

Section 1 – Background and How to Use the Plan

1.1 What is a District Plan?

The Council is required to prepare a district plan under the [Resource Management Act 1991](#) (RMA) to promote the sustainable management of natural and physical resources.

The Plan sets the framework for managing land use and development within the District. It is reviewed at least every 10 years. It contains objectives, policies, rules and some non-regulatory methods to address resource management issues such as the effects of land use and [subdivision](#), noise, traffic, natural hazards, heritage and biodiversity.

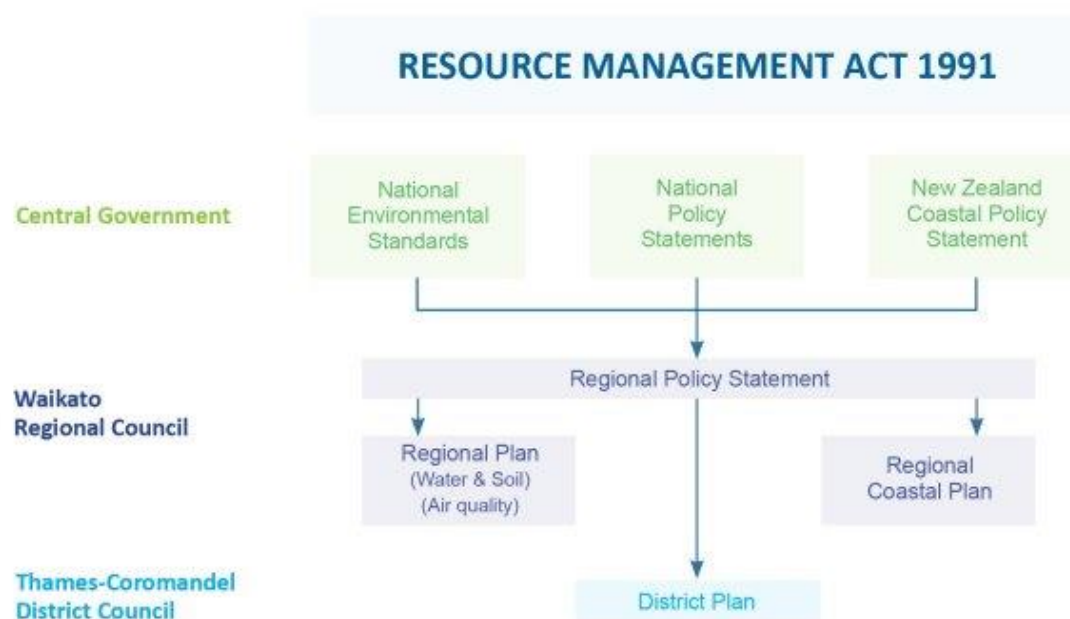
The rules in the Plan set out what activities can occur as of right subject to permitted activity standards, what activities resource consent is needed for, and standards and assessment matters setting out how activities may be carried out. These rules cover activities such as [residential](#) development, [subdivision](#) of land, commercial and [industrial](#) activity, mining activities and noise.

1.2 Relationship with other Policies and Plans

The Plan is part of a set of planning and policy documents that contribute to the sustainable management of New Zealand's resources under the RMA. The set comprises a hierarchy of documents filtering down from central government to regional councils and district councils.

Figure 1 below shows the relationship between the various documents. It is important to note that the Plan must give effect to national policy statements, the [New Zealand Coastal Policy Statement](#) and the [Waikato Regional Policy Statement](#), and must not conflict with sections 7 and 8 of the [Hauraki Gulf Marine Park Act](#) and the [Regional Plan](#).

Figure 1: Resource Management Framework



Signs are not managed in this Plan unless the sign is specifically mentioned in Part V or VI, or unless the sign is part of an activity on the site managed by a rule in this Plan. For example, an accountancy business in the Village Zone wants to install a free-standing sign higher than 1.5 m on its front boundary. In Section 61, a general commercial activity has a front yard standard of 3 m. Because the sign is a building (higher than 1.5 m) and within the front yard, it needs a resource consent under Section 61 Rule 2.2.

The Plan does not manage any other aspects of signs, including off-site signs or temporary signs. Signs are mostly managed under the Council's bylaws.

