

1.0 INTRODUCTION

1.1 INTRODUCTION TO THE DISTRICT

1.1.1 HISTORY OF THE DISTRICT

In the twelfth and thirteenth centuries the first Maori - Tainui people - arrived and settled in the area which they called Ohinemuri, dispersing inland throughout the area. For five hundred years they appear to have lived a comparatively peaceful and plentiful existence. The bush covered ranges around Karangahake would have provided a rich source of food to the Tangata Whenua, by way of bird life. The river too provided food.

In the first half of the nineteenth century, the Plains frequently played a strategic role in the inter-tribal conflicts that flared throughout the North Island. The Ngapuhi, under the general leadership of Hongi Hika, made many bloody forays into the Waikato and the Matamata Plains area utilising the Piako and Waihou River courses.

In 1769 Lt. James Cook visited New Zealand to observe the transit of Mercury from a spot in what is now named Mercury Bay, on the Coromandel Peninsula. During that voyage he "discovered" and named the Firth of Thames. In a long boat he and several crew set off up the Waihou River (which he called the River Thames) and landed at Nether-ton. The spot is marked by a cairn adjacent to SH2.

In 1840 British accession of New Zealand occurred and the Thorp family arrived as the first European settlers in Paeroa. They had generally friendly contact with the local Maori tribes. Prospectors entered the area from around 1864. The authorities tried to arrange with the Maori to open the district for mining but were unable to prevail upon the owners until James MacKay applied his skill and persuasion. It was not until gold was discovered that European settlement really began.

After years of negotiations, the Ohinemuri Goldfield was proclaimed open on 3 March 1875. Centred on Karangahake, it included areas such as Komata, Maratoto, Waitekauri, Owharoa and Waihi. However, it was not to be the promised El Dorado - gold was too hard to extract from the quartz by then known techniques.

In 1889, the cyanide process was first successfully tested at Karangahake and with the amalgamation of many existing small claims into large companies, the gold rush started in earnest.

Gold was first discovered on Martha Hill, Waihi in 1878. The first claim was pegged on Martha Hill in 1879, and other claims followed. These small interests were subsequently taken over by the Waihi Gold Mining Company of London Ltd. The first shaft was sunk in 1893. The town of Waihi began to develop around the Mine. The Martha Hill Mine was the largest in the area and throughout its lifetime until closure in 1952, an average of 600 persons were employed at any one time. When gold production peaked in the Waihi area in 1909, the town had a population of about 6,000.

Extensive stamper batteries were established eg Crown Battery at Karangahake, Victoria Battery at Waikino to service the mines in the Ohinemuri Goldfield. By the 1950's mining activities in the District had virtually ceased. Renewed interest in more recent years has resulted in extensive prospecting and exploration activity together with the opening of two mines - Martha Hill and Golden Cross Mine in the Waitekauri Valley.

In the early days the rivers were the only means of transport and Paeroa, being the furthest point navigable upstream on the Ohinemuri River, became a thriving port, giving access to the hinterland. In 1904 a road, little better than a track, was pushed through the Karangahake Gorge; then the railway followed in 1905. Extensive work was undertaken on the road in the 1930s by unemployed

men on special work schemes, and several workers camps were established in the district. The railway survived until 1978. In 1985, the railway track through the Gorge reopened as the Karangahake Gorge Historic Walkway and the Goldfields Steam Train runs on that part of the line from Waikino to Waihi.

By the turn of the century, apart from the felling of the kahikatea forests, the area covered by the present day plains was virtually unmarked by human presence. However, with the continued development of the Waikato lowlands and the decline of the Thames goldfield, ambitious eyes began to range over the vast peat land that constituted what was then called the Piako Swamp. The whole area was recognised as offering great possibilities for development and settlement. Pressure was brought to bear upon the government of the day for the opening up of the Piako Lands.

Many surveys and reports were prepared, notably those of an engineer, Mr W C Breakell, who was engaged to report on the Piako lands and prepare a scheme for carrying out the extensive drainage work required. His report, presented in September 1907, was soon followed by the Hauraki Plains Act, 1908. This Act provided the legal machinery for the financing, drainage, and settlement of approximately 90,000 acres (36,420ha) of Crown Land.

In 1910 the first lands were offered for selection. A total of 16,300 acres (6,600ha) in 104 sections situated along the foreshore of the Firth of Thames between the Waitakaruru and Piako Rivers received about five thousand applications.

By 1930 some 43,000 acres (17,400ha) of Crown Land had been opened up for settlement. This land, together with native and freehold land meant that about 160,000 acres (64,750ha) had been included in the drainage scheme. To effect this development, over 1,000km of drains and canals had been constructed in addition to river widening. About 160km of formed roads together with the necessary bridges and culverts had been built together with many kilometres of stop-banks with flood gates. Over fifty years after the commencement of the scheme the work still goes on (Waihou River Scheme).

1.1.2 GENERAL DESCRIPTION OF DISTRICT

Geographic

The Hauraki District covers an area of 1144 square kilometres and a significant part of the District is dominated by two major river systems - the Piako and Waitakaruru, and the Waihou and Ohinemuri River systems and their associated catchments.

The Piako River Catchment consists predominantly of a flat plain through which the Piako River meanders, joined by streams rising in the low rolling hills of the Hapuakohe Range (Western boundary of district) before flowing into the Firth of Thames. The catchment was once extensive swampland until land draining activities began in the early 1900's. Much of the catchment is now well developed with 85% under pasture. It is predominantly an area of intensive dairy farming. The northern coastal boundary of the catchment and District (from Miranda to the Waihou River) is dominated by a low lying mangrove wetland.

The Waihou River catchment is characterised by a broad flat valley through which the Waihou River flows before entering the Firth of Thames near Kopu. The alluvial plateau of this valley acts as a topographic divide between the Waihou River and the Piako River to the west. To the east of this valley the land rises in steep spurs and ridges to the Coromandel Ranges to the north and the Kaimai-Mamaku Ranges to the south. These two ranges are divided by the Karangahake Gorge which dissects the ridge from east to west, through which the Ohinemuri River, the main tributary of the Waihou River flows. In the eastern part of the District lies the Waihi basin. This is a roughly circular basin forming the headwaters of the Ohinemuri River. The eastern hills of this basin and the eastern side of the Coromandel Range generally fall steeply to the coast. The District's boundary along this eastern coastline extends south from Whangamata to north of Waihi Beach. This coastal area is dominated by a series of sandy beaches and bays interspaced by rocky bluffs, with estuarine systems fed by river and stream valleys interspaced by steep hills (Note: Parts of the estuarine river systems are in the adjoining Thames Coromandel District). The beach settlement of Whiritoa lies adjacent to one of these sandy beaches.

As with the Piako Catchment, the main land use of the Waihou River Catchment in the valley and basin areas is dairy farming, with some moves in recent years towards horticulture in the Waihi Basin. Gold mining has also recommenced in the Ohinemuri River Catchment. Indigenous forest still covers extensive areas of the Coromandel and Kaimai Ranges with most of the area under the stewardship of the Department of Conservation. Mainly sheep and dry stock farming occurs on the eastern hill country.

