

HOW TO USE THIS PLAN

The following information is also laid out in diagrammatic format in **Figures 1a** (pg vii) and **1b** (pg viii).

The most usual question for those reading the Plan is “How do I know whether I will need to apply for a resource consent?”

There are two types of resource consent that may arise out of the Plan’s rules:

- (a) a Land Use Consent may be required for certain land use activities (refer **Chapter 4.1.1**).
- (b) a Subdivision Consent will be required for a subdivision proposal, including cross-leases and unit titles (refer **Chapter 4.1.2**).

If you were already carrying out the activity before this Plan was notified, you may have existing use rights, which are explained further, later in this chapter.

To find out whether or not you will need to apply for a resource consent, you need to determine whether the activity you wish to carry out is a permitted activity. The following set of steps is recommended:

LAND USE ACTIVITIES

You will need to know what rules apply both in respect of the zoning of your property and also in respect of the rules which apply throughout the District, as indicated below. If there are no rules which apply to your activity it is assumed to be permitted. A resource consent is not necessary for a permitted activity.

ZONING AND DESIGNATIONS

- (a) Find your property on the **Zone Maps** which are contained in **Part 5 - District Plan Maps**. Identify:
 - what zone your property is in;
 - any adjacent zones;
 - any Notable Trees or Historic Sites, Buildings or Objects either on or adjacent to your property (refer also to **Appendices 1D** and **1E**);
 - any designations either on or adjacent to your property (refer also to **Appendix 5**).
- (b) Find the zone provisions for your property in the Plan. Read through **Part 2** entitled **Environment Provisions** and find the zone which applies to your property. Compare your proposal to the standards listed for permitted, controlled, and discretionary activities. Note whether any standards will, or may, be breached by your proposal.
- (c) In a few cases, a standard may be different if the adjacent zoning is different from your own. The standards in your zone will tell you where this is the case, e.g. a commercial zone adjoining a residential zone.
- (d) If your property is designated, i.e. for a public facility, you will need to seek the prior written consent of the authority which is responsible for the designation before undertaking any activity which would prevent or hinder the public work or project or work to which the designation applies. Designations are listed in **Appendix 5** of the Plan (**Part 4**), and shown on the **Zone Maps**.
- (e) While Notable Trees and Historic Sites, Buildings and Objects are shown on the **Zone Maps**, the relevant provisions are found in **Part 3 of the Plan – District Wide Provisions**, specifically **Section 12.5 Heritage** (refer **(b)** below and the **Note**).

Note: Under chapters in **Part 2**, your proposal may be a permitted, controlled, restricted discretionary, discretionary, or non-complying activity. Your proposal will be a permitted activity only if it complies with both the zone rules (**Part 2**) and the rules for natural and physical resources (**Part 3**) which apply throughout the District. Otherwise it will be necessary to apply for a resource consent.

NATURAL AND PHYSICAL RESOURCES (PART 3)

- (a) Find your property on the **Resource Maps** that are contained in **Part 5 District Plan Maps**. Identify on the maps what resources are on, or adjacent to, your property. These may include:
 - areas subject to Coastal Hazards (refer also to **Coastal Hazard Maps**);
 - Heritage Precincts (refer also to specific **Heritage Precinct Maps**);
 - Sites of Cultural Significance to Maori (refer also to **Appendix 1F**);
 - Registered Archaeological Sites (refer also to **Appendix 1G**);
 - Outstanding Natural Features (refer also to **Appendix 1A**);

- Outstanding Landscape Features (refer also to **Appendix 1B**);
 - Outstanding Landscapes;
 - areas where the water setback provisions may not apply (**Maritime Exemption Areas**).
- (b) Turn to **Chapter 12** of the Plan (**Natural and Physical Resources**). Read through the standards for all sections which contain rules i.e. **Landscape, Flora and Fauna, Soils and Minerals, Natural Hazards, Heritage, Air, Lakes, Rivers, Wetlands and the Coastline, Hazardous Substances and Renewable Energy and Energy Efficiency**. Note that some of the standards apply to resources that do not appear on the **Resource Maps**, such as areas of indigenous vegetation and habitat. It is recommended that you ask Council to provide any information it holds on such resources as they may affect your property.
- (c) Compare your proposal to the standards listed for permitted, controlled, restricted discretionary and discretionary activities. Note those standards which will, or may, be breached by your proposal.