1.3 Plan Structure

The issues, objectives and policies set the policy framework for the Plan. Issues are an existing or potential problem that need to be addressed, or a particular resource that needs to be protected or enhanced, to promote the purpose of the RMA. Objectives are a statement of what is to be achieved through the resolution of a particular issue. The policies set the course of action to achieve or implement an objective. Policies are directive and use the terms shall and should. The use of shall is very directive and provides for little discretion. Should has been used where it is intended that the direction be followed, except where there are good reasons not to.

Almost all of the land in the District has a zone with rules that apply only to that zone. The Plan uses Areas in Part IV as terms to group individual zones for convenience. For example the Rural Area contains the Rural Zone and Rural Lifestyle Zone. There are also other rule types that could affect activities. These are:

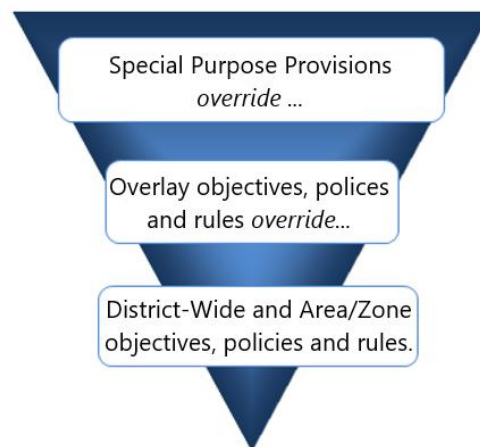
- **Special purpose provisions** – including site development plans, site specific activities and structure plans. These are used where a site specific assessment has been undertaken and detailed subdivision, use and development provisions apply for a particular site.

- **Overlays** - sit above all district-wide and zone objectives, policies and rules and are used to identify the special values of the District, which the Council and the community most want to retain. The overlays also include the matters of national importance in the RMA.
- **District-wide** – relate to activities that may occur throughout the District: subdivision, contaminated land and hazardous substances, mining activities and transport activities.

When an overlay sits over a site the overlay has additional objectives, policies and rules for specific activities. These objectives, policies and rules are in addition to the other objectives, policies and rules, specified in the Area, Zone and District wide provisions.

Wherever there is a conflict between rules, between policies or between objectives, the hierarchy in Figure 2 applies to the extent of any conflict.