There are a number of townships located throughout the District, primarily servicing the adjacent rural areas. The three main urban areas are those of Waihi, Paeroa and Ngatea. Waihi is located on the eastern side of the Karangahake Gorge and to the south of the Coromandel Ranges. The town developed largely in response to the gold mining industry, which subsequently demised and has revived again in recent years. As well as servicing activities, the town has a strong manufacturing and industrial base.

Paeroa is situated on the northern bank of the Ohinemuri River, near the confluence with the Waihou River. The form and growth of the town evolved from transport needs, (river, road and rail) for the development of the resources of the area; gold initially, and now agriculture. The Hauraki District Council headquarters are located in Paeroa. The town provides services to the surrounding rural area and provides a manufacturing and administrative base.

Ngatea is located in the centre of the Hauraki Plains on the western bank of the Piako River. It has developed along both sides of State Highway 2. The town has developed as a principal servicing centre for the surrounding Plains rural area.

Population

Hauraki District's population is just under 17,000 (1991 Census). Of this total, a little under half reside in the Paeroa (3,954) and Waihi (4,272) urban areas. The population of Ngatea is 925. The remainder of the District's residents live in the other smaller townships and the rural area. The populations of the larger townships are as follows (1991 Census):

⌘	⌘	Whiritoa	277 permanent population
⌘	⌘	Waikino	337
⌘	⌘	Kerepehi	499
⌘	⌘	Turua	337

Note: These are Census figures and include areas beyond the immediate extent of the built up areas.

The population statistics for the other settlements (Waitakaruru, Mackaytown/Karangahake, Patetonga) are not individually identified in the Census.

Between 1986 and 1991, the population of the District increased from 15904 to 16921 (6.4%). Rapid population growth was recorded in Waihi (10.9%), Ngatea (14%) and Turua vicinity (12%). Population in the rural area known as Golden Cross (around Waihi and through the Gorge to Paeroa including the townships of Whiritoa, Waikino etc) also grew substantially (about 11%).

Population of the Hauraki Plains rural area and the Paeroa and Kerepehi vicinity remained relatively static.

Economy

The economy of the District is still strongly dependent on the primary production of its rural land, predominantly dairying. Gold mining had become practically extinct but has revived in recent years with the reestablishment of the Martha Mine at Waihi and the Golden Cross Mine at Waitekauri. Extensive prospecting and exploration for precious minerals is being conducted in the District. The old workings and mining relics, particularly in the Mackaytown - Waikino - Waihi areas, as well as the new open cast Martha Mine, are areas of considerable tourist interest. Waihi, Paeroa and Ngatea act as rural centres serving the District and the Region generally.

Formation of Hauraki District

The Hauraki District was formed on 1 November 1989 from an amalgamation of four local authorities - the former Hauraki Plains County, Ohinemuri County, Paeroa Borough and Waihi Borough. A portion of the former Ohinemuri County in the south-east and west, including the Waihi Beach settlement were transferred to adjoining districts, and an area of the Kaimai-Mamaku State Forest formerly in the Tauranga County was included in the Hauraki District.

Administrative Framework

The Hauraki District is divided into three wards (Paeroa, Plains and Waihi) with councillors elected from each. The Council is serviced by three community boards to which a number of the Council's functions have been delegated. The Mayor of the District is elected at large.

1.2 STATUTORY FRAMEWORK

The Resource Management Act 1991 came into effect on 01 October 1991 and provides a new framework for resource management in New Zealand. Its enactment was the outcome of a comprehensive process of resource management law reform which resulted in the integration of many laws relating to resource management. These included the Town and Country Planning Act 1977, the Water and Soil Conservation Act 1967, some provisions of the Local Government Act 1974, the Clean Air Act 1972 and the Noise Control Act 1982.

The purpose of the Act is defined as being to promote the sustainable management of natural and physical resources including land, water, soil, air, plants and animals and structures (Section 5 of the Act).

The central concept of sustainable management encompasses the use, development or protection of/and any associated natural and physical resources. This concept is set out in S.5 of the Act as follows:

- "(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."*

In achieving this purpose, certain matters of national importance (Section 6 of the Act) are to be recognised and provided for. These are:

- "(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."*

The Act directs that all persons exercising powers and functions under the Act have particular regard to certain specified matters as set out in Section 7. These are:

- "(a) *Kaitiakianga:*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Recognition and protection of the heritage values of sites, buildings, places or areas:*
- (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."*

The Act also expresses the duty of the Council with respect to the Treaty of Waitangi through a requirement that all persons exercising functions and powers under it (the Act) 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 Waitanga) (Section 8 of the Act).

The Purpose and Principles of the Act are expressed in general terms and apply to all districts. They form the basis of environmental planning for each district and need to be interpreted and balanced in ways that are appropriate to the district concerned.

The District Plan must be prepared with its central purpose being the promotion of the sustainable management of the natural and physical environment. Duties with regard to matters of national importance, other matters and the Treaty of Waitangi must also guide the preparation and administration of the District Plan.

Under the Resource Management Act 1991, district plans are mandatory. They are to be prepared by territorial authorities in the manner set out in the First Schedule to the Act.

Section 72 defines the purpose of district plans, which is "... to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act".

Section 75(1) (contents of district plans) states that a plan shall:

"make provision for such of the matters set out in Part II of the Second Schedule as are appropriate to the circumstances of the district, and shall state:

- (a) *The significant resource management issues of the district; and*
- (b) *The objectives sought to be achieved by the plan; and*
- (c) *The policies in regard to the issues and objectives, and an explanation of those policies; and*
- (d) *The methods being or to be used to implement the policies, including any rules; and*

- (e) *The principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
- (f) *The information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used; and*
- (g) *The environmental results anticipated from the implementation of these policies and methods; and*
- (h) *The processes to be used to deal with issues which cross territorial boundaries; and*
- (i) *The procedures to be used to review the matters set out in paragraphs (a) to (h) and to monitor the effectiveness of the plan as a means of achieving its objectives and policies; and*
- (j) *Any other information that the territorial authority considers appropriate; and*
- (k) *Such additional matters as may be appropriate for the purpose of fulfilling the territorial authority's functions, powers and duties under this Act."*

The directions identified in Part II and Section 75 (l) of the Act are complemented by the functions that territorial authorities have for the purpose of giving effect to the Act (Section 31 of the Act). These are:

- "(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 the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:*
- (c) *The control of subdivision of land:*
- (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 the Act."*

These functions are discussed in various sections of the Plan.

Council's duties to consider alternatives, assess benefits and costs etc (Section 32) is discussed in Section 2.0 and other Sections of the Plan, as well as in the report "Hauraki District Plan - Assessment of Alternatives, Methods, Benefits and Costs (Section 32 Analysis).

