

24 GENERAL PROVISIONS

24.1 PROVISION FOR ACTIVITIES

24.1.1 Classes of Activities

For each zone identified in this Plan there is a set of rules affecting land use activities. The status of all land use activities is specified for each zone. Activities are described as being one of the following classes of activity, according to the degree of adverse effects expected to result:

Permitted These activities are allowed without the need for a resource consent if they comply in all respects with the performance conditions specified for them.

Controlled These activities require a resource consent. They shall be granted consent provided they comply with the standards and terms specified for them. They will be assessed according to the specific matters listed in the Plan over which Council has reserved control. Council may impose conditions in respect of those matters over which it reserves its control.

Limited Discretionary These activities require a resource consent. They may be granted or refused consent. Council will restrict the exercise of its discretion, in granting or refusing such applications, to a specified range of matters. Council will limit its consideration of the merits of such activities to the restricted matters specified in the Plan. Council may impose conditions in respect of the matters to which it has restricted its discretion.

Discretionary These activities require a resource consent. They may be granted or refused consent. There is no restriction on Council's discretion to grant or refuse or to impose conditions of consent. Council will be guided by the objectives, policies, and rules of the Plan and the requirements of the Act in considering and deciding upon any such application.

24.1.2 Existing Activities/Existing Use Rights

It should be noted that the Act includes provisions which enable certain existing activities to continue to operate provided their character, intensity, and scale do not significantly alter. Where doubt exists as to the status of any existing activity, the Act must be consulted to clarify the position.

24.2 CRITERIA FOR NOTIFICATION OF RESOURCE CONSENTS

24.2.1 Controlled Activities:

Council may require the written approval of any person who Council considers may be adversely affected by the granting of the resource consent unless Council considers it is unreasonable, in the circumstances, to require the obtaining of every such approval.

Applications for resource consent will not be publicly notified where no written approval is required and the proposal complies with the conditions and terms for that activity.

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Applications for resource consent (subdivisions) need not be publicly notified and the written consent of neighbouring property owners need not be obtained where any subdivision is a permitted or controlled activity.

Applications for resource consent will not be publicly notified where every required written approval is obtained and the proposal complies with the conditions and terms for that activity.

24.2.2 Limited Discretionary Activities, and Discretionary Activities

Council may require the written approval of any person who Council considers may be adversely affected by the granting of the resource consent unless Council considers it is unreasonable, in the circumstances, to require the obtaining of every such approval.

Applications for resource consent will not be publicly notified where no written approval is required or where every required written approval is obtained.

24.2.3 Special Circumstances

Notwithstanding the above provisions for non-notification of applications, where Council considers that special circumstances exist in relation to any application, it may require the application to be notified.

24.3 REQUIREMENTS FOR WRITTEN APPROVAL

Where Council requires the written approval of any person that approval shall be supplied to Council in the following form:

- It shall be annotated on a copy of the relevant plan or plans accompanying the application; and
- It shall clearly state the name of the signatory and the nature of the signatory's tenure of the affected property (e.g. "owner" or "occupier"); and
- It shall incorporate a clear statement that the signatory has viewed and understood the nature and implications of the proposed activity or plans; and
- It shall be signed by the person or persons whose approval was required.

In determining whether or not the adverse effect of any activity will be minor, for the purposes of determining whether it is necessary to publicly notify any application, Council shall take no account of the effect of the activity on any person whose written approval has been obtained.

24.4 APPLICATIONS FOR RESOURCE CONSENT

24.4.1 General Requirements for Applications

An application for resource consent must contain sufficient information to enable Council and any person affected by the proposal to understand what is proposed and to assess the likely effects on the environment.

All applications must be in the form prescribed by the Act. Copies of the appropriate forms are available from Council.

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24.4.2 Assessment of Effects to Accompany Certain Applications

Every application shall include an assessment of any actual or potential effects that the activity may have on the environment. The assessment of effects shall include a statement of the ways in which any adverse effects may be mitigated.

For controlled activities, the assessment of effects shall only address the matters over which Council has reserved its control.

For limited discretionary activities, the assessment of effects shall only address those matters to which Council has restricted the exercise of its discretion.

Every assessment of effects 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.

Every assessment of effects shall be prepared in accordance with the requirements of the Fourth Schedule to the Act.