Figure 2: The Rule Hierarchy

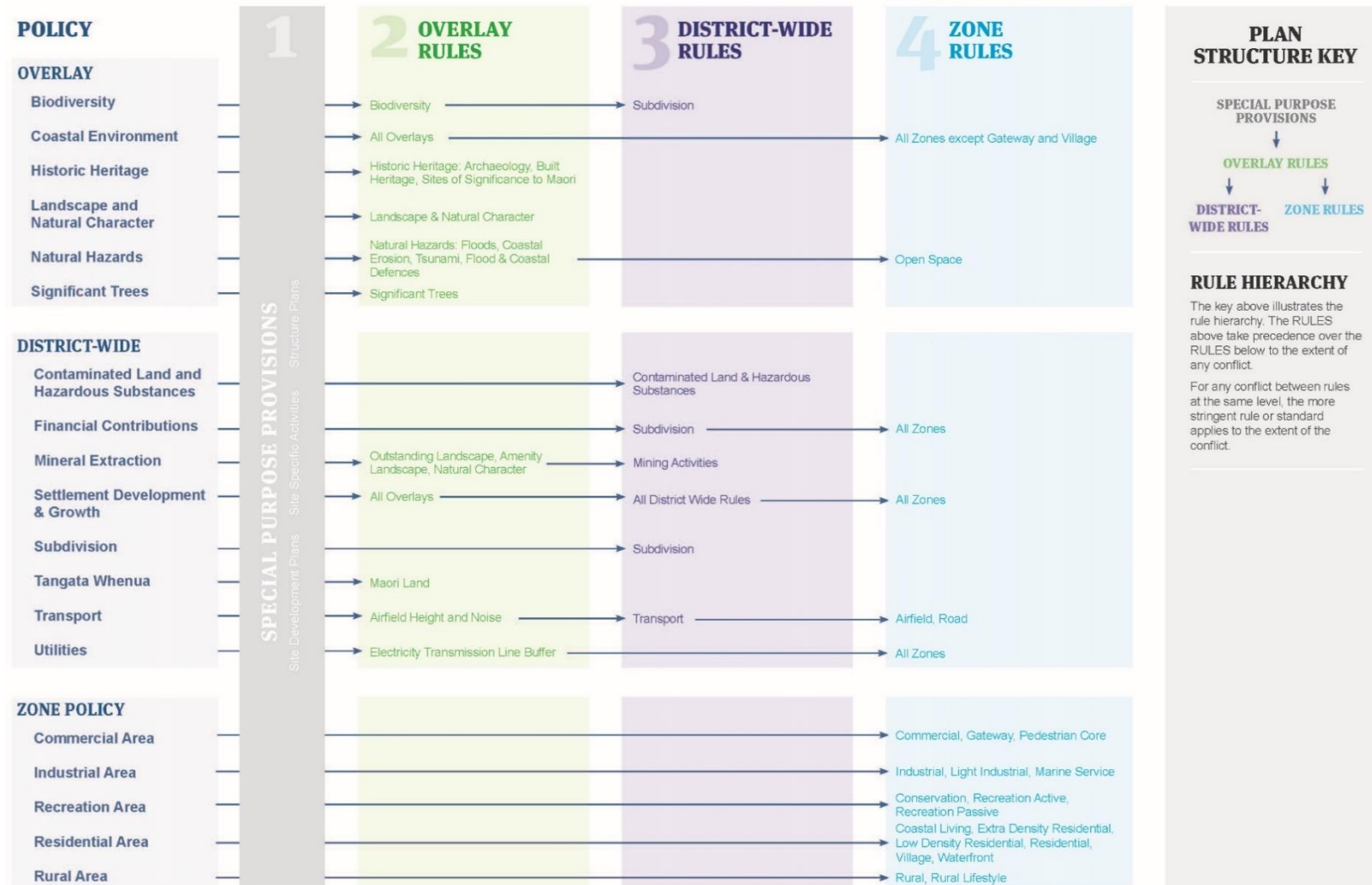


Where two objectives, policies or rules are at the same level and there is conflict between them, the more onerous objective/policy/rule applies.

For controlled and restricted discretionary activities, the Plan lists matters over which the Council reserves its control (for controlled activities) and restricts its discretion (for restricted discretionary activities). The matters listed in the various rules are always cumulative; matters higher up the rule hierarchy do not remove matters lower down. For example, for a restricted discretionary activity with matters from a zone rule and an overlay rule, the Council's discretion is restricted to the zone matters and the overlay matters.

Figure 3 - Plan Structure shows how the sections of the Plan fit into this hierarchy. It also shows the relationship between the objectives, policies and rules. It shows how the policy is implemented in the Plan and where the related rules are mostly found. Note that the relationship between the policies and rules in Figure 3 are not exclusive. Objectives, policies and rules may have more connections beyond what Figure 3 shows.

Figure 3: Plan Structure



1.4 What is an Activity?

In the Plan an 'activity' relates to the use and subdivision of land, including the surface of water, and the development (including the construction or relocation of a building, internal or external additions/alterations to an existing building) and use of buildings on that land. The Plan also groups activities together according to their common characteristics for convenience. For example the Plan uses the term 'residential activities' as a heading encompassing a range of individual activities associated with residential living. The residential activities group includes dwellings, accessory buildings, home businesses and minor units. The Plan also classifies activities as follows:

- **Permitted activities** are allowed by the Plan without resource consent, providing they comply with any standards specified in the rule.
- **Controlled activities** require resource consent. They also need to comply with standards and terms specified in the rule and are assessed according to the matters over which the Council has reserved its control. The Council must grant consent to a controlled activity but may impose conditions relating to the matters of control.
- **Restricted discretionary activities** require resource consent. They need to comply with standards and terms specified in the rule and are subject to the matters over which the Council has restricted its discretion. The Council may grant or refuse consent to a restricted discretionary activity and impose conditions over the matters to which it restricted its discretion.
- **Discretionary activities** require resource consent. They must also comply with the standards and terms specified in the rule. Discretionary activities will be assessed against all the relevant objectives and policies in the Plan, and the Council can also take into account any standards and restricted discretionary matters in applicable zone, overlay or district-wide sections. The Council may grant or refuse consent to a discretionary activity and, if granting consent, may impose conditions.
- **Non-complying activities** require resource consent. The Council may grant or refuse consent to a non-complying activity and, if granting consent, may impose conditions. The Council may only approve an application for a non-complying activity if the adverse effects on the environment are no more than minor or the activity will not be contrary to the objectives and policies of the Plan.
- **Prohibited activities** are those which the Plan expressly prohibits in the District or in a particular zone or overlay. No application may be made for such activities and no resource consent can be granted.