1.3 HIERARCHY OF RESPONSIBILITIES

The District Plan will not stand on its own as an isolated Plan for resource management. In time as they are developed the following plans, planning documents and regulations will influence and affect the district plan provisions.

- ≪ National policy statements on matters of national significance.
- ≪ National environmental standards (Regulations).
- ≪ Regulations relating to the conservation or management of taiapure or fisheries.
- ≪ New Zealand Coastal Policy statements.
- ≪ Water Conservation Orders.
- ≪ Regional Policy statements and regional plans including regional coastal plans and regional land transport strategies.
- ≪ Planning documents recognised by the iwi authority affected by the District Plan.
- ≪ District Plans for adjacent areas.
- ≪ Management Plans and strategies prepared under other legislation.

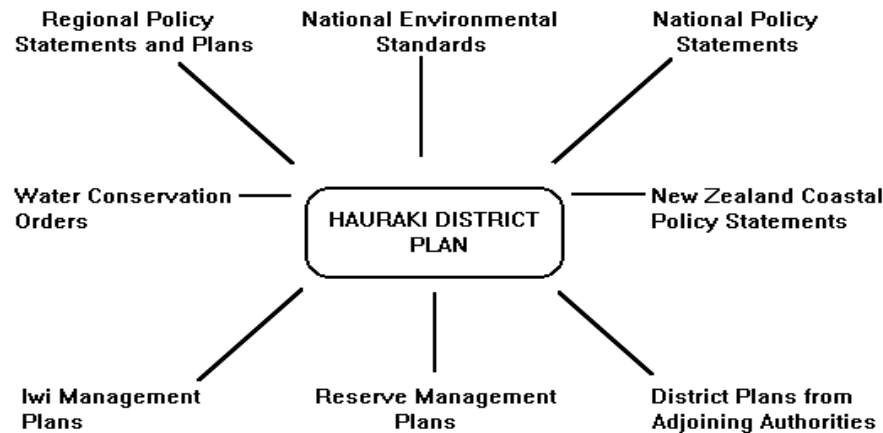


Diagram 1.3 - Relationship Between the District Plan and Other Statements, Plans and Regulations

The District Plan gives effect to the relevant provisions of those statements, plans and regulations in existence. At the time of notification of the Proposed District Plan the Minister of Conservation had released the "New Zealand Coastal Policy Statement 1991", the Waikato Regional Council had released a Proposed Regional Policy Statement, a Proposed Regional Coastal Plan and a series of changes to the Transitional Regional Plan. Some adjoining District Councils had released proposed district plans. It is understood that further draft and proposed regional plans will be released in the future. The Council has liaised with the Region in the preparation of the District Plan in an effort to minimise potential inconsistencies in terms of matters of regional significance. Council acknowledges that some changes may be necessary to its District Plan to ensure the document remains consistent with relevant regional policy and regional rules.

1.4 RELATIONSHIP WITH OTHER HAURAKI DISTRICT COUNCIL PLANS

The Resource Management legislation is the second part of a comprehensive planning framework for both regional and local government. In 1989 the levels, scope and form of local government were put in place.

1.4.1 Annual/Corporate Plans

A new Part XIIA was inserted into the Local Government Act 1974 which requires local authorities to produce Annual Plans with specific objectives and policies for each year. Such plans are also to include a forecast of activities for the two years following, outlining:

- ⚡ The intended significant policies and objectives of the local authority, local authority trading enterprise, company or other organisation.

- ⚡ The nature and scope of the significant activities to be undertaken.
- ⚡ The performance targets and other measures by which performance may be measured in relation to the objectives.
- ⚡ Indicative costs and sources of funds for each significant activity.

These plans clarify for the community what the functions of Council are and determine the level of Council involvement in the development of the District for the relevant planning periods.

The Annual Plan (which includes a budget) outlines in detail the work programme to meet the overall objectives, the monies allocated and the performance measures to achieve those objectives. Council is required to provide an Annual Report on performance in regard to the objectives, policies, works, budgets etc as established in the Annual Plan.

In addition to an Annual Plan, the Hauraki District Council also has prepared a Corporate Plan which is reviewed every 3 years. This is not a "statutory" document in that there is no requirement in the legislation that it be prepared.

The Corporate Plan (in combination with Annual Plans) provides a corporate strategy with medium time frame (3 year maximum). It deals with such matters as the capital works programme, reserve management and development, community facilities development and management, business operations, refuse disposal etc.

The matters that may be included in Annual/Corporate Plans are very broad and refer to all activities of the District Council. The District Plan on the other hand is limited in terms of its scope to the matters set out in Part II of the Resource Management Act and the functions of the Council as specified in Part III. The contents of district plans are to follow the requirements of Section 75 of the Act. The provisions establish the requirement that district plans are to deal with resource management matters as specified and not become quasi economic strategies, community development or financial plans for the District. That function lies with annual and corporate (or possibly strategic) plans.

The purpose of the District Plan is to give effect to and thus promote the sustainable management of the District's natural and physical resources (ie to reflect and implement the purpose of the Act). The District Council's functions under the Act relate particularly to the use, development and protection of land and associated natural and physical resources. The subject matter of the District Plan is limited in this way.

It is thus essential that the Annual/Corporate Plan for the Council's overall goals and objectives for the District, and the District Plan which will guide the resource management affairs of the District are not inconsistent with each other. The District Plan is only part of the comprehensive planning framework for local government. By itself it cannot make things happen. Mechanisms proposed in the District Plan to achieve resource management objectives and policies that require District Council resources or commitment to take certain actions, need to be translated through the Annual Plan, which is the implementation mechanism for achieving the Council's overall goals and objectives.

It is noted that the annual plan process is subject to public scrutiny and any mechanisms included in that plan will need to be justified as being appropriate and cost effective to achieve the desired goal.

1.4.2 Strategic Plan

Council is presently undertaking the preparation of a strategic plan, which has two main purposes, being:

- ⚡ providing a longer term "vision" for the District; and
- ⚡ coordinating the various plans being prepared and showing the linkages between them.

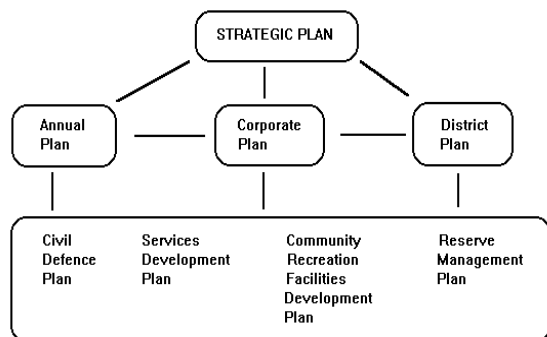


Diagram 1.4 - Relationship Between the District Plan and Other Council Plans

1.5 PUBLIC CONSULTATION AND PARTICIPATION IN THE PREPARATION OF THE DISTRICT PLAN

Public Participation in the resource management process is essential in order to obtain:

- ✍ Necessary information to prepare the district plan.
- ✍ The views and aspirations of the district residents, the Maori community, government agencies and other special interest groups who will be directly affected by the district plan.

