

PART 15 - GENERAL PROVISIONS, PROCEDURES AND RULES

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

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PART 15- GENERAL PROVISIONS, PROCEDURES AND RULES

15.1 CONTENT AND STRUCTURE

This Part contains the basic mechanisms of the Plan. It:

- sets out the procedure for making an application
- describes the details to accompany a resource consent application and the notification procedures
- details the matters to be considered by the Council in respect of a resource consent application and the conditions which may be imposed
- sets out general rules and rules which apply to a range of activities that may establish throughout the Central Area.

15.2 ACTIVITIES

The type, form and scale of different activities are controlled by rules. All rules in this Plan have the force and effect of a statutory regulation. Rules enable the Council to carry out its functions under the Resource Management Act 1991 and to achieve the objectives and policies of the Plan. In particular, rules have been included for the following purposes:

- a) To avoid, remedy or mitigate any adverse effects of land use and development.
- b) To encourage the efficient use and development of the natural and physical resources of the District.
- c) To maintain and enhance the quality of the environment.
- d) To ensure appropriate development of land subject to natural hazards.
- e) To prevent or mitigate adverse effects associated with hazardous substances.
- f) To control the subdivision of land.
- g) To control the emission of noise and to mitigate the effects of noise.
- h) To maintain and enhance amenity values.
- i) To recognise and protect heritage values.

15.2.1 ACTIVITY TYPES

Activities are classified into five groups. These are:

- permitted
- controlled
- discretionary
- non-complying
- prohibited

Any activity which is not provided for in this Plan requires a resource consent, which shall be assessed as a non-complying activity.

15.2.1.1 Permitted Activities

Permitted activities are those which can proceed as of right, but must comply in all respects with relevant conditions specified in the Plan. Those conditions are expressed in the Plan as rules. In the main, such rules specify the particular development controls which an activity must comply with, eg, standard building heights, site intensity controls and setbacks. An activity which does not comply with one or more of the relevant rules may be considered as a discretionary activity (see Clause 15.2.1.3).

15.2.1.2 Controlled Activities

Controlled activities may, in some circumstances, have characteristics which can cause adverse impacts on the surrounding environment. In each case, a controlled activity requires a resource consent (see 15.3).

15.2.1.3 Discretionary Activities

The Plan provides for two types of discretionary activity.

a) Listed discretionary activities

Some activities, because of their scale, location, intensity or operational characteristics, require particular assessment to determine whether they are suitable, or under what circumstances they may be suitable, in certain areas to avoid adverse effects on the environment. Each discretionary activity requires a resource consent (see 15.3). In each case, criteria specified in the Plan and in the Act must be satisfied.

b) Development control modification

The development controls adopted in the Plan have been devised to control the effects of activities on the environment and amenity of the district. The controls are those which are generally appropriate for particular areas and neighbourhoods. The Council acknowledges



that not every rule will be appropriate on every site. In certain circumstances the characteristics of a site may make strict compliance with the development controls inappropriate.

The Plan therefore provides the opportunity, in such circumstances, through the resource consent process for modifications to these development controls.

Where an activity fails to meet one or more of the relevant development controls for a site it shall be deemed to be a restricted discretionary activity, except as otherwise specified in other parts of the Plan, and will be assessed against particular criteria of Clause 15.3.1.2(b).

15.2.1.4 Non-Complying Activities

A non-complying activity is an activity (not being a prohibited activity) which contravenes a clause in a plan or proposed plan; and is allowed only if a resource consent is obtained in respect of that activity.

In addition rules may provide for non-complying activities.

15.2.1.5 Prohibited Activities

Certain activities are expressly prohibited in the district. These are set out in Clause 15.5.2.2. No resource consent will be granted for a prohibited activity.

15.2.1.6 Certificate Of Compliance

An application may be made for a Certificate of Compliance. A Certificate of Compliance is issued for permitted activities and certifies that development is fully complying. Such a certificate, if granted, will state that the particular proposal was permitted 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, and has a currency of five years.

15.2.1.7 Other Authorities

In applying for consent to undertake development or to establish an activity, an applicant may be required to obtain consent from other authorities (eg, the Auckland Regional Council). This would particularly apply where the activity or development occurs along the coast or involves discharges onto the land, or into water or air.