Note: Under **Chapter 12**, your proposal may be a permitted, controlled, restricted discretionary, discretionary or non-complying activity. Your proposal will be a permitted activity only if it complies with both the zone rules and the rules for natural and physical resources which apply throughout the District. Otherwise it will be necessary to apply for a resource consent.

FINANCIAL CONTRIBUTIONS

Financial contributions may be required for land use activities where such activities will result in a more intense use of land. They may include:

- (a) financial contributions towards the provision of car parking associated with non-residential activities where this cannot be provided by the applicant;
- (b) financial contributions for the protection of esplanade areas.

Read through **Chapter 14** and note whether you meet the standards and whether you may need to make any financial contributions.

TRAFFIC, PARKING AND ACCESS

For some activities there may be relevant standards for car parking, loading spaces and vehicle access. Read **Chapter 15.1** and note whether you meet the required standards. If there are no standards for your activity it will be treated as a permitted activity.

SIGNS AND LIGHTING

For all activities there are standards for signs and lighting. Read **Chapter 16** and note whether you meet the required standards.

SPECIAL AREAS

Check to see whether your proposal is located in a special area, as listed below (**Chapter 18**):

- 18.1 Moturoa Island Zone;
- 18.2 Watea Structure Plan Zone;
- 18.3 Waimate North Zone;
- 18.4 Horticultural Processing Zone;
- 18.5 Point Veronica Zone;
- 18.6 Carrington Estate Zone;
- 18.7 Kauri Cliffs Zone;
- 18.8 Orongo Bay Special Purpose Zone;
- 18.9 Quail Ridge Country Club Zone.

If so, special note should be taken of the relationship between these special areas and **Parts 2 (Environment Provisions)** and **3 (District Wide Provisions)** of the Plan.

BRINGING IT ALL TOGETHER

By now you should know the full range of standards that you will have to meet and the extent to which your proposed activity meets the standards. From this you will know whether your proposal is permitted,

controlled, restricted discretionary, discretionary, non-complying or prohibited. For more details about these classes of activities see **Section 4.2**. The information you will need to supply in support of your application for a land use consent is described in **Section 4.3.1**.

SUBDIVISION ACTIVITIES

MAPS

Find your property on the **District Plan Maps (Part 5)**. Identify, from the **Resource Maps**:

- (a) whether there is a Hazard Area (e.g. Coastal Hazard 2) on your property;
- (b) any Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (refer also to **Section 12.1** and **Appendices 1A** and **1B**) on your property;
- (c) any Sites of Cultural Significance to Maori or Registered Archaeological Sites on your property (refer **Section 12.5** and **Appendices 1F** and **1G**).

Identify, from the **Zone Maps**:

- (a) what zone your property is in;
- (b) whether a Conservation Zone or Maritime Exemption Area applies along any lake, river or coastal margin on your property;
- (c) any Notable Trees or Historic Sites, Buildings or Objects on your property (refer **Section 12.5** and **Appendices 1D** and **1E**);
- (d) any designations on your property (refer also to **Appendix 5**).

If your property is designated, you will need to seek the written consent of the requiring authority to undertake any subdivision which would prevent or hinder the public work or project or work to which the designation applies.

ROADING NETWORK

From the Roding Hierarchy as outlined in Council's "*Engineering Infrastructure Standards*" (June 2004), find the status of the roads serving your property. This is relevant when it comes to the subdivision and property access standards.

ESPLANADE AREAS

The setting aside of esplanade areas using the mechanism of esplanade reserves, strips or (in some cases) other means, will be required where allotments of less than 4ha are created, and for some situations, where allotments of 4ha or greater are created. The specific requirements for esplanade areas are contained in **Chapter 14 - Financial Contributions**.