The Act also sets out detailed requirements for public participation and the Council has endeavoured to ensure these requirements have been met, through the use of the following process:

1.5.1 Review of Rural Ordinances - Discussion Document

Originally the Hauraki District Council had decided to review the Transitional District Plan in two stages -

- ✍ Amend the rural Ordinances through a series of changes to five District Schemes forming the Transitional District Plan to achieve a consistent approach throughout the District.
- ✍ Review the Transitional District Plan in terms of the requirements of the Resource Management Act.

In August 1991, a discussion document was released by the Council titled 'Review of Rural Ordinances'. Public forums were held within the three wards during the same month to discuss the issues outlined in the document, and the objectives and future policies for the rural areas. The forums were well attended and a number of written submissions were received.

Following the public forums the District Council gave further consideration to the level of inconsistency between the rural ordinances of the Transitional District Plan. While there were some

quite apparent inconsistencies, the principal area of concern was with the subdivision and rural housing provisions. It was decided that scope existed for Council, through the exercise of discretion and interpretation of the Transitional ordinances, to achieve a level of consistency without the need to initiate a change. In view of this and the realisation that any changes would need to be made in terms of the provisions of the new Act, it was decided that a more beneficial use of time and resources would be achieved by proceeding to review the Transitional District Plan as a whole.

1.5.2 Resource Management Issue Papers

During 1992-1993 the Council produced a series of Issues Papers on key resource management issues and possible strategies. These were sent to community and interest groups for comment. The general public were also advised of their availability through notices in the local papers, and all ratepayers were advised in a newsletter included in their rates demand notice at the beginning of 1993. Comments received on these papers have been taken into account in preparing the Draft District Plan.

1.5.3 Draft District Plan

The Draft District Plan is another consultation document. Under the Resource Management Act 1991 the Council is not required to publish such a Draft. In order to fulfil the requirements of consultation under the Act, Council believes that it is useful to prepare a detailed Draft before publicly notifying a proposed district plan.

The Draft District Plan invited comments which were dealt with in a more informal and flexible "workshop" manner, which would not be possible by using the formal submissions, further submissions, hearing and appeal provisions of the Act. The results of the workshop process were reported back to Council and any changes in policy or changes of a significant nature, approved by Council. Any Council decision on comments on the Draft District Plan, however, would not limit the rights of persons and bodies to exercise formal rights following the public notification of the Proposed District Plan.

1.5.4 Future Monitoring and Consultation

Once the District Plan becomes operative, the District Council will, in consultation with interested parties, continue to monitor the effectiveness of the Plan. This may lead to changes to the District Plan being promulgated from time to time.

It should be noted that the opportunity is also provided under the Act for individuals or organisations to initiate changes to the provisions.

(Also refer to Section 3.0 - Monitoring and Evaluation).

1.6 STRATEGY FOR PREPARING THE HAURAKI DISTRICT PLAN

It is clear from the Resource Management Act 1991 that when developing objectives and policies for the sustainable management of resources, Councils must focus on environmental effects and outcomes rather than on specific activities. This approach to resource management means that Council must first determine several important points and issues. These include:

- ✍ Resource management issues that are significant in the District.
- ✍ Anticipated environmental results.
- ✍ Types of adverse environmental effects which should be avoided, remedied or mitigated.

That the Council must identify these matters for its own District is made clear in various sections of the Act.

Having identified the issues outlined above, the Council must develop methods for avoiding, remedying or mitigating the adverse effects of activities carried out in the District.

In order to efficiently and effectively identify the required points and issues and to manage adverse effects, the Council needs to establish planning frameworks and mechanisms which will enable it to carry out its duties under the Act. In some cases, the existing framework and mechanisms will be suitable for fulfilling the requirements of the Act. In other cases, existing frameworks and mechanisms may need alterations.

1.6.1 Aim for the District Plan Preparation

From the functions specified under Section 31 of the Act, Council will seek to ensure the Purpose of the Act is achieved through the District Plan:

- ✍ By the management of the District's natural and physical resources in a sustainable manner.
- ✍ By including objectives, policies and methods governing the use, development and protection of land and associated natural and physical resources only where necessary to achieve the purpose of the Act.

1.6.2 Key Elements in the District Plan Preparation

- ✍ Identify the natural and physical resources of the District.
- ✍ Identify the significant resource management issues for the District.
- ✍ Put in place objectives, policies and rules to provide for the use of the District's natural and physical resources in a sustainable manner.
- ✍ In the preparation and administration of the District Plan the Council shall undertake such programmes of consultation as required under the Act and as necessary to meet the above objectives.

Section 32 of the Resource Management Act 1991 outlines what local authorities should do before adopting any objective, policy, rule or other method. The Council must, among other things, have regard for any other means which could be used in addition to, or in place of the proposed method. It must also have regard to the reasons for and against the adoption of the proposed method and the principal alternative means available. The Council is to carry out evaluations of the likely benefits, costs and expected effectiveness of the principal alternatives. The method chosen is to be necessary for the achievement of the purpose of the Act. Council is to be satisfied that it is the most appropriate means, having regard to its efficiency and effectiveness relative to other means.

The strategy for preparing the District Plan is set out in more detail under Section 2.0 - SIGNIFICANT RESOURCE MANAGEMENT ISSUES, THE DISTRICT PLAN ROLE, METHODS AND ADMINISTRATION, and in the accompanying document, "Hauraki District Plan - Assessment of Alternatives, Methods, Benefits and Costs (Section 32 Analysis)".

1.7 ADMINISTRATION OF THE DISTRICT PLAN

1.7.1 INTRODUCTION

The Resource Management Act 1991 establishes an administrative and statutory framework for the management, use and protection of the natural and physical resources of the District. By virtue of the Act, the Council is required to enforce compliance with this Plan. Reference should be made to the provisions and requirements of this Plan before any activity is undertaken or commenced and before an application for a resource consent is lodged with the Council.

1.7.2 DISTRICT PLAN RULES

All rules in the Plan have the force and effect of regulations. The Council is empowered to include rules in the Plan to enable it to carry out its functions under the Act, and to enable it to achieve the objectives and policies of this Plan. Accordingly, rules have been included for the following purposes:

- ✍ Generally to achieve the integrated management of land use and development, and in particular, to implement the objectives and policies of the Plan.
- ✍ To control and mitigate the effects of land use and development (ie development controls).
- ✍ To protect land and the associated natural and physical resources of the district.
- ✍ To avoid or mitigate natural hazards.
- ✍ To prevent and mitigate adverse effects associated with hazardous substances.
- ✍ To control the subdivision of land.
- ✍ To control the emission of noise and the mitigation of the effects of noise.

Activities will be regulated, prohibited or allowed, as appropriate, to ensure that any actual or potential adverse effects on the environment are avoided, remedied or mitigated. In considering the effects of an activity, the Council will take into account positive and adverse effects, temporary and permanent effects, any past, present or future effects of high probability and any potential effect of low probability which has a high potential impact will also be considered.