24.4.3 Information Required to Accompany Applications for Land Use Consent

Description of Proposal

- A description of the type of activity or process proposed to be undertaken including the size and nature of any buildings and works. The proposal shall also show how the proposed activity is to dispose of sewage wastes and surface water, and how and in what form the development will be supplied with water supply, roading and vehicular access.

Description of Site

- A description of the site of the proposed activity including:
 - i. Size of the site
 - ii. Topography
 - iii. Presence of any waterway or water body
 - iv. Presence of any natural habitat of indigenous species
 - v. Presence of any heritage feature
 - vi. Any outstanding natural feature or landscape
 - vii. Existing buildings
 - viii. Existing vehicle access points or access roads
 - ix. Presence of any sites or features of significance to tangata whenua, including evidence of consultation and discussions held with tangata whenua and the outcome of such.
- A statement describing any significant natural hazards affecting, or likely to affect, the proposal including flooding, land instability, coastal hazards, fire; and
- Where the application affects any heritage site or feature or notable tree listed in Schedule One of this Plan, a statement describing the effects of the proposal on that site or feature and the proposals for mitigating any such effect; and
- Where a site is subject to a heritage protection order the consent of the relevant authority may be required.

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- A plan of the proposed layout of the proposed activity on the site, drawn to a metric scale not less than 1:500, showing the north point, site boundaries, location of all components of the proposed activity, proposed access points and access roads, proposed earthworks, vehicle parking spaces and manoeuvring areas, and any proposed site development or landscaping works; and

Earthworks and foundation development

- Where significant earthworks are proposed, Council will require all applications to be accompanied by a report from a Registered Engineer, with expertise in soils, and detailing the following:
 - the nature of any site inspections and findings;
 - certification that any proposed earthworks or foundations are suitable for their intended purpose;
 - the extent of any particular requirements or further investigations required. In particular the report should specify that the land will, following the earthworks proposed, be stable in terms of expected settlement, bearing capacity, soil shrinkage and expansion, slope, and compaction.

Note: Any subdivision or development which involves bulk earthworks, changes to the slope of land, the cutting or filling of land, or the construction of foundations for roads, services, or other works may be subject to the requirements of the Regional Council relating to land disturbance.

Drawings

- Plans or elevations, drawn to a metric scale sufficient to show any proposed buildings or structures or significant earthworks; and

Consultation

- A statement describing any consultation or discussions held with persons likely to be affected by the application and a statement of the outcome of that consultation or discussion.

Natural Hazards

- A statement of the proposals for avoiding, mitigating or remedying any risk or adverse effects associated with that natural hazard.

Hazardous Substances

- In addition to the above requirements, any application for a resource consent which involves the use or storage of any hazardous substance shall supply the following information:
- The nature and volume of any hazardous substance to be stored or used on the site and specifically:
 - The physical and chemical properties of any hazardous substance
 - The intrinsic properties of any hazardous substance (including its flammability, explosiveness, toxicity)
 - Proposed site design and handling and storage methods
 - Proposed location of any storage tanks and distances of these from site boundaries

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- Details of the transportation routes and vehicle types expected for delivery and supply of any hazardous substances.
- A qualitative or quantitative assessment of likely risks of any hazard arising from the use or storage of hazardous substances on the site particularly in relation to:
 - The location and nature of surrounding land use
 - Proximity to any water ways or community stormwater system
 - The nature of the site's soil and geology
 - Proximity to ecologically sensitive areas or wildlife areas
 - Proposed transportation supply and delivery routes
 - Proposed disposal of hazardous wastes
- Proposed emergency response plans or procedures of the effectiveness of on-site procedures for the management of hazardous substances.

Other Consents Required

- A description of the location of the proposed activity incorporating legal description, street address, grid reference, or certificate of title as appropriate; and
- A statement specifying all other resource consents that the applicant may require under the Resource Management Act either from Council or from other authorities; and
- A statement specifying whether or not the applicant has applied for or obtained such other consents.

24.4.4 Information Required to Accompany Requirements for Designations.

In addition to any requirements of the Act, every requirement for designation shall incorporate the information which is required by this Plan to accompany applications for land use consent where relevant. Except that drawings need not specify precisely the structures, but should provide information to identify the building envelope (for example likely height and layout) in order to assess effects.