SUBDIVISION STANDARDS

Turn to **Chapter 13** of the Plan. Determine whether your subdivision proposal meets the standards for:

- (a) allotment sizes and dimensions (refer also to **Table 7**);
- (b) natural and other hazards;
- (c) water supply;
- (d) stormwater disposal;
- (e) sanitary sewage disposal;
- (f) energy supply;
- (g) telecommunications;
- (h) easements;
- (i) building locations;
- (j) preservation of heritage resources, indigenous flora and fauna, landscape and geological features;
- (k) access to reserves and waterways;
- (l) reverse sensitivity;
- (m) proximity to airports.

Note: You will also need to check **Chapter 15.1 Traffic, Parking and Access** to determine whether your subdivision proposal meets the standards for property access.

FINANCIAL CONTRIBUTIONS

Financial contributions may be required for subdivisions. These may include:

- (a) financial contributions towards the provision of car parking associated with non-residential activities where this cannot be provided by the applicant;

- (b) financial contributions for the protection of esplanade areas.

Read through **Chapter 14** and note whether you meet the standards and whether you may need to make any financial contributions.

EXISTING LAND USE ACTIVITY

Go through the steps for a land use proposal to determine the degree to which any existing land use activity on the new allotments will meet all of the required standards. If a proposed subdivision will make the land use activity not comply with the standards, or increases the degree of non compliance, an application for land use consent will be required.

BRINGING IT ALL TOGETHER

By now you should know the full range of standards that you will need to meet, and the extent to which your proposed subdivision meets the standards. From this you will know whether your subdivision proposal is controlled, discretionary or non-complying. For more details about these classes of activities see **Section 4.2**.

If you need to make an application for subdivision consent, refer to **Section 4.3.1** which describes the information required to be submitted with an application for subdivision consent. If you also need to make an application for land use consent, this should be submitted at the same time.

EXISTING USE RIGHTS

This section summarises sections 10 and 10A of the Act, and is intended as general advice only. Please refer to those sections of the Act for a full understanding.

You may use land in a manner which contravenes a rule in this Plan if the land use was lawfully established before this Plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those that existed before this Plan was notified.

If, however, the land use is discontinued for a continuous period of more than 12 months, the Act provides that those existing use rights may lapse unless application is made to Council.

Existing use rights do not apply if changes to a building increase the degree to which the building fails to comply with any rule in the Plan.

Activities on the surface of lakes and rivers are treated slightly differently. If you formerly carried out an activity on a lake or river which now requires a resource consent under a rule in the new Plan, you must apply for consent within 6 months of the rule becoming operative, otherwise you will lose your existing use rights.

Notwithstanding the above, existing use rights are overridden by the duty of every person to avoid, remedy or mitigate any adverse effects on the environment arising from an activity carried on by, or on behalf of, that person. This duty (s17 of the Act) applies whether or not the activity is in accordance with the Plan's rules, a resource consent, or existing use rights.

INTERPRETING THIS PLAN AS IT AFFECTS NORMAL RURAL PRACTICES

The Council is aware that the definition of existing use rights in the Act is of concern to many people. In particular, the Council is aware of cases where activities, which are a normal part of farming, horticulture, forestry, and mineral extraction operations, which are carried out less frequently than annually, should be regarded as existing uses. Activities such as drain clearing, maintenance of farm tracks and excavation of rock for such purposes are examples.

The Council does not wish to prevent this type of activity from occurring where the adverse effects are no more than minor. The Plan defines "normal rural practices" and exempts them from certain rules. In addition, farming and forestry are exempt from certain provisions. The provisions applying in the Rural Production and General Coastal Zones enable the majority of normal rural practices to continue as permitted activities.

CERTIFICATE OF COMPLIANCE

Section 139 of the Act provides that the Council can be asked to issue a Certificate of Compliance to confirm that a proposal or existing activity is a permitted activity. This can be useful if there is any doubt about whether an activity is permitted by the Plan.

An application for a Certificate of Compliance must be accompanied by the appropriate fee and the Council may require the applicant to supply information about the proposal or activity.

However, no Certificate of Compliance may be issued once a Proposed Plan Change has been notified and the proposal or activity would not be permitted in that Proposed Plan Change.

PROHIBITED ACTIVITIES

A prohibited activity is one which the Plan expressly prohibits. There are few prohibited activities in the Plan and these are listed below as well as in the appropriate chapter of the Plan. An application for a resource consent relating to a prohibited activity cannot be granted. A Plan Change is needed to amend prohibited activity status.