1.7.3 RESOURCE CONSENTS

For the purposes of administering the Plan, activities are classified into five groups. These are:

- ✍ Permitted
- ✍ Controlled
- ✍ Discretionary
- ✍ Non-Complying
- ✍ Prohibited

(Refer to Section 2 of the Act for definitions).

A permitted activity does not require a resource consent provided the activity complies in all respects with the relevant rules of the Plan. Temporary Buildings and Uses are provided for in the Plan as permitted activities throughout the District. Temporary Buildings and Uses are defined in the Definitions section of the Plan.

The Act provides for resource consents to be obtained for activities, other than permitted activities, in accordance with rules and criteria specified in the Plan. These activities are controlled activities and discretionary activities. The Act also empowers the Council to require that a resource consent be obtained for an activity which contravenes a rule in a plan, but is not a prohibited activity. This type of activity is a non-complying activity. No application may be made for, nor may the Council grant, a resource consent for a prohibited activity.

The Council is empowered to grant two types of resource consents, namely:

- ✍ a land use consent, and
- ✍ a subdivision consent.

Other resource consents such as water permits, discharge permits or coastal permits are issued by the Waikato Regional Council (Environment Waikato). Where more than one resource consent is required for an activity, this must be stated in the application.

1.7.4 LAND USE CONSENTS

A land use consent is required for use of any land in a manner which contravenes a rule in this plan unless either:

- ≠ a resource consent has been applied for and granted, or
- ≠ the activity complies with Section 10 of the Act which provides for certain existing uses to continue.

Activities which may generate adverse effects necessitating the specific formulation of mitigation conditions have been provided for either as controlled activities or as discretionary activities. In either case, a resource consent shall be applied for and an assessment of the effects on the environment must be submitted for the consideration of the Council.

The Council may, in considering applications for resource consents, grant consent in accordance with any criteria specified in the Plan, and will include conditions in the consent in accordance with the Plan as appropriate.

While no resource consent application is necessary for a permitted activity, a request may be made for a Certificate of Compliance under Section 139 of the Resource Management Act 1991. Such a certificate, if granted, will state that the particular proposal or activity complies with the plan in relation to that location on the date of receipt of the request by the Council. It is deemed to be either a land use consent or a subdivision consent, whichever is appropriate, provided that it complies with any applicable conditions specified in this Plan and has a currency of two years.

1.7.5 SUBDIVISION CONSENTS

Rules governing the subdivision of land are set out in Section 10.0 of this Plan. Generally, land may not be subdivided unless expressly allowed by a rule in the Plan or a resource consent (subdivision consent) has been applied for and granted. Section 11 of the Act (which relates to the subdivision of land) also provides for a number of particular and more unique circumstances in terms of which subdivisions may be effected.

The assessment of impacts of subdivision is dealt with in the Resource Management Act 1991, and is subject to the provisions of the District Plan.

The definition of subdivision includes cross leases, company leases, and unit title divisions.

The subdivision application will follow the standard process set out in Part VI of the Act. Part X of the Act sets out certain provisions which relate specifically to the subdivision of land.

Section 219 of the Act sets out the information required to accompany applications for subdivision consent.

Rule 10.1.10 1. sets out information requirements for subdivision consent applications. These requirements are additional to the type of information required to accompany applications for other resource consents (eg for land use consent).

Certain additional conditions may be imposed on subdivision consents as well.

1.7.6 APPLICATION FOR RESOURCE CONSENT

Information Requirements

The Act sets out the process for applying for resource consents (Section 88). Information requirements for all consents are outlined in Section 88 and the Fourth Schedule to the Act. (Refer to Appendix I at the end of Section 1.0 for copies of Section 88 and the Fourth Schedule). For applications to subdivide land, particular information requirements apply (Section 219 of the Act and Rule 10.1.10 1. of the Plan).

An application for a resource consent for a controlled, discretionary or non complying activity shall be in Form 5 as set out in Regulation 8 of the Resource Management (Forms) Regulations 1991. Forms are available from all Council Offices.

Generally, an assessment of the impacts of the proposal on the environment will be required with any application made for a resource consent. The assessment is to 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. Guidance is provided in the Fourth Schedule to the Act about the matters to be included in an assessment and the types of issues which an assessment should address.

For applications involving controlled activities, an environmental assessment covering criteria specified in the Plan over which the Council has retained control shall be prepared by the applicant. Where the application relates to a discretionary activity, the assessment will be required to address those criteria over which discretion is identified.

Further Information

Where the Council considers that the information submitted with an application for a resource consent or a notice of requirement is deficient in terms of the requirements of the Act it may require the applicant to provide further information (Sections 92 and 169 of the Act). The Council may only require further information to enable it to better understand the nature of the activity in respect of which the application for a resource consent or requirement notice is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

Section 92 of the Act provides that where the Council considers that a significant adverse effect on the environment may result from an activity to which a resource consent application or requirement notice relates, the Council may require an explanation of:

- "(i) Any possible alternative locations or methods for undertaking the activity and the applicant's reasons for making the proposed choice; and
- (ii) The consultation undertaken by the applicant."

The Council may also commission a report, at the applicant's expense, on any matters relevant to the application or requirement notice where it is necessary for the Council to better understand the nature of the activity, the effect it will have on the environment, or the ways in which adverse effects may be mitigated. Council will discuss the commissioning of a report with the applicant prior to engaging persons for its preparation.

1.7.7 NOTIFICATION

Section 94 sets out the provisions regarding notification of applications. Generally, not all applications for land use and subdivision consent need to be notified, and these are:

- ≠ Any subdivision application which is specified as a controlled activity.
- ≠≠ Any application for a controlled activity which the Plan expressly permits consideration of without the need to obtain the written approval of affected persons.
- ≠ A controlled activity in respect of which the written approval of affected persons has been obtained.

~~EE~~ In certain circumstances applications for discretionary activities over which Council has, in this Plan, restricted the exercise of its discretion.

Applications for land use consent to undertake a discretionary activity or non-complying activity will generally be required to be notified. However, in the following circumstances, such an application may be treated in a non-notified manner:

~~EE~~ Council is satisfied that the adverse effects on the environment of the proposed activity will be minor; and

~~EE~~ Written approval has been obtained from every person Council considers may be adversely affected by the granting of the consent, unless Council considers it is unreasonable in the circumstances to require the obtaining of every such consent.

In considering these matters, Council will have regard to:

~~EE~~ The objectives, policies and rules of the District Plan.

Notwithstanding the above, the Council may require any application for resource consent to be notified where special circumstances exist. Such circumstances include (but are not limited to) where there is potential for adverse effects on a matter specified in Part II of the Act (Sections 5,6,7 & 8), and where there has been or is likely to be public concern expressed about the effects of the proposed activity.