The Auckland Regional Council has responsibility for processing certain resource consents including:

1. discharge consents (eg. stormwater, sediment and other contaminants)
2. land use consents for earthwork activities
3. water take, use, dam or divert consents (eg. dewatering)
4. natural hazards mitigation (eg. flooding).

Subdivision consents are dealt with in Part 13.

This Part deals with resource consents for those land use activities referred to in Clauses 15.2.1.2 to 15.2.1.4.

The resource consent process:

- a) assesses the actual and potential effects of an application
- b) sets out the criteria for assessing applications
- c) determines the merit of the proposal
- d) imposes suitable conditions for approved applications
- e) provides appeal rights against decisions.

It is desirable that resource consent applications for land use and subdivision that involve resource consent applications or permits from the Auckland Regional Council are lodged with the respective authorities at the same time for the purpose of better understanding the proposal. Joint hearings will be held unless the Council, the Auckland Regional Council and the applicant agree that a joint hearing is unnecessary.

The following provisions deal with the requirements in respect of an application for a resource consent. Figure 15.1 summarises the procedure.

Rules are contained in 15.3.1 which set out the matters to be considered by the Council, and the conditions which may be imposed. 15.3.2 contains the rules which set out the information to be submitted with an application and notification details.

15.3 RESOURCE CONSENTS

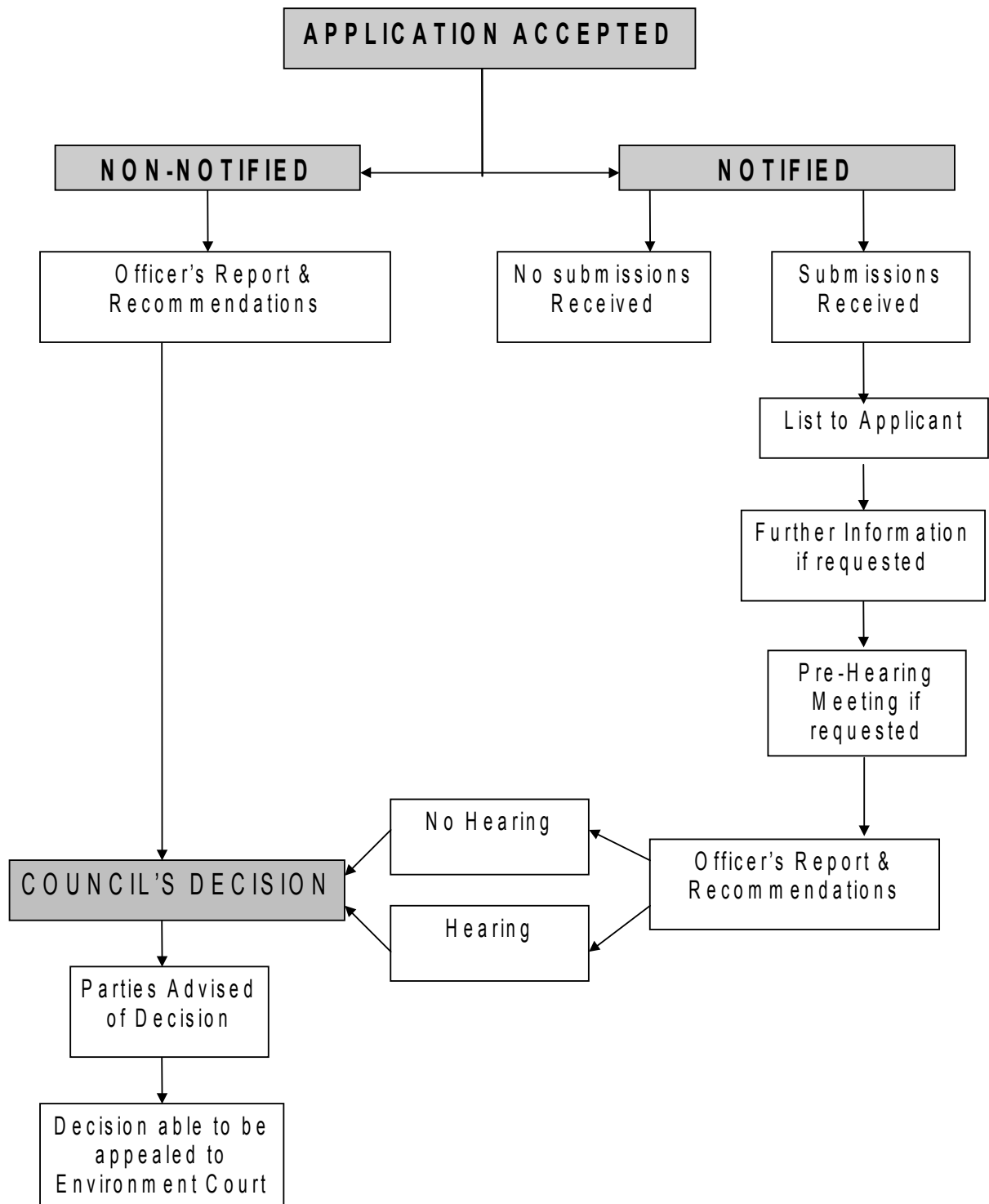
The Plan provides for two types of resource consents:

