the choice of the designation or discretionary activity procedures.

8.5 Underlying Zoning of Designations

Subject to the provisions of the Act, designated land that is to be used for any activity other than provided for by the designated purpose shall only be used in accordance with the underlying zoning for the land.

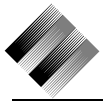
The underlying zoning of the designated land shall be the zone immediately adjoining the designation.

Where a designation runs across a number of zones and there is doubt as to the underlying zoning at some point or position of the designation, then the Council will assign the zoning which is predominant in that locality or area.

8.6 Protection Incentives

Explanatory Statement

Financial incentives are an effective method for achieving resource management objectives. However the incentives need to be more attractive than the rates rebate system that realises \$5 to \$50 p.a. per covenanted protection lot. Because the features being protected are deemed to be of value to the community it is appropriate that the community contributes to their protection.



Conversely, where the community is contributing to preservation of particular features, public access may be provided where this is consistent with the values being protected, the values of the host communities and adjacent landowners. Furthermore it should only be provided for with the consent of the property owner.

Use of the Protection Lot Rule for rural subdivision allows an extra lot over and above the number of lots that would normally be allowed. This is a significant incentive in its own right negating the need to offer additional incentives to the respective landowner. Public funds must be spent wisely and should be distributed equitably and as widely as possible. Incentives are proposed for fencing, covenanting and maintaining features. Annual grants are also proposed for particular heritage features such as notable trees and historical buildings.

8.6.1 Significant Issue

Without adequate incentives, a wide range of ecological, landscape and heritage features are under threat of loss or degradation.

8.6.2 Objectives and Policies

8.6.2.1 Objective

Provision of an incentive strategy to encourage the protection of features of significance to the community.

8.6.2.2 Policies

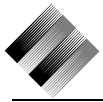
- (a) Encourage property owners to protect features of significance to the community.
- (b) Where appropriate, public access to protected features should be provided.
- (c) Financial and subdivision incentives should only be offered where other benefits relating to the same feature have not been received.

8.6.3 Rules

Provide an incentive through the use of a Protection Lot rule for rural subdivision. (See 2.3.5(s).5).

8.6.4 Other Methods

- 8.6.4.1 Council will use its Annual Plan and Budget to allocate financial grants to the owners of land occupied by features that have been or are to be formally protected by covenant or other appropriate means.



- 8.6.4.2 Application fees shall be waived for resource consents related to identified significant features that would otherwise be a permitted activity.

8.7 Information Required with Applications

Note: See also Section 15.3.7 for information to be submitted with applications for subdivision consent.

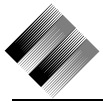
The following information (as applicable) shall be submitted with any application for a resource consent.

- (a) A completed standard Council application form and check list.
- (b) A statement specifying all other resource consents required from any other consent authority and whether or not such consents have been obtained or applied for.
- (c) the known historical use of the site, including any history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots.

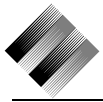
If so, soil testing may be required to confirm that the land is fit for increased exposure to humans. Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the explanatory note for soil acceptance criteria in rule 15.3.7.2 (l)) shall be used to establish this. In addition, if deemed necessary by the report, remediation of the hotspot or area concerned may be necessary depending on proposed future use of the area. Ministry for the Environment Contaminated Land Management Guidelines shall be used to guide the remediation requirements.

The Hazardous Activities and Industries List (referred to in the Ministry for the Environment Contaminated Land Management Guidelines) lists uses which could have contaminated the land. If Council is satisfied the land has no history of activities involving uses from that list, soil testing shall not be necessary.

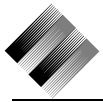
- (d) A description of the subject site including:
 - location and adjoining road (with a location plan where appropriate).
 - legal description (with title references).
 - existing uses and buildings.
 - topography and vegetation.



- extent and nature of any filled areas or any areas subject to erosion, landslip, inundation or other natural hazards.
 - description of any identified significant features, registered archaeological sites, or any other features considered to be of value to the community.
- (e) A description of the activity for which consent is sought, including:
- nature of the activity and any processes involved.
 - location of and means of access to the site.
 - nature and extent of likely traffic generation.
 - provision for on site parking, loading, and vehicle manoeuvring.
 - number of people employed and to be catered for.
 - number of animals or poultry involved.
 - any proposed earthworks.
 - existing or proposed landscaping.
 - proposed hours of operation.
 - location, size, and function of any proposed signs both on or off the site.
 - any proposed staging of the development.
 - any hazardous substances or installations involved, including the discharge of any contaminants.
- (f) The subjects of water supply, wastewater and stormwater reticulation and disposal are to be addressed and where these are to be provided a detailed description on how this is to be achieved is required. Aspects such as source of supply, discharge points, quantities likely, other resource consents required and the location of any waterways, wetlands and ponding areas shall be addressed in the report.
- (g) An analysis of the suitability of the site for the proposed activity, having regard to the foregoing clauses (c), (d), and (e).
- (h) Identification of any tangata whenua or Treaty of Waitangi issues.



- (i) Identification of persons consulted, including those whose written approvals to the proposed activity have been obtained (such approvals to be submitted with the application on the standard Council form).
- (j) An assessment (in accordance with the Fourth Schedule of the Act) of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied, or mitigated. The assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.
- (k) Two full size original scale copies and one A4 reduced copy of each of the following plans illustrating the proposal shall be submitted, such plans to comprise:
 - a location plan of the site showing road name, street number, north point and scale.
 - a site plan of the property (at a scale of not less than 1:200) showing:
 - north point and scale;
 - site boundary lengths and other dimensions in metres;
 - location with distances to site boundaries, of all existing buildings which are to remain on the site and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandahs);
 - proposed use of each building;
 - position of any easement over the site;
 - position, location and dimensions of every parking and loading space and the proposed access and manoeuvring areas;
 - proposed retaining walls, excavations and landfill;
 - levels on the site boundaries and around any buildings, contours of the site unless the site has a uniform grade of less than 1 in 10;
 - existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - water courses and drainage and sewerage pipes and other utility services within the site; and



- the means proposed to deal with all stormwater and sanitary drainage.
- a floor plan of each building (at a scale of not less than 1:100) showing use of all parts of the building, including basements, parking, storage or service areas.
- elevations of each building (at a scale of not less than 1:100) showing:
 - external appearance of the building including doors and windows;
 - number of floors and their proposed use;
 - building heights and height in relation to any boundary;
 - relative height of new buildings fixed in terms of the definition of height as set out in this District Plan;

Further information may be required from an applicant pursuant to Section 92 of the Act where the Council considers it to be necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be avoided, remedied or mitigated.

8.8 Consent of Affected Parties – Controlled Activities

8.8.1 Rule

In the case of a resource consent application for a controlled activity, the written approval of affected persons is not required and no person is required to have notice served on them unless the District Plan specifically states otherwise.