Where the above does not apply, once the Council is satisfied that it has adequate information it shall notify the application in accordance with the requirements of Section 93 of the Act.

This procedure involves the Council preparing a notice in the form set out in the Resource Management (Forms) Regulations 1991 (Form 6) and serving copies of it on the following people as appropriate:

- ~~EE~~ Owners and occupiers of the subject land.
- ~~EE~~ Minister of Conservation.
- ~~EE~~ New Zealand Historic Places Trust.
- ~~EE~~ Minister of Fisheries.
- ~~EE~~ Persons likely to be directly affected.
- ~~EE~~ Iwi authorities.
- ~~EE~~ Other persons and authorities.

The Council is also required to fix the notice to a conspicuous place on the subject site, and to publish the notice in an appropriate newspaper.

The notice will have details of the application and give the closing date for submissions to be received by the Council. Submissions are to be sent to the Council Office nominated in the notice. A copy of any submission is to be served on the applicant (ie by the person making the submission).

1.7.8 TIME FRAMES

The Act specifies time limits for the processing of applications for resource consents (Sections 95, 97, 101, 115). The Council may extend these time limits in terms of Section 37 of the Act, although the extension cannot have the effect of more than doubling the maximum limits specified, unless requested by or with the agreement of the applicant.

1.7.9 SUBMISSIONS ON NOTIFIED RESOURCE CONSENT APPLICATIONS

Any person may make a submission to a resource consent application that is notified. The information to be provided in the written submission and the time limit for lodgement with the Council is specified in the Resource Management (Forms) Regulations 1991 (Form 6), and Section 97.

1.7.10 HEARING PROCEDURES

1.7.10.1 Pre-hearing Meetings

The Act provides for pre-hearing meetings to clarify, mediate or facilitate resolution of any matter or issue (Section 99).

Circumstances where the application is technically complex, raises a number of issues, has generated significant submission and/or concerns in the community, or is confusing due to more than one consent being obtained are examples of where a pre-hearing meeting is beneficial.

The administrative, procedural, time and location arrangements will need to be agreed by all parties prior to the pre-hearing meeting commencing.

Where the outcome of any pre-hearing meeting is reported to the Council it shall be circulated to all parties involved before the hearing, and shall become part of the information which a Council shall have regard to when considering the application.

1.7.10.2 Hearings

The Council will hold a hearing to consider an application for a resource consent, unless there are no submissions, or the persons making the submissions have stated that they do not wish to be heard and the applicant does not wish to be heard.

A notice advising all parties of the hearing date will be sent out by the Council within the time limits specified under the Act. The notice will include the location and time of the hearing, the procedural requirements to be followed for the conduct of the hearing, and the information to be provided by the parties involved.

A number of Council functions under the Act have been delegated to staff. The schedule of such delegations is held by Council and available at Council offices.

1.7.10.3 Joint Hearings

In order to encourage the integrated consideration of consents, ensure consistent decision making and reduce delays, joint hearings will generally be held where an application involves the granting of resource consents by both the Hauraki District Council and the Waikato Regional Council. This approach will apply unless the Council and the other consent authority agree that the applications are sufficiently unrelated, and the applicant agrees a combined hearing need not be held.

The Waikato Regional Council will generally be responsible for notifying the hearing, setting the procedure and for providing the administrative services where joint hearings are conducted.

1.7.10.4 Combined Hearings

When an application involves both a land use consent and a subdivision consent, and the Council is to hear the applications, a combined hearing will generally be held.

1.7.11 DECISIONS

After completion of the hearing, the Council considers all the evidence submitted and makes its decision on the application. The decision is then conveyed in writing to the applicant and submitters and such other persons or authorities the Council considers appropriate, including the reasons for the decision. Section 104 of the Act sets out a range of matters that a Council must consider when making a decision.

The rules related to the granting of consents are set out in Section 105, together with other matters related to the granting of consents. Restrictions on the granting of subdivision consent are set out in Section 106.

The Act provides for resource consents to include conditions relating to matters set out in the Act (Sections 108, 220). A resource consent may also include any other condition that the Council considers appropriate.

The terms and conditions, if any, forming part of resource consent shall be observed and fully complied with.

1.7.12 CHANGES TO OR CANCELLATIONS OF CONDITIONS

The Act permits an application to be made to the Council for the change or cancellation of any condition imposed in respect of a consent (other than a condition as to the duration of that consent). The application may be made at any time specified for that purpose in the consent, or on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary (Section 127).

The Act provides for applications to change or cancel resource consents to be non notified in some circumstances notwithstanding the originating application may have been notified (Section 127).

1.7.13 OBJECTIONS TO COUNCIL AND APPEALS TO ENVIRONMENT COURT

The Act provides for objections and appeals to be made against certain decisions made by the Council (Sections 120, 357, 358). Objections are made to the Council responsible for the decision. Appeals are made to the Environment Court.

1.7.13.1 Objections

An **objection** to the Council may be made by the applicant in respect of a Council decision concerning:

1. the extension of an existing use which has been discontinued (Section 10(2))
2. where a resource consent is due to expire, the continuing operation while applying for a new resource consent (Section 124(b))
3. the lapsing of a resource consent not given effect to (Section 125)
4. the cancellation of a resource consent not exercised for a continuous period of 2 years (Section 126)
5. a certificate of compliance application (Section 139)
6. the removal of a designation (Section 182)
7. the lapsing of a designation not given effect to (Section 184)
8. the following non notified applications:

- ≠ a resource consent (except where Council refuses to grant a consent - exception, see 10. below)
- ≠ change or cancellation of any condition of a resource consent (Section 127)
- ≠ a consent authority review of the conditions of a resource consent

9. a notified application about which no submissions were made, or all submissions lodged have been withdrawn.
10. the refusal of a resource consent by an officer of the consent authority acting under delegated authority
11. the making of an additional charge by Council pursuant to Section 36(3).

The procedure for lodging an objection, the time limits to be met and the Council's obligations in considering any objection are set out in Section 357 of the Act.

1.7.13.2 Appeals

Any person who has made an objection as set out above, or any person who is affected by the Council's decision on the objection, may subsequently **appeal** to the Environment Court against the decision (Section 358).

More generally, an appeal to the Environment Court may be made against the whole or any part of a decision of the Council on a resource consent application, or an application for a change or review of consent conditions by the applicant, consent holder or by any person who made a submission on the application or review of consent conditions (Section 120).

The procedure for lodging an appeal with the Environment Court is set out in Sections 121 and 358 of the Act.

1.7.14 CHANGES TO THE DISTRICT PLAN

Changes to the Plan may be made in accordance with the procedures outlined in the First Schedule of the Act. The Council has a commitment to maintain a District Plan which is current and relevant and which addresses resource management issues and concerns of significance to the District. The provisions of the Plan may therefore, be changed as necessary. Such changes may be in response to revised or updated national or regional policy statements, regional plans or regional coastal plans. The effectiveness of the Plan will be continuously monitored and the Council will initiate plan changes which address evolving resource management issues and community needs, improve environmental conditions and enable the Council to better meet its obligations under the Act.