- a) land use
- b) subdivision.

Discharge and coastal permits are resource consents issued by the Regional Council.



Figure 15.1



15.3.1 RULES - MATTERS TO BE CONSIDERED

- a) All development, whether a permitted, controlled, restricted controlled, discretionary or restricted discretionary activity is required to comply with the development controls in Part 6 and any other relevant overlay rules except where otherwise provided in the Plan.
- b) A resource consent shall be obtained for a:
 - i) controlled activity
 - ii) discretionary activity
 - iii) non-complying activity.

The Council may consent to an application for a resource consent in accordance with Part VI of the Act; having regard to the following matters.

15.3.1.1 Controlled Activities Assessment

Criteria and considerations which apply to controlled activities are described throughout the Plan. Applications for a resource consent for a controlled activity will be assessed according to those criteria.

15.3.1.2 Discretionary Activities Assessment

a) Listed discretionary activities

Criteria and considerations which apply to particular discretionary activities are described throughout the Plan. Applications for a resource consent for a discretionary activity will be assessed according to:

- i) the Plan's criteria
- ii) such matters as, in the Council's opinion, may be relevant to the application as expressed in the Schedule of Effects (see Clause 15.3.1.4).

b) Development Control modification

The Council may grant a restricted discretionary activity resource consent to an application to modify one or more of the provisions described as development controls in any part of the Plan, including the precinct or quarter provisions. Clause 15.3.2.6 does not apply to this rule. The normal tests for notification of an application under sections 95A-95F of the Act shall apply except where specifically provided for in Part 6 Development Controls.

The Council will consider the following criteria:

- i) the extent of any adverse effects on the environment of the modification; and

- ii) whether the application would achieve the objectives and policies of the Plan and sustainable management of resources;
- iii) whether the proposal meets the intent of the development control as contained in its associated explanation or it is unreasonable or impractical to enforce the control; and
- iv) whether, where appropriate, conditions can be devised to avoid, remedy or mitigate any adverse effects of the proposed modification on the environment which may include those set out in (d) below.

When considering an application, the Council will also have regard to any unusual circumstances, including those listed below.

c) Circumstances:

For any application for modification of a development control regard will be had to the following circumstances:

- i) inherent site considerations, including unusual size, shape, topography, substratum, vegetation, flood susceptibility, or heritage status;
- ii) particular site development characteristics including the location of existing buildings or their internal layout, the presence of heritage items including trees, the preservation or conservation of heritage items and / or their context, achievement of architectural harmony or physical congruence, compliance with bylaw or engineering standards, the preservation of privacy, outlook improvement, building restoration, conversion or renovation of demonstrable merit, temporary buildings, provision of public facilities, the design and arrangement of buildings to facilitate access for the disabled, or legal impediments;
- iii) unusual environmental circumstances including adverse topography, unusual use or particular location of buildings on neighbouring sites, location of scheduled or protected trees on neighbouring sites, improved amenity for neighbouring sites, the presence of effective adjacent screening or permanent open space;
- iv) extraordinary vehicle or pedestrian movement considerations; including the achievement of a better relationship between the site and the road, improved operation of parking areas, the improved safety, convenience or efficiency of pedestrian or traffic movement on the site or adjacent roads, unusual incidence or time of traffic movement, demonstrably less than normal use intensity, and the considered need for pedestrian protection;



