

C: ZONES, RULES, CONDITIONS, STANDARDS AND TERMS

C1 RATIONALE FOR ZONING

The district plan uses zoning as the principal vehicle for the sustainable management of natural and physical resources and the control of adverse effects on the environment.

The Kawerau District is unique with different natural and physical resources being important for different reasons within each distinguishable environment, e.g. trees and hills enhance amenity values and characterise the residential area while flat land, large structures and separation from other areas characterise the industrial environment.

C2 GENERAL

The rules (including conditions, standards and terms specified for each zone) will determine whether an activity is permitted, controlled, restricted discretionary, discretionary or non-complying. Where the activity is restricted discretionary, discretionary or non-complying, the objectives and policies in the Plan will be used to assist in deciding whether or not consent should be granted. Where the activity is controlled, the Council must grant consent but has a certain amount of discretion to impose conditions relating to the matters which it has reserved control over within the rules. Where the activity is restricted discretionary the Plan states the matters over which Council will exercise its discretion. Non-compliance with a particular rule or rules does not necessarily mean that an activity cannot be granted consent.

C3 NOTIFICATION

A consent authority has 10 working days after an application for resource consent is lodged to decide whether to notify that application.

Section 95A(1) of the Resource Management Act states that

“A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.”

The Resource Management Act contains certain tests which councils must consider when deciding whether to notify an application. Section 95A(2)(3) and (4) states those tests:

- (2) *Despite subsection (1), a consent authority must publicly notify the application if –*
 - (a) *it decides that the activity will have or is likely to have adverse effects on the environment that are more than minor; or*
 - (b) *the applicant requests public notification of the application; or*
 - (c) *a rule or national environmental standard requires public notification of the application.*

Despite sub-sections 95A(1) and (2), in certain circumstances a consent authority must not publicly notify the application, as follows:

95A(3) if –

- (a) *a rule or national environmental standard precludes public notification of the application; and*
- (b) *Subsection 2(b)(above) does not apply.*

In accordance with Section 95A(4), a consent authority may also publicly notify an application if it decides that special circumstances exist in relation to the application.

C4 INFORMATION REQUIREMENTS FOR RESOURCE CONSENTS

In accordance with the Resource Management Act, where applicable the following information shall be submitted with any application for a resource consent:

- (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.*

- (d) An assessment of the actual or potential effect on the environment of the proposed activity¹:
- (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 plan where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
- (h) Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted:
- (i) 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.

Any application for a resource consent shall include a set of plans illustrating the proposal. Two original scale copies of each plan are required, and one copy reduced to A4 size.

The plans must include the details set out in paragraphs (i), (ii) and (iii) below, as applicable:

- (i) a plan showing the location of the site, with the road name, street number, north point and scale.
- (ii) a site plan of the property (this shall be limited to size A3 or A4) showing:
 - site boundary lengths and other dimensions in metres;
 - location with distance to site boundaries, of all existing buildings which are to remain on the site, and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandahs);

¹ See also Section 6C : Assessment of Environmental Effects

- proposed use of each building;
 - position of any easement over the site;
 - position, location and dimensions of every parking and loading space (headroom dimensions are also required where parking or loading is within or under a building) and the proposed access and manoeuvring areas including the location and width of footpath crossings necessary to serve such space.
 - kerb lines adjacent to the site and the position of any street trees;
 - proposed retaining walls, excavations and landfill;
 - levels on the site boundaries and around any buildings, contours of the site unless the site is less than 100m², or has a uniform grade of less than 1 in 10;
 - existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - water courses and drainage and sewerage pipes and other utility services within and adjacent to the site; and
 - the means proposed to deal with water supply, stormwater and sanitary drainage.
- (iii) a floor plan of each building (at a scale of not less than 1:100) showing:
- external appearance of the building including doors and windows;
 - numbers of floors and their proposed use;
 - building heights and height in relation to any boundary;
 - relative height of new buildings fixed in terms of the natural ground level;
 - maximum permitted height for the zone;
 - any additional height requested; and
 - natural ground levels along boundaries at 1 metre intervals.

Plans submitted under paragraphs (i) (ii) and (iii) above will be made available for public inspection by the Council. Drawings submitted under paragraph (iii) above will be made available for public inspection in the case of an application which is notified.

C5 FURTHER INFORMATION

Further information may be required from an applicant where the Council considers it to be necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be avoided, remedied or mitigated. The Council may also commission a report, with the applicant's agreement, on any matters raised in relation to the application or on any environmental assessment or effects. Such a report may be commissioned where the activity which is the subject of the application may, in the opinion of the Council, give rise to significant adverse environmental effect.

C6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Council is able to request information from applicants as to the anticipated effects that a proposed activity may have on the environment. Details of this is provided in the Fourth Schedule of the Resource Management Act. In order to fulfil the requirements of the Resource Management Act, all resource consent applications will be required to submit an assessment of effects on the environment of the proposed activity. Applications for subdivision shall also include such assessments.

C7 INFORMATION REQUIRED FOR SUBDIVISION CONSENTS

Refer to C7: Subdivision and Development of this part of the Plan for the information required to accompany a resource consent application for a subdivision or development.