The process of change is not limited to the initiatives of the Council. Any person may request the Council to change the Plan in accordance with the procedures set out in Part II of the First Schedule of the Act.

Applicants requesting a change to the Plan must:

- ≠ Explain the purpose of and reasons for the proposed change.
- ≠ Describe the environmental effects anticipated to result from the implementation of the change.

1.7.15 EXISTING USE RIGHTS

In Section 10, of the Act, provision is made for existing land uses and activities which do not comply with the rules of the operative or proposed District Plan. Generally speaking, such a use has existing use rights and can continue if:

~~1.7.16~~ The use was lawfully established before the rule became operative or the proposed plan was notified; and

~~1.7.16~~ The effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.

Provision is also made for existing use rights to be established by way of a designation.

Existing use rights do not apply in some situations as specified in Section 10, eg:

~~1.7.16~~ If the work proposed would increase the degree of non compliance of a building.

~~1.7.16~~ Where the activity is in the Coastal Marine Area or relates to certain other land use matters which are the responsibility of a Regional Council.

1.7.16 DESIGNATIONS

A 'designation' is a provision made in a district plan to provide for public works and certain types of network utilities, such as electricity transmission lines. A designation provides land use consent for the work, places restrictions on the kinds of activities that can be carried out within the area of that work (Section 176 and 178), and also allows network utility operators access into the compulsory acquisition process.

Land can be designated only by requiring authorities. A requiring authority is a Minister of the Crown, a regional or territorial authority or a network utility operator who has been approved by the Minister for the Environment for a particular project. It should be noted that a territorial authority may issue requirements within its own area or jurisdiction. That is, it may serve a requirement to designate land upon itself.

To designate land, the requiring authority issues a 'requirement' to a Council. The information to accompany a notice of requirement is set out in Section 168 of the Act. Generally the information requirements are the same as for a notified application for land use consent. The Council must notify the requirement, hear submissions from the public and make a recommendation to the requiring authority as to whether it accepts or rejects the requirement. If accepted, it may recommend conditions. The requiring authority then decides whether to confirm, withdraw, or modify the requirement. The decision is publicly notified and can be appealed to the Environment Court.

A requirement that is confirmed becomes a designation. This is shown on the Planning Maps by a notation (specifies what the land is designated for). It means that the requiring authority can do anything that is consistent with the designation, and that everybody else must have the permission of the requiring authority to do anything that would prevent or hinder the designated work within the designated area.

Affected landowners can apply to the Environment Court for an order making the requiring authority acquire the land, or an interest in it, if the designation means that they are unable to sell their land at a market rate.

The Act aims to make it easier for affected landowners to obtain compensation. Landowners will not be required to show evidence of financial hardship to require the designating authority to purchase the designated land. Once approved as a requiring authority for a project, a network utility operator may apply to the Minister of Lands to have the land or an interest in it acquired under the Public Works Act 1981.

A designation lapses after five years unless it has been given effect to or substantial progress is being made towards giving effect to the designation (Section 184, 184A).

1.7.17 HERITAGE PROTECTION ORDERS

The Act provides for a system of heritage protection orders for features and places of national or local significance from a broad range of perspectives including sites of special significance to the tangata whenua. It is to be noted that such orders can be applied to features, areas, or the whole or part of any structure, and are not intended to be applied only to historic sites/buildings.

A heritage protection order is similar to a designation, except that its purpose is to protect features and places of national or local importance, or which are significant to tangata whenua. The process followed is essentially the same as for designations and it takes effect through the provisions of the district plan.

An important feature of these provisions is the interim protection offered by issuing a requirement for a heritage protection order. Once a requirement is issued, no person can do anything that would nullify the effect of the order.

Under the Resource Management Act 1991, Councils are heritage protection authorities and, therefore, have the power to issue heritage protection orders. So also does any Minister of the Crown, the New Zealand Historic Places Trust and any heritage protection authority approved under the Act (Section 188).

The criteria for the assessment of areas and places of significance to tangata whenua will be in terms of their historical, spiritual, or cultural significance.

The Historic Places Trust must be advised by the Council of resource consent applications where the land is subject to a heritage protection order or affects any historic place, historic area, waahi tapu, or waahi tapu area registered under the Historic Places Act 1993.

1.7.18 CERTIFICATE OF COMPLIANCE

Any person proposing to undertake any land use or subdivision which is provided for in the District Plan as a permitted activity, may request from Council a certificate stating that the particular proposal complies with the District Plan. A Certificate of Compliance will allow the enjoyment of the same rights as apply to resource consents. This thereby ensuring that if the district plan changes, the activity may continue.

Any person requesting a Certificate of Compliance must provide sufficient information for Council to understand the proposal. Once all the necessary information is at hand, Council will issue a Certificate in accordance with the content requirements and time frame specified in Section 139 of the Act. Certificates of Compliance lapse after two years if the proposal is not undertaken within that period.

1.7.19 ENFORCEMENT MEASURES

The Act provides for a range of enforcement measures, aimed at ensuring compliance with the rules of the District Plan and conditions of resource consents, so as to enable Council to achieve its anticipated environmental results. It is the intention of the Act that persons in addition to Council be able to play a direct part in enforcement matters.

There are three different enforcement mechanisms:

1.7.19.1 Declarations (Sections 310 - 313)

Any person can seek a declaration by the Environment Court on almost any matter related to the Act. This includes interpreting District Plan provisions and whether Council is performing in accordance with its resource management obligations under the Act.

1.7.19.2 Enforcement Orders (Sections 314 - 321)

Any person, whether or not directly affected by an offending activity, can apply to the Environment Court seeking an order to restrain (among other things) unlawful activity, restore the environment

and/or claim reimbursement, to change/cancel a resource consent, to dispensation from the provisions of the Plan, suspend all or part of a Plan. Failure to comply with the order is an offence. The Act also provides for interim enforcement orders as a means of dealing with emergency situations where significant environmental damage is occurring or is imminent. Interim enforcement orders do not involve the notification procedures required of enforcement orders.

1.7.19.3 Abatement Notices (Sections 322 - 325)

Council can issue written abatement notices requiring environmental nuisances to be remedied within a stated period (not less than seven days from when the notice is served). Abatement notices may also be served to require compliance with the District Plan or a resource consent. These are a "first aid" measure aimed at achieving immediate action in relation to such problems as noxious discharges. Failure to act on an abatement notice constitutes an offence, however any person(s) served with an abatement notice has the right of appeal to the Environment Court.

In addition to these enforcement mechanisms there are separate enforcement mechanisms for **excessive noise**. The Act empowers Council's enforcement officers and the Police to direct that noise judged to be excessive, be reduced (Sections 326 - 328).