- v) modifications to the development of existing sites which are detrimentally affected by the building line restrictions and do not fully comply with the development controls for the site, and involve works not encroaching on to land affected by the building line restriction;
- vi) Alternative design proposals for the site which, in the particular circumstances of the development and it's locality, would (taken overall) meet the objectives and policies of the Plan and result in positive urban design effects and only similar or reduced adverse effects on other land.

d) Conditions

Conditions on the following matters may be imposed on any consent given

- i) alterations to or removal of existing structures
- ii) changes to the extent of modification initially applied for
- iii) conformity with the plans submitted
- iv) limitations on duration or hours of operation.
- v) ensuring that any adverse effects on stormwater drainage are avoided
- vi) landscaping, screening, fencing
- vii) location and design of vehicular and pedestrian areas to and from the site
- viii) noise control
- ix) obtaining all necessary consents and compliance with bylaws
- x) open structures to be maintained as open structures
- xi) parking
- xii) particular standards for the design and external appearance of buildings
- xiii) performance bonds or enforcement agreements
- xiv) preservation of parts of a site for particular activities, eg., open space
- xv) provision of information to establish a particular fact or compliance
- xvi) restoration or renovation of existing building
- xvii) retention and protection of existing vegetation
- xviii) separation of buildings or activities
- xix) specific signage.
- xx) retention and protection of heritage items which may include a requirement to enter into a covenant for this purpose.

- xxi) controlling the adverse effects arising from development on wastewater, stormwater and water supply infrastructure.

e) St Andrews Presbyterian Church Height Control

The Council may grant a restricted discretionary activity resource consent to an application for a building, including external alterations and additions, exceeding 15 metres and up to 25 metres on the site that adjoins and is to the south of the St Andrews Presbyterian Church site as shown on Planning Overlay Map 3. Clause 15.3.2.6 does not apply to this rule. The normal tests for notification of an application under sections 93 and 94 of the Act shall apply.

The Council will consider the following specific criteria

- i) whether the building orientation, form, and articulation provides a varied and interesting frontage to the street
- ii) whether the site configuration, building form, and external design elements provide an appropriate interface with adjoining site elements (as a guide, the building should respect the visual prominence and heritage qualities of St Andrews Church).
- iii) whether the building form and finish (including materials and colours) creates an appropriate and compatible backdrop to St Andrews Church including both its tower and gable roofed stone components.
- iv) whether the building form and/or design features make reference to the architectural character of St Andrews Church.

Conditions on the following matters may be imposed on any consent given:

- i) Design and external appearance of the new building
- ii) Landscaping
- iii) Location and design of vehicular and pedestrian areas to and from the site

f) Applications to modify rules 14.9.11.6a), 14.10.8.5a) Street Frontage Storey Height Control

As specified in clause 14.9.14b)ii) and 14.10.8b), Council may grant consent to an application to modify development control rule 14.9.11.6a) or 14.10.8.5a) without public notification or the need to serve notice on any person or party.

In determining an application to modify development control rule 14.9.11.6a) or 14.10.8.5a) Council will consider the following specific criteria:



- i) The extent of proposed floor space fronting a street, through site link or public open space with floor to ceiling height less than 4m in height;
- ii) The extent to which the structural framework of the building enables conversion of the floor space to comply with the requirements of rule 14.9.11.6a) and 14.10.8.5a) in the future. In this respect, the construction of buildings with permanent floor space fronting a street, through site link or public open space with floor to ceiling height less than 4m in height is strongly discouraged;
- iii) The nature of the proposed activity and the extent to which conditions offered or commitments made by the applicant offer certainty that floor space fronting a street, through site link or public open space will be restored to comply with the requirements of rule 14.9.11.6a) or 14.10.8.5a) once the activity ceases.

g) Applications to modify development control rules 6.15a)i) and ii), 14.10.8.6i) and ii) or 14.9.11.7a) and b) Accommodation

As specified in rule 6.15b), 14.9.11b)iii) and rule 14.10.8ii), Council may grant consent to an application to modify development control rules 6.15a)i) and ii), or 14.9.11.7a) and b) or 14.10.8.6i) and ii) without public notification or the need to serve notice on any person or party.