The classification of activities in the Plan helps plan users to understand what types of activities are anticipated in different parts of the District based on their effects. For example an industrial activity could be a permitted activity in the Industrial Zone but is a non-complying activity in the Residential Zone because of the range of effects associated with it.

1.5 What is an Activity Table and How Does it Work?

At the start of each rule section is an activity table. The purpose of the activity table is to assist plan users. The tables list the activities anticipated in an overlay, zone, or district-wide. It provides a starting point to categorise the activity being proposed and a rule number to start at. The Activity Table is for reference only and does not constitute a rule in the Plan.

The rules in the Plan establish the provisions applicable to an activity. The plan user must work through the rule and its related standards and conditions to determine whether resource consent is required and if so what classification.

If an activity is not listed in the activity table at the beginning of the applicable zone rule section, and is not listed in the activity table for any district-wide rule section, but is listed in the Activity Summary Table at the end of Section 1, the activity is non-complying and resource consent is required. An overlay rule or special purpose provision can override this as shown in Figure 2 above.

If an activity is not listed in any zone or district-wide activity table and is not listed in the Activity Summary Table at the end of Section 1, then it is not an activity that the Plan has contemplated. The activity is a discretionary activity, resource consent is required and the activity will be assessed on its merits against the policy framework in the Plan. An overlay or special purpose rule can override this as shown in Figure 2 above.

1.6 How to use the District Plan

To find out how the District Plan affects a property:

1. Start with the planning maps and find the relevant planning map on the map index.
2. Turn to the relevant map and find the property of interest. For each map number there are two maps - one showing overlays and special purpose areas and the other showing zones. There may also be flood hazard maps and airfield height restriction maps depending upon the location of the property. For the most accurate identification of zones, overlays and special purpose areas on a property, use the Council's online map tool available at www.tcdc.govt.nz.
3. Use the map legend to determine what zone(s) and where relevant, overlay(s) and special purpose provisions apply to the property.

Note:

It is important to make note of the zone and any overlay and special purpose areas that apply to the property. Depending on the type of activity being proposed, you may need to comply with rules covered in multiple sections of the Plan.

4. If a special purpose provision affects the property go to the Special Purpose Provisions in Part V of the Plan and find the relevant section.

Note:

Use the Activity Table at the beginning of the section as the starting point. Find the proposed activity and rule number. Go to the rule to find the provisions applicable to the activity. From here work through the standards and terms that determine whether resource consent is required.

5. If an overlay affects the property go to the Overlay Rules in Part VI of the Plan and find the relevant section. If the overlay is shown on the Planning Maps, the overlay rules only apply to the portion of the property covered by the overlay.

Note:

Use the Activity Table at the beginning of the section as the starting point. Find the proposed activity and rule number. Go to the rule to find the provisions applicable to the activity. From here work through the standards and terms that determine whether resource consent is required.

6. If the proposed activity is associated with any of the district-wide activities go to the District-Wide Rules in Part VII of the Plan and find any rules relevant to your proposed activity.

Note:

Use the Activity Table at the beginning of the section as the starting point. Find the proposed activity and rule number. Go to the rule to find the provisions applicable to the activity. From here work through the standards and terms that determine whether resource consent is required.

7. To find out how a zone affects the activity go to the Zone Rules in Part VIII of the Plan and find the relevant zone. For unformed roads and state highways as shown on the Planning Maps, the adjoining zone applies to the centreline of the state highway/unformed road.

Note:

Use the Activity Table at the beginning of the zone rules to find the activity and the relevant rule number. Go to the rule and work through the standards and terms to determine whether resource consent is required. The district-wide rules are not repeated in the zone rule sections for convenience, so just because a district-wide rule (e.g. a boundary adjustment) is not listed in the zone rules does not make it non-complying (see Section 1.5).