Table 1: LIST OF PROHIBITED ACTIVITIES

Rule 12.5.6.4.1	
The demolition or removal of the following Historic Buildings is prohibited:	
Christ Church	Lot 3 Blk XI Russell Township
Church of St John the Baptist	Pt Lot 10 of OLC 48, Secs 18 & 19, Blk VIII Omapere SD
Four Square Store	Pt Lot 2, Russell Township
Holy Trinity Church (Anglican)	Pt OLC 54 adjacent to Pakaraka Township, Blk X Kawakawa SD
Kerikeri Mission House	Pt Lot 1 DP29562, Blk XI Kerikeri SD
Mangungu Mission House	Pt OLC 78, Blk XI Mangamuka SD
Police Station (former Custom House)	Lots 7,8,17,18 Blk V Russell Township
Pompallier	Allot 13, Sec 1, 13 Town of Russell SD
Pouerua Homestead Store & Stables	Lot 2 DP128244, Blk X Kawakawa SD
St James Church	Pt OLC 39, Blk XI Kerikeri SD
Stone Store	Lot 1 DP32468, Blk XI Kerikeri SD
Sunday School	Pt Lots 10,11 of OLC 48, Blk VIII Omapere SD
The Bungalow	Allot 13, Sec 1,13 Russell Township
The Gables	Lot 25, DP21359, Allot 12 Town of Russell Section 9
The Moorings	DP18744
The Retreat	Pt OLC 54 adjacent to Pakaraka Township, Blk X Kawakawa SD
Waimate Mission House	Lot 1 DP49136, Lot 1 DP65273, Lot 12 OLC 48, Blk VII Omapere SD
Rule 12.2.6.4.1	
The introduction, keeping, running, farming, propagating or breeding of possums, any mustelid species (including ferret, stoat and weasel), any wallaby species, any rook or magpie, and any plant included in the "National Pest Plant Accord" (August 2001).	

LAYOUT OF THE PLAN

The layout of the Plan is described in detail in **Section 1.5.1 Plan Structure** and shown in diagrammatic form in **Figure 1c** on page ix.

Basically, the Plan is divided into five parts – **General Provisions, Environment Provisions, District Wide Provisions, Appendices** and **District Plan Maps**.

Part 2 – Environment Provisions contains the rules applying to specific zones. You will find four chapters, each covering an “environment”. There are several zones in each “environment”. Each “environment” has:

- A Context – a descriptive narrative about the environment;
- Issues – identified resource management issues to be addressed through the District Plan;
- Environmental Outcomes – the desired result of addressing the identified issues;
- Objectives – very similar to environmental outcomes i.e. what it is hoped the plan will achieve through its various mechanisms;
- Policies – a subset of objectives; policies provide a framework for those using the plan;
- Methods – outlines “how” the outcomes, objectives and policies will be achieved, both through mechanisms within the plan and outside of the plan.

A commentary is provided in each environment chapter. This commentary is part of the Plan and explains and provides the reasons for adopting the objectives, policies and methods in the Plan.

Zones are a subset of an environment i.e. there are several zones within each environment. Each zone is described in a “Purpose of Zone” statement, has its own set of objectives and policies, and customised rules, appropriate to the zone and aimed at achieving the objectives and policies.

A Commentary is provided for each zone as it is for each environment.

Part 3 – District Wide Provisions, is laid out in similar fashion to **Part 2**. **Chapter 12** addresses natural and physical features and for each section there are context, issues, environmental outcomes, objectives, policies, methods and rules subsections. As with **Part 2**, a Commentary is provided to explain and give reasons for adopting the objectives, policies and methods in the Plan. **Chapters 13–18** inclusive are laid out in similar fashion.

Part 4 – Appendices contains a number of schedules, tables and figures that are referred to throughout the Plan e.g. Schedule of Notable Trees, Schedule of Designations, Table of Parking Space Requirements.

The **District Plan Maps (Part 5)** are in a separate A3 volume. The District has been split into 51 1:50,000 scale maps. The zoning is shown on one page, with the opposite page showing resource features, e.g. Outstanding Landscape Features, for the same area.