In determining an application to modify development control rule 6.15a)i) and ii), 14.9.11.7a) and b) or development control rule 14.10.8.6i) and ii) Council will consider the following specific criteria:

- i) The extent of any proposed reduction of the minimum gross floor area requirements as set out in rule 6.15a)i) 14.9.11.7a) or rule 14.10.8.6a)i). In this respect, a reduction in total gross floor of greater than 20% of the minimum standard is strongly discouraged.
- ii) The extent to which the incorporation of specific internal design elements (such as built-in furniture and mezzanine areas) facilitates more efficient use of internal accommodation floor space.
- iii) The extent to which additional balcony space or outdoor space for the exclusive use of the tenants of each accommodation unit remedies or mitigates a reduction in internal living space;
- iv) With specific reference to rule 6.15a)i), 14.9.11.7b) or rule 14.10.8a)ii), the extent to which one bedroom units are designed to enable amalgamation with abutting units and conversion into two bedroom units at a future date.

h) Applications to modify development control rules 6.16b) and 14.10.8.3b) Outlook Space

Except as provided for by section 95A(4) of the Act, an application to modify the outlook space development control in Rule 6.16(b) and 14.10.8.3b) will be considered without public notification or the need to obtain written approval of or serve notice on affected persons.

In determining an application to modify development control rules 6.16 and 14.10.8.3 Council will consider the following specific criteria:

- i) The extent to which design of the building including recessed balconies or outdoor space remedies or mitigates the reduction in outlook space.
- ii) The extent to which the orientation of the building provides adequate daylight and sunlight for occupants.
- iii) The extent to which the design of the building provides adequate privacy to occupants of the building.
- iv) For non permanent accommodation, a lesser dimension of outlook separation to a minimum of 6.0m from bedrooms or principle living areas may be acceptable in some cases where the intent of criteria (i) - (iii) above is satisfied and, with the exception of Crown land, where certainty can be provided, through a registered covenant in favour of the Council or another equally restrictive mechanism, that the building or area within a building is not to be used for accommodation other than non permanent accommodation and is to be managed as a single entity in perpetuity.

i) Applications to modify development control rule 6.17 Non Permanent Accommodation.

As specified in rule 6.17, any application to modify development control rule 6.17 must be considered as a restricted discretionary application.

Applications to modify development control 6.17 shall be considered against the following criteria:

- i) The extent to which existing title or unit title boundaries increase the likelihood of non permanent accommodation being sold separately or used as individual accommodation units.
- ii) The extent to which the applicant has demonstrated that the non permanent accommodation will not be used for accommodation other than non permanent accommodation or further subdivided or unit titled into smaller units.
- iii) Where units are self-contained, the Council will require a strong degree of certainty that the units



will not be converted to permanent accommodation. Where certainty is not provided, the application is likely to be declined and where appropriate a fresh application for accommodation will be encouraged.

Scope

The extent of the modification consented to in any particular case will be determined by an assessment of the characteristics of the subject site and the design of development in relation to the characteristics of surrounding sites and developments.

15.3.1.3 Non-Complying Activities Assessment

Under Part VI of the Act, the Council may not grant an application for a resource consent for a non-complying activity unless it is satisfied that:

- a) any effect on the environment will be minor; or
- b) granting the consent will not be contrary to the objectives and policies of the Plan.

In considering whether to grant consent to an application for a non-complying activity, the Council will have regard to:

- i) any actual or potential effects of allowing the activity, and the assessment of effects required under Clause 15.3.1.4 of the Plan; and
- ii) section 104(3)(a)(ii), of the Act.

In granting consent to a non-complying activity, the Council may apply one or more of the conditions outlined in Clause 15.3.1.5.

15.3.1.4 Schedule Of Effects

Where an assessment of the effects of an activity on the environment is required, the assessment shall be done in accordance with the Fourth Schedule to the Act.

15.3.1.5 Conditions

In granting consent to an application, the Council may impose conditions, restrictions and prohibitions as it thinks fit, including conditions which require positive effects on the environment so as to offset any adverse effects associated with the land use. Such conditions may relate, but are not limited to (except in the case of controlled activities), conditions set out in Clause 15.3.1.2(d) and to the following.