24.4.5 Information Required to Accompany Applications for Subdivision Consent

Format of Information Supplied

Every application for subdivision consent shall comply with the following format requirements:

- (a) Plan Size: All plans should be on standard metric sheets. Preferred size is A3.
- (b) Copies: All plans must be capable of being photocopied in black and white.
- (c) Scale: Every plan should be drawn at a scale to clearly illustrate the proposal. A minimum scale of 1:500 is preferred for urban subdivision proposals. Where photofoil presentation is used an approximate scale will be accepted. All plans shall show a north point and New Zealand Grid Reference (at centroid of largest parent parcel).
- (d) Applicant's Reference Number: The plan shall show the reference or identification number used by the applicant.

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Site Details to Accompany Applications for Subdivision Consent

All applications shall show the following details where applicable:

- (a) Titles: The following details shall be endorsed on the plan:
 - * Legal description
 - * Certificate of Title reference (Noted "Ltd" where applicable)
 - * Land district, survey district and block number, local authority districts and their boundaries where applicable
 - * Registered Owners' name
 - * Total area
 - * Name of Surveyor or firm (where applicable)
- (b) Buildings: The location of all existing buildings, structures, and fencelines.
- (c) Topography: Adequate contour information to illustrate the existence on each allotment of a suitable building platform and to enable the gradients proposed for streets, rights of way and access ways to be assessed. For two or three lot subdivisions, Council may accept spot levels in terms of mean sea level datums.
- (d) Vegetation and Habitat: The location, nature, and extent of any significant trees or areas of vegetation and habitat for indigenous fauna within the site.
- (e) Archaeological and Cultural: The location nature and extent of any significant cultural and archaeological areas within the site.
- (f) Waterways: The location and width of any streams and the limits of any tidal influence.
- (g) Drainage: The location and dimensions of any piped or open drains.
- (h) Wetlands: The location and extent of any wetland areas or swamps.
- (i) Flooding: Any areas subject to inundation by any waterway or the sea.
- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s).
- (k) Existing Road Condition: A description of the formation and construction type of the road providing access to the subdivision.
- (l) Property Identification: Any house or property identification number or street number.
- (m) Other Details: A description of any other physical feature of the site which is or may be relevant to the consideration of the subdivision application.

Details of the Proposed Subdivision to be Supplied

- (a) Boundaries: The position of all proposed new boundaries shall be clearly shown.
- (b) Allotment Areas: The metric area of all allotments and balance areas shall be shown on the plan. Every allotment shall be given a number.

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For multi-lot subdivisions (of more than 5 allotments) a schedule of areas and numbers of allotments shall be shown on the face of the plan.

- (c) Schedules of jointly owned access lots and details of the proposed shared ownership should be shown in a panel on the plan.
- (d) Amalgamation: In the case of any subdivision which requires an amalgamation condition to be included in its approval, the Surveyor shall show this on the survey plan and indicate which provision in Section 220 (1) (b) of the Resource Management Act 1991 will apply to those circumstances.

Legible copies of the Certificates of Title encompassing all the land affected by the amalgamation shall be supplied.

It is essential that underlying lots and titles are shown on the face of the subdivision plan to assist in formulating appropriate conditions of amalgamation. In particular titles "Limited as to Title or Parcels" should be identified.

- (e) Land Area: All the land comprised in the certificate or certificates of title to the land proposed to be subdivided shall be shown on the scheme plan. Any land held in the same ownership, if comprised in a separate certificate of title and abutting the land being subdivided, shall be indicated as such on the plan.

Where the extent of the land or the detail to be illustrated makes it necessary, a diagram shall be drawn on the plan or on a separate sheet.

- (f) Roads: New roads shall be shown as "road to vest" or "road to be constituted" as appropriate. No new road name should be shown on any subdivision plan unless it is a natural extension of a road already named. Council will determine the necessary names for new roads on any proposed subdivision. The applicant shall submit a list of names for any new roads to vest.

Service lanes and access ways shall be shown simply as "service lane to vest" or "access way to vest" as the case may be. The nominal width of all roads, service lanes and access ways shall be shown.

The position of any road formation in relation to boundaries shall be shown on the plan along with full engineering details of road formation, footpath and signs.

