



**SCHEDULES OF PART 1
(INTRODUCTION) OF**

**HAURAKI DISTRICT COUNCIL
CONSOLIDATED BYLAW**

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SCHEDULE 1 OF PART 1 (INTRODUCTION) OF THE HAURAKI DISTRICT COUNCIL BYLAW: APPLICATIONS FOR COUNCIL'S PERMISSION

1.0 SCOPE

The purpose of this Schedule 1 of this Part of this Bylaw is to provide an application procedure to enable applicants to obtain the Council's prior written permission for activities that are controlled or restricted by any Part of this Bylaw and to regulate the administration of licences, permits, consents or approvals issued in terms thereof.

2.0 LICENCES, PERMITS, CONSENTS OR APPROVALS FOR RESTRICTED ACTIVITIES

Where an activity is controlled or restricted by any Part of this Bylaw, subject to the prior written permission of the Council no person may engage in the activity without being the holder of a licence, permit, consent or approval issued by the Council in accordance with this Schedule.

3.0 ISSUE OF LICENCE, PERMIT, CONSENT OR APPROVAL

Upon timely application by a person, the Council may issue a licence, permit, consent or approval specifically allowing the activities controlled or restricted by any Part of this Bylaw, subject to such conditions as it may determine.

4.0 CONSIDERATION OF APPLICATIONS

4.1 CONSIDERATION OF APPLICATIONS

After consideration of:

- a) the application, in prescribed format;
- b) when applicable, a report by an authorised officer,
- c) when applicable, any objections by persons with an interest in the application; and

- d) when applicable, any report by a person with relevant expertise capable of providing an objective assessment of the issues;
- the Council may approve, reject or conditionally approve the application.

4.2 CONSULTATION

In considering the application, the Council may consult with:

- a) the applicant,
- b) person in charge of the activity if this is not the applicant;
- c) when applicable, an authorised officer; and
- d) when applicable, the objectors
- e) when applicable, a person with relevant expertise capable of providing objective assessment of the issues.

4.3 CRITERIA

In considering the application, the Council shall have regard to:

- a) the nature and frequency of occurrence of the activity which is controlled or restricted by this Bylaw.
- b) possible adverse effects if this activity is permitted;
- c) the safety of the public if this activity is permitted;
- d) other considerations provided for in the relevant clause of the applicable Part of this Bylaw that relate to the specific activity for which permission is sought;
- e) any Council policy relating to this activity; and
- f) other considerations that may be relevant in the circumstances.

5.0 RESPONSIBILITY FOR THE ACTIVITY

Any activity for which the Council's prior written permission is required shall only take place in accordance with the conditions of the licence, permit, consent or approval and while during the prevailing circumstances, it is safe to do so.

6.0 POSSESSION OF LICENCE, PERMIT, CONSENT OR APPROVAL

- a) No activity for which the Council's prior written permission is required shall take place without the person in charge being in possession of a copy of the licence, permit, consent or approval.
- b) Unless determined otherwise in the conditions applicable to the licence, permit, consent or approval possession of the licence, permit, consent or approval does not require physical possession at the site of the activity but having ready access to it to enable the person in charge of the activity to produce it to an authorised officer within three working days from being requested to do so.

7.0 PERIOD OF VALIDITY OF THE LICENCE, PERMIT, CONSENT OR APPROVAL

- a) Depending on the nature and the regularity of occurrence of the activity, a permit may be issued for either one or more specified events or for an ongoing activity.
- b) When a permit is issued for an ongoing activity, the permit shall be issued for a period determined by the Council.

8.0 COSTS OF THE LICENCE, PERMIT, CONSENT OR APPROVAL

A licence, permit, consent or approval may be issued at a fee determined by the Council.

9.0 SUBSEQUENT AMENDMENT OF LICENCE, PERMIT, CONSENT OR APPROVAL CONDITIONS

The licence, permit, consent or approval and any condition thereof may be amended by the Council on:

- a) expiry of its validity;
- b) any changes in the conditions referred to in subclause 4.3; or
- c) any changes in enabling enactments or this Bylaw that affect the licence, permit, consent or approval and any condition thereof; or

- d) application by the holder of the licence, permit, consent or approval or an authorised officer.

10.0 NON-COMPLIANCE WITH LICENCE, PERMIT, CONSENT OR APPROVAL CONDITIONS

In the case of non-compliance with the conditions of the licence, permit, consent or approval and having followed due process, the Council may revoke the licence, permit, consent or approval or amend the conditions thereof.

11.0 EXPENSE OF COMPLIANCE WITH THE LICENCE, PERMIT, CONSENT OR APPROVAL

The holder of the licence, permit, consent or approval shall be responsible for any expense that he or she may have to incur to be able to comply with the licence, permit, consent or approval and its conditions.

12.0 POWERS OF AUTHORISED OFFICERS AT AN ACTIVITY

- a) If an authorised officer who is present at a activity that is controlled or restricted by any Part of this Bylaw, is satisfied that compliance with a requirement of a licence, permit, consent or approval creates or exacerbates unsafe conditions or are impractical or unreasonable in the circumstances, a temporary dispensation may be granted, with such conditions as are appropriate.
- b) In exceptional circumstances, when the activity that is controlled or restricted by any Part of this Bylaw creates or exacerbates conditions that threaten life or health or may cause injury or serious damage to property, an authorised officer who is present, may
 - i) refuse to allow it to proceed in order to avert the risk; or
 - ii) direct the person in charge of the activity to take the necessary steps to minimize the risk.
- c) An authorised officer who has acted in accordance with this clause shall report this to the Council in writing as soon as practicable, whereupon having following

due process the Council may consider the possible revocation of the licence, permit, consent or approval or amendment of its conditions.

- d) The Council or any authorised officer who acted in good faith shall not be liable for damages due to the exercise of the above powers.