- a) Financial contributions including contributions of:
 - money
 - esplanade reserves on development
 - land
 - services

- works, including the planting or replanting of any tree or other vegetation or the restoration or enhancement of any natural or physical resource.

- b) A requirement that an administrative charge be paid to the Council for any specified matter in accordance with Section 36 of the Act or any regulations.
- c) Amalgamation of titles.
- d) Bonds, in respect of the performance of any one or more conditions of the consent.
- e) Management procedures including the sequencing of critical aspects of the activity.
- f) Modification to or removal of existing building.
- g) Modifications to the extent of the activity initially applied for.
- h) Obtaining any necessary building consents under the Building Act 1991.
- i) Restoration of the natural environment.
- j) Restriction on type of use permitted or maintenance of particular uses.
- k) A covenant capable of registration under the Land Transfer Act 1952, in respect of the performance of any condition of the resource consent.
- l) Natural resource management.
- m) Such other conditions as may be necessary to allow a resource consent to be granted in terms of objectives, policies and explanations for rules set down in this Plan.

15.3.1.6 Changes to or Cancellation of Conditions

Once a resource consent is granted, an application may be made to the council to change or cancel any condition imposed on an activity as part of that consent (other than a condition as to the duration of that consent).

The application to change or cancel a condition under S127 of the Act must be notified in accordance with sections 95A-95F of the Act.

The assessment of effects shall relate only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

When considering who is adversely affected by the change or cancellation, the Council must consider, in particular, every person who:

- a) made a submission on the original application; and
- b) may be affected by the change or cancellation.

Refer to clause 10.9.14 for consultation requirements with New Zealand Historic Places Trust.



15.3.2 RULES - LAND USE RESOURCE CONSENT APPLICATIONS

Forms for resource consent applications are available at all Council offices.

15.3.2.1 Information

A. Details

The following information shall be submitted with any application for a resource consent to the extent that it is relevant to the proposal for which consent is being sought:

- a) a description of the site including existing uses, buildings, topography and vegetation, the extent and nature of any fill on the site, any indication of earth movement and a description of any habitats, any heritage item or sites scheduled in Appendices 1, 2, or 3 of the Plan that the activity may adjoin or modify
- b) a description of the activity for which consent is sought
- c) 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 any consents needed under the Historic Places Act 1993, and whether or not the applicant has applied for such consents.
- d) an assessment of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be mitigated.
- e) In the case of a discretionary or a non-complying activity resource consent application, the assessment shall
 - i) 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
 - ii) be prepared in accordance with the Schedule of Effects Clause 15.3.1.4.
- f) certificates of title for the subject sites
- g) drawings illustrating the proposal (refer Clause 15.3.2.1(B)).

B. Drawings

In addition to the above information, any application for land use consent shall include a set of drawings illustrating the proposal. The drawings must include the details set out below.

- a) Three full size sets of plans and one full set of plans reduced to A4 must accompany the application. Plans are to be at a recognised scale (1:50, 1:100, 1:200) and key dimensions to be included. The drawing title, number and date are to be included.

Plans shall include the following information:

- i) A location plan showing the site's location in relation to other parts of the central area.
- ii) A site plan of the property (scale not less than 1:200). This should show:
 - site boundaries;
 - the location of all building(s) on the site;
 - the positions, location and dimension of every parking and loading space (headroom dimensions) and the proposed access and manoeuvring areas including the location and width of footpath crossings;
 - relative levels at the street;
 - street furniture, signs, lighting poles, street trees, bus stops, crossing, taxi stands, loading zones, etc. as they affect this site.
 - the location and extent of any heritage item on the site including the dripline of any scheduled trees and the surrounds of any building, place or object.
- b) Elevations of the proposed building(s). These should show:
 - i) The external appearance of the building including doors and windows.
 - ii) The number of floors and their proposed usage.
 - iii) Height relative to mean street level or ground level, whichever is applicable.
 - iv) Maximum permitted height marked showing the effect of the volcanic view shafts and the admission of sunlight planes to public places.
 - v) Any additional height requested.
 - vi) Mean street level.
- c) Floor Plan
 - i) These should show the use of all parts of the building including basement levels, lift towers, car parking, etc.
 - ii) Where a bonus is sought this should be shown on separate plans as a defined area.