- (g) Reserves: The purpose of every existing or proposed reserve shall be shown on the plan. All land below Mean High Water Springs and the beds of rivers and lakes required to vest in the Crown shall be clearly identified.
- (h) Land to Vest: Any allotment to be vested in Council or in the Crown shall be clearly shown.
- (i) Easements: Every existing or proposed easement shall be shown on the plan. In addition a Schedule of Easements shall be endorsed thereon. Easements which are of a voluntary nature shall be headed by the words "Optional Easements". Easements essential to the whole concept of the subdivision and which will become mandatory in nature shall be headed "Memorandum of Easements". The purpose of any easement, the lots that are appurtenant and subject to it, or in the case of an easement in gross, the name of the grantee shall be shown in panel form below the appropriate heading.

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- (j) Proposed Services: Details of proposed water supply, stormwater collection and disposal, sewage collection and disposal, and the location and dimensions of any new vehicle entrance way.
- (k) Special Works: Details of any landscape works proposed on road reserves including the location and species of trees.
- (l) Building Line Restrictions: The position and details of any existing or proposed building line restriction(s).
- (m) Lighting and Other Services: Road lighting and the proposed location and type of power and telephone services.
- (n) Reserves and Other Contributions: The details of any proposed reserves or other financial contribution.
- (o) Suitable Building Site: Each proposed allotment must provide for a practicable potential building site. A practicable building site must be indicated for each allotment capable of accommodating a dwellinghouse.

24.4.6 Particular Information Requirements - Urban Subdivisions

Notwithstanding the above requirements for information, the following details shall be supplied for all applications for subdivision in urban zones:

- (a) Topographical Detail: Generally topographical detail need only be shown on that part of the land where new building sites and lot boundaries are proposed or the degree of subdivision is intense. It does not need to be shown as the basis for possible future extensions to the subdivision or unless in specific cases Council requests it.
- (b) Contours or spot heights shall be shown where possible in terms of the Lands and Survey datums. If that is not practicable, then an assumed datums should be used.
- (c) Where a subdivision plan forms only part of the future potential development of a larger block of land, whether or not held in the same ownership and zoned residential, Council may require the subdivision plan to show the total development. In such cases detail should include roading, drainage, water supply and the number of sections, so as to ensure that the initial subdivision plan application does not prejudice full and future development. The extended development may be shown to a smaller scale as an insert on the initial application.

24.4.7 Particular Information Requirements - Rural Subdivisions

Notwithstanding the above requirements for information, the following details shall be supplied for all applications for subdivision in rural zones:

- (a) Locality Diagram: For rural properties, a locality diagram shall be shown on the plan to assist in identifying the property's location.
- (b) Topography: The topographical detail shown on a rural scheme plan does not need to be as detailed as that required for an urban subdivision. Sufficient data of the same nature as the categories listed under section 4.5 should be shown if relevant to the task of identifying proposed boundaries on the ground and establishing any necessary conditions of approval.

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Aerial photographs, where available, may be used to supply topographical data provided they are of sufficient scale and clarity to be readily interpreted and shall have the boundaries of the proposed subdivision clearly indicated thereon. A plan cadastral print shall be submitted for use by Council where an A4 size copy would lack clarity.

The circumstances of each case will determine the extent and the detail of topographical information which should be shown but Council may ask for more information where it is necessary to assist the processing of any application.

24.4.8 Assessment of Effects For Subdivision Application

The assessment of effects required for every application for subdivision consent which is to be considered as a controlled activity shall, in addition to information required by the Act and this District Plan, address the following matters:

- * Proposed services, reticulation and connections (stormwater, water supply and sewage disposal).
- * Any effects on or discharges to streams and tidal waterways expected to arise in the course of development and works or services required for the subdivision.
- * Traffic safety effects resulting from new vehicle entrance ways or crossings.
- * Road construction effects (both temporary construction effects and long term effects).
- * Impacts on water supply expected to result from increased demand caused by the subdivision.
- * Any potential effects on any natural habitat of indigenous species.
- * Any encumbrances on potential building sites.
- * The suitability of the land for occupation and building.
- * Any effects on any special site features or buildings.
- * Any effect on an outstanding landscape or natural feature.
- * Effects on cultural values.
- * Details of how any adverse effects will be monitored and by whom.