8. If any district-wide, overlay and/or special purpose rules apply to the activity as well as the zone rules, use the rule hierarchy described in Section 1.3 for any provisions that are in conflict. All relevant provisions not in conflict will apply to the activity.
9. For controlled and restricted discretionary activities the matters the Council controls or restricts its discretion to are listed at the end of the rule section. For discretionary activities the Council will consider the relevant objectives and policies in the Plan, and can also take into account any standards and restricted discretionary matters in the applicable zone, overlay or district-wide sections. For non-complying activities the Council may only grant consent if either the adverse effects of the activity on the environment will be minor, or the activity is not contrary to the objectives and policies of the Plan. The activity must still be assessed having regard to the effects of the activity, the provisions of any relevant planning instruments and any other matters the Council considers relevant and reasonably necessary to determine the application.
10. When locating the relevant objectives and policies for discretionary and non-complying activities, use Figure 3 - Plan Structure as a starting point. Work back from the relevant zone, district-wide and overlay rule sections to the policy sections that guide those rule sections. Other objectives and policies may also apply, but these will be the main ones.

1.7 Resource Consent is Required, Now What?

Applications for resource consent must be made in writing to the Council and contain all the information prescribed in Section 4 Information Requirements for Resource Consent and in the RMA. Application forms can be picked up from any of the Council offices or downloaded off the Council website.

To find out more about the resource consent process contact the Council and talk to a planner.

1.8 Activity Summary Table

The Activity Summary Table includes all the activities that have been considered in this Plan in the District-wide Rules and Zone Rules.

Activity Summary Table
Building removal <ul style="list-style-type: none">- <u>Demolition</u>- <u>Partial demolition</u>- <u>Removal</u>
Commercial <ul style="list-style-type: none">- <u>Animal boarding or breeding facility</u>- <u>Animal sale yards</u>- <u>Campground</u>- <u>Commercial recreation/event facility</u>- <u>General commercial</u>- <u>Produce stall</u>- <u>Restaurant</u>- <u>Service station</u>- <u>Visitor accommodation</u>
Community <ul style="list-style-type: none">- <u>Amateur radio configuration</u>- <u>Community facility</u>- <u>Emergency service training</u>, military training- <u>Festival, event</u>- <u>Formal recreation</u>- <u>Informal recreation</u>- <u>Public amenity</u>- <u>Residential care facility</u>- <u>Scientific equipment, navigational aid</u>

Activity Summary Table

Earthworks

- Earthworks
- Earthworks not within a kauri hygiene zone
- Earthworks within a kauri hygiene zone

Electricity and telecommunication distribution, transmission and generation (district-wide activities)

- Above-ground electricity or telecommunication line
- Electricity or telecommunication facility
- Operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility
- Solar panel
- Telecommunication mast, tower, dish, antenna and any ancillary equipment
- Underground electricity or telecommunication line
- Wind turbine

Farming and forestry

- Afforestation
- Farming
- Goat farming
- Intensive farming

Hazardous substances (district-wide activities)

- Hazardous facility
- Use or storage of radioactive materials exempt under Radiation Protection Regulations
- Retail sale of LPG, petrol or diesel
- Storage and use on farm of agrichemicals, farm fuel and fertiliser

Industrial

- Industrial
- Marine equipment storage, maintenance and harvesting
- Retail accessory to an industrial activity

Mining activities (district-wide activities)

- Comprehensive Mine Development
- Exploration
- Mineral processing
- Prospecting
- Quarrying
- Surface mining
- Underground mining
- Waste rock/tailings storage

Activity Summary Table

Noise

- Noise not covered by another rule in a section

Residential

- Accessory building
- Comprehensive residential development
- Home business
- Minor unit
- One dwelling per lot
- Temporary living place
- Two or more dwellings per lot

Subdivision (district - wide activities)

- Amend an existing cross lease plan, unit title or company lease plan
- Boundary adjustment
- Conversion of cross lease titles to fee simple titles
- Subdivision to accommodate a network utility
- Subdivision around two or more dwellings
- Subdivision creating one or more additional lots
- Subdivision creating one or more conservation lots
- Subdivision creating environmental benefit lots
- Waiver, reduction or of esplanade reserve or strip

Transportation (district - wide activities)

- Airfield
- Airstrip
- Boat ramp, jetty, wharf
- Cycleway, walkway
- Helipad
- Internal access, private way
- Road formation
- Railway line
- Road maintenance, upgrading, realignment
- Street utility
- Vehicle crossing
- Vehicle parking, loading and manoeuvring

Water, wastewater, stormwater and solid waste

- Other water, wastewater, stormwater infrastructure
- Refuse transfer station, recycling operation
- Sanitary landfill
- Wastewater treatment plant, treated waste disposal site (including composting)
- Water treatment plant, reservoir