There are also 61 1:10,000 scale zone maps showing the zoning of various communities. These are, in effect, enlargements of the 1:50,000 maps for specific communities. In addition, the planning maps include a series of 1:5,000 Coastal Hazard maps, a series of Flood Hazard maps at 1:200,000 and a series of Heritage Precinct maps at 1:10,000 or 1:5,000 scale (depending on land area involved).

Figure 1a: HOW TO USE THE PLAN – LAND USE CONSENTS

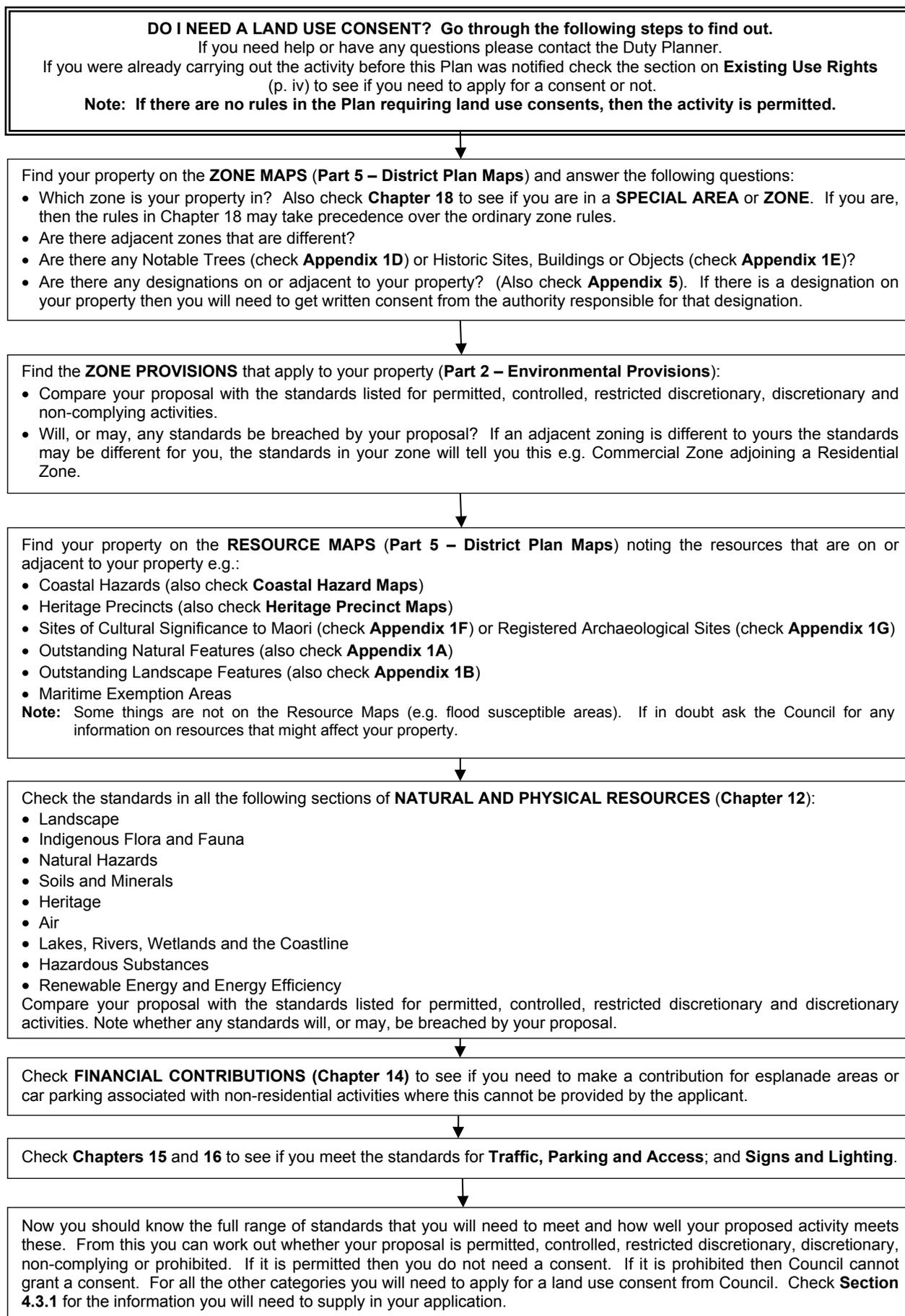


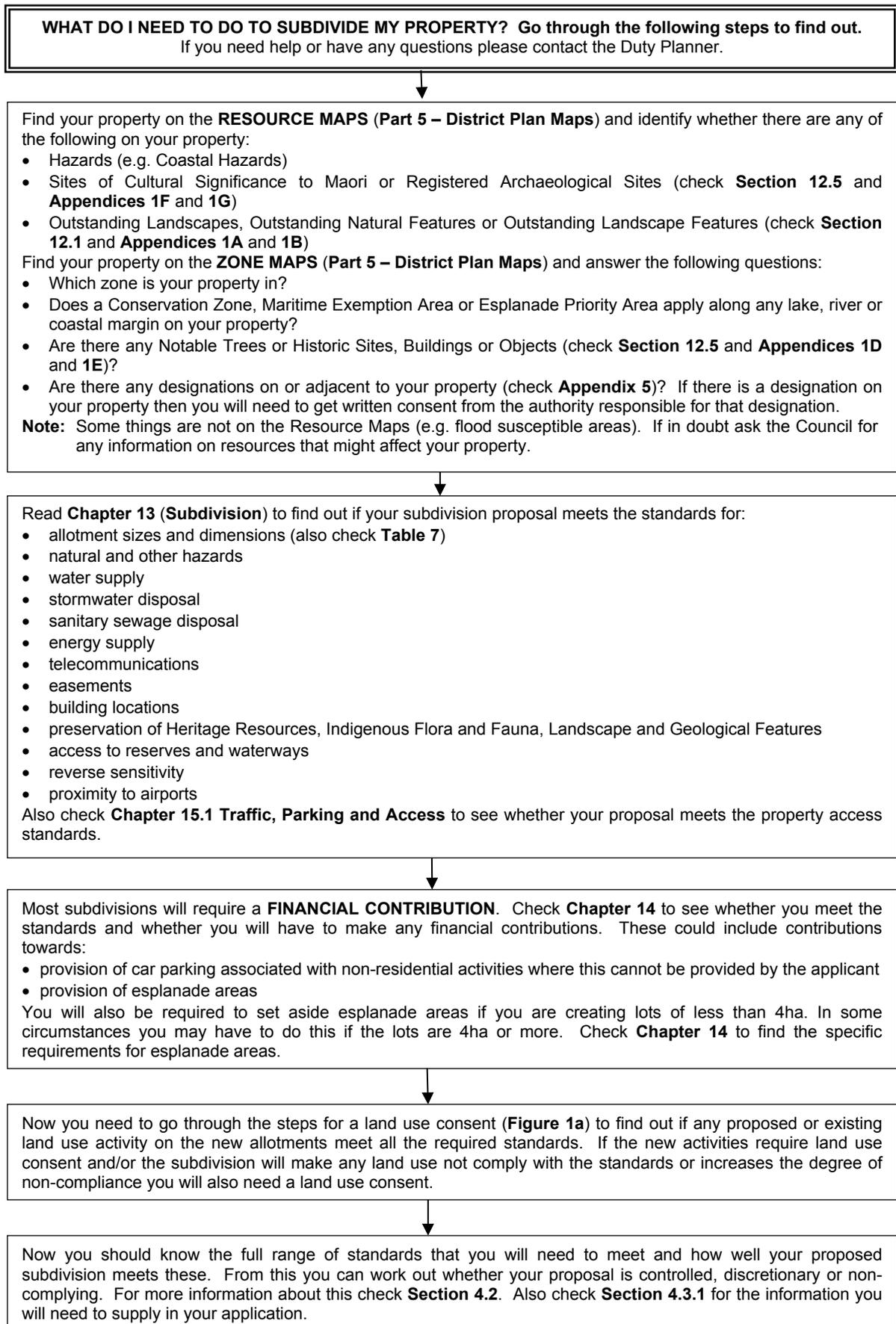
Figure 1b: HOW TO USE THE PLAN – SUBDIVISION CONSENTS

Figure 1c: DISTRICT PLAN STRUCTURE