24.4.9 Engineering Drawings to be Supplied

Where it is proposed to connect any development to any reticulated Council service or road the following documents are required to be supplied to Council:

- (i) Engineering drawings, specifications and calculations where required, covering the following sections of the work to be carried out:
 - Site regrading
 - Roading and access

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- Drainage (stormwater and sanitary)
 - Water supply and other services
 - Soils engineer's report on the suitability of the land for subdivision, or other reports as considered necessary by the local authority.
- (ii) "As built" plans, to a minimum scale of 1:500, as and when the various aspects of the work on the subdivision have been completed.
- (iii) A certificate stating that the works have been carried out under the control of and to the satisfaction of, the Certifying Engineer.
- (iv) Engineering drawings detailing the following earthworks proposals:
- Original and final contours
 - Areas of cut and fill
 - Subsoil drainage
 - Silt control
- (v) Plans showing the streets including everything that is to be located within the street or within the subdivision ie, carriageways, footpaths, berms, trees, watermains and fittings, sanitary sewers, pump stations, stormwater drains, manholes, sumps, electric power, streetlights, telecommunications cables and junction boxes and transformer sites. Plans shall also show the limit of all work proposed to be done by the Developer and its relationship to adjacent existing works or property.
- (vi) Longitudinal sections of every street including levels, longitudinal sections of sanitary sewers and stormwater drains including pipe sizes, types, grades, design flows, manholes and also underground services that are to vest in Council which cross the line of the longitudinal section to show calculated clearances.
- (vii) Detailed typical road cross sections showing the location of all features described in this document including engineering services, road formation, subgrade drainage, metalling, kerb and channelling, sealing or paving, footpaths and other walkways, berms and planting areas.
- (viii) Details showing how streets and services are to be connected to existing streets and services.
- (ix) Details showing underground cabling and services provided by others.
- (x) Plans shall provide levels to the recognised local datum.
- (xi) Upon completion of construction, copies of "as built" plans are to be submitted by the owner showing the following details as constructed:
- (a) Sanitary drainage reticulation - including the measured positions of manholes, manholes depth and lid levels (where required by Council); measurements to house connections, referred to the centre of the downstream manhole cover and the length and position of laterals.
 - (b) Stormwater drainage reticulation - detailed as for (a). The plans shall also show subsoil drainage and floodpath level information.

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- (c) Water reticulation - including the position of mains, location of hydrants, valves, tees and connections.
- (d) Areas of filling - showing the total depth of fill, in the form of lines joining all points of equal fill depth.
- (e) Ducts - measurements to ducts installed for telephone, power and gas reticulation.
- (f) Street names - as suggested by the Owner and as approved by Council.

24.4.10 Applications For Rights of Way

Applications for Council's consent to the creation of rights of way which are independent of any subdivision should be presented to Council in a form similar to that of a subdivision consent. Plan size, scales, relevant topographical details, dimensional accuracy, Schedule of Easements, plan title details etc, shall be, with necessary adjustments, as required for applications for subdivision consent.

A report explaining the proposal should accompany the submission of the plans to Council. In rural areas the purpose of the right of way should be indicated so that Council can determine whether or not any construction conditions should be included.

The following details of the proposal should be indicated on the plan or in the report:

- (a) Gradient
- (b) Width of easement
- (c) Width of carriageway
- (d) Proposed earthworks (if any)
- (e) Stormwater disposal details
- (f) Intersection details with existing legal road in public use including where appropriate, sight distances
- (g) Other details as requested by Council staff

24.5 CONDITIONS OF RESOURCE CONSENT
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Where Council grants consent to an application for resource consent, Council may impose any conditions on that consent which are considered to be necessary to avoid, remedy, or mitigate any adverse environmental effects. Such conditions may include requirements for works or financial contributions including those set out in Section 20 of this Plan.

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24.6 GENERAL DUTIES APPLYING IN ALL ZONES

In addition to, and notwithstanding the requirements stated elsewhere in this Plan, the following general duties, which are specified in the Act, shall also apply:

24.6.1 Duty to Avoid Unreasonable Noise

In accordance with Section 16 of the Act, every occupier of land and every person carrying out an activity on the surface of any water body shall ensure that the noise emitted from that land or activity does not exceed a reasonable level.

24.6.2 General Duty to Avoid, Remedy, or Mitigate Adverse Effects

In accordance with Section 17 of the Act, every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not the activity is in accordance with a rule in the Plan, or a resource consent, or is an activity which lawfully existed before this Plan became operative.