1.7.20 EMERGENCY WORKS (SECTIONS 330 - 331)

In emergency situations, or where an adverse environmental effect requires immediate action, remedial actions may be taken by the following:

- ☒ The person financially responsible for a public work affected.
- ☒ The Council or other consent authority.
- ☒ A Network Utility Operator approved as a requiring authority for the work concerned.

Reimbursement or compensation for emergency works may be payable in certain circumstances.

1.7.21 MONITORING (SECTION 35)

Council is required under the Act to monitor the whole or any part of the District, with particular attention given to the state of the environment, the effectiveness of the District Plan, the exercise of resource consents and any of Council's functions, powers or duties. On the basis of this monitoring, Council is required to take action as appropriate and necessary and to keep information relevant to such monitoring and action. (Refer to Section 3.0 - MONITORING AND EVALUATION).

1.7.22 COUNCIL CHARGES FOR DISTRICT PLAN ADMINISTRATION

The Council will recover reasonable costs incurred by the Council in undertaking various administrative functions with regard to the District Plan. The authority to make such charges is contained in the Act (Section 36) and the procedures to be followed in establishing charges is as set out in the Resource Management Act and the Local Government Act 1974. The types of services for which Council will impose charges include (but are not limited to):

- ☒ Costs associated with applications for plan changes including costs of plan change preparation.
- ☒ Receiving, assessing and determining applications for resource consent (including Certificates of Compliance).
- Note: Applications made pursuant to Sections 7.2.6.2 to 7.2.6.5 are exempt from all charges for receiving, assessing and determining those applications.
- ☒ Administration, monitoring and supervision of resource consents.

- ☒ Costs associated with receipt, assessment and determination of requirements to designate land.
- ☒ Provision of information, plans, documents etc.

Current charges for carrying out activities are available from the Council. Where Council has adopted a fixed charge for a particular matter and this is inadequate to recover actual and reasonable costs, an additional charge may be made by the Council.

1.8 HOW TO USE THIS DISTRICT PLAN

There are generally two situations that need to be covered in describing how to use this District Plan, as follows:

Situation 1

A developer, prospective property purchaser or property owner wishes to know what activities can or cannot be carried out on a particular property(s) or in a particular area.

Situation 2

A developer, prospective property purchaser or property owner has a specified development or activity that they wish to undertake, and want to know where the development or activity can be established.

In Situation 1, the Planning Maps (Section 11.0) would be used to identify the property(s) and confirm the zone and policy area applicable. The Planning Maps also shows additional information that may have a bearing on the development proposed. Additional information would include:

- ☒ Items of Heritage Value.
- ☒ Archaeological Sites.
- ☒ Outstanding Natural Features and Landscapes.
- ☒ Coastal Marine Area.
- ☒ Natural Areas of Ecological Significance.
- ☒ Roads to be Stopped.
- ☒ Proposed Roads.
- ☒ Road Widening.
- ☒ Designations.
- ☒ Defined Pedestrian Frontage.
- ☒ Amenity Protection Area.

The zones, policy areas and additional information are cross referenced to sections of the District Plan text.

In Situation 2, it is more likely that from the description of what was being proposed, reference would be made directly to the District Plan text under the section that appeared as likely to accommodate the proposal (eg if an office development was proposed, then the most likely zones would be Town Centre and Township). Once the appropriate zone(s) were confirmed, the location of the zone(s) could be found on the Planning Maps.

For both Situations 1 and 2, the use of the District Plan text is the same, and would follow the procedure outlined below:

1. The zones and policy areas include a section headed "Activities" which specifies the type of activities that are provided for as either permitted, controlled, discretionary and non complying. Activities that are specific to that zone/area are listed there, with activities that need to be provided throughout the District referenced to other sections of the text (eg Section 7.2 - Natural Areas of Ecological Significance, Section 8.7 - Signs).

2. Many activities have a "common" or general meaning that does not require explanation. However, for those activities that require explanation, reference to Section 4.0 - Definitions is needed. The definition of an activity can restrict the nature of the activity.

3. An activity may also be restricted by the Performance Standards (Section 9.0) that are applicable to a zone. Therefore, these also need to be referred to.

4. The introduction to the District Plan sections relating to the zones, policy areas, performance standards, conservation and heritage matters, specific matters etc contains the following:

- ≠ Background
- ≠ Resource Management Issues
- ≠ Anticipated Environmental Results
- ≠ Objectives and Policies
- ≠ Methods To Implement Objectives and Policies.

The introduction provides a source of information to explain the particular zone etc and what is to be achieved by the rules (ie activity listing, performance standards).

5. Where a subdivision is proposed (including a cross-lease, company lease or unit title), reference needs to be made to Section 10.0 - Subdivision, Financial Contributions, Esplanade Reserves and Esplanade Strips. This section contains the rules relating to the subdivision of land.

This is a brief precis of how to use the District Plan. Further details may be obtained from staff at the District Council.

APPENDIX 1

Application for Resource Consent

88. Making an application-

- (1) Any person may, in the manner set out in subsection (4), apply to the relevant local authority for a resource consent,
- (2) No application shall be made for a resource consent-
 - (a) For a prohibited activity; or
 - (b) For any activity described as a prohibited activity by a proposed plan once the time for making or lodging submissions or appeals against the proposed rule has expired and-
 - (i) No such submissions or appeals have been made or lodged; or
 - (ii) All such submissions and appeals have been withdrawn or dismissed.
- (3) An application may be made for a resources consent-
 - (a) For a controlled activity or a discretionary activity or a non-complying activity, under a plan or proposed plan; or
 - (b) Where there is no plan or proposed plan, for an activity for which a consent is required under Part III.
- (4) Subject to subsection (5), an application for a resource consent shall be in the prescribed form and shall include-
 - (a) A description of the activity for which consent is sought, and its location; and
 - (b) An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated; and
 - (c) Any information required to be included in the application by a plan or regulations; and
 - (d) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
 - (e) Where the application is for a subdivision consent, the information specified in section 219.

(5) The assessment required under subsection (4)(b) in an application for a resource consent relating to a controlled activity, or a discretionary activity over which the local authority has restricted the exercise of its discretion, shall only address those matters specified in a plan or proposed plan over which the local authority has retained control, or to which the local authority has restricted the right to exercise its discretion, as the case may be.

(6) Any assessment required under subsection (4)(b) or subsection (5)-

- (a) 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; and
- (b) Shall be prepared in accordance with the Fourth Schedule.

(7) Without limiting subsection (4) or section 92, an application for a resource consent for reclamation shall be accompanied by adequate information to accurately show the area proposed to be reclaimed, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve under section 246(3).

FOURTH SCHEDULE

Section 88(6)(b)

Assessment of Effects on the Environment

1. Matters that should be included in an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88(6)(b) should include

- (a) A description of the proposal;
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:
 - (c) repealed by s225 RMAA 1993
- (d) An assessment of the actual or potential effect on the environment of the proposed activity;
- (e) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use;
- (f) Where the activity includes the discharge of any contaminant, a description of
 - (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
 - (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment;
- (g) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
- (h) An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.
- (f) Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.