C. Floor Area Calculations/information

Calculations of the gross floor area of any proposed building are required. These should include:



- a) site area
- b) gross floor area of the building(s) at each and every level
- c) calculation of Mean Street Level for each street frontage
- d) A schedule of development bonuses sought, references to the plans, and stating:
 - i) development bonus element;
 - ii) gross area occupied by the development bonus or the number of bonus elements provided
 - iii) bonus floor area sought.
- e) A schedule of any exemptions being sought from gross floor area or average floor area calculation (referenced to the plans) specifying the activity for which exemption is sought and the floor area it occupies.
- f) Calculation of average floor area, calculated floor area, permitted gross floor area, proposed gross floor area, and maximum total floor area ratio.

D. Traffic/Car Parking Information

The following information is required:

- a) Number of car and loading spaces permitted/required by the Plan.
- b) Number of car and loading spaces proposed for the development.
- c) Type of spaces, ie, short-term public visitor, or leased or commuter parking.
- d) Ramp grades and levels.
- e) Warning devices (if proposed).
- f) Proposed entry and exit points from street and related footpath crossings.
- g) The type of management system envisaged where visitor parking is proposed.

E. Design Details

Detailed information is required on the following aspects where they are relevant to the application:

- a) The design, layout and detailed treatment of any bonus element classed as a pedestrian facility (eg plaza) or landscaping.
- b) Wind, sunlight and shading information.
- c) Type and colour of materials to be used on building exteriors.
- d) Type, colour and degree of reflectivity of glazing.
- e) Design of verandahs (where these are required by the Plan).

- f) Perspective of the proposal from street level.

Wind tunnel tests are often required. The results of the tests should, where possible, be included with the application.

F. Additional Information which may be required

- a) Where a development is proposed within an area subject to special controls, eg., Karangahape Road frontage height and setback control, sufficient detail shall be supplied to enable an assessment of the proposal in terms of the special control requirements.
- b) Where an application is affected by the volcanic cone visual protection plane, the details of any infringement should be stated and a photograph supplied showing the infringement in relation to other buildings in the City and in relation to the volcanic cone whose view is protected. In considering such applications the Auckland Regional Council is deemed in each case to be a body affected.
- c) Where an application relates to a building which does not comply with the development controls for a permitted activity, sunlight and shading plans may be required showing shading effects of the building(s) on the adjacent street and other public places. Check with City Planning staff as to specific details.

G. Models

A model (scale 1:480) of the building showing its bulk and form is required. The model should be made in unpainted cedar. This enables the proposal to be evaluated in terms of the Central Area model. A guideline specification for model construction is available from the Council.

H. Certificate of Title

A recent copy of the Certificate of Title for the site(s) must accompany all applications.

Copies can be obtained from the Land Titles Office.

I. Environmental Assessment

For discretionary and non-complying activity applications, an assessment of environmental effects is required in terms of the Fourth Schedule of the Resource Management Act 1991.

All applications must provide an assessment of actual or potential environmental effects. The information should include an assessment of such matters as :

- a) A description of any mitigation measures to be undertaken to help prevent or reduce the actual or potential effect.
- b) Any relevant objectives, policies, rules, or other provisions of a plan or proposed plan.



- c) Any relevant provisions of the Auckland Regional Policy Statement and the proposed Auckland Regional Plan: Coastal.
- d) Any relevant heritage orders or requirements for designations
- e) Reasons why the applicant considers consent should be granted.
- f) Comment on the relevant assessment criteria contained in the District Plan.
- g) An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted in accordance with the Fourth Schedule of the Act.
- h) Actual or potential environmental effects including such matters as visual effects, traffic and parking, landscaping, shadowing, amenity\character, cultural including any effects on likely archaeological sites, heritage values and Maori heritage sites, noise, pollution/hazardous facilities, privacy, smell, infrastructure.

15.3.2.2 Further Information

Further information may be required from an applicant where it is considered 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 mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment or effects. Such a report may be commissioned where:

- a) the application includes a natural hazard, or
- b) the use or storage of a hazardous substance occurs, or
- c) the activity the subject of the application may, in the opinion of the Council, give rise to significant adverse environmental effects which are not adequately avoided, remedied or mitigated.

15.3.2.3 Notification

An application for a resource consent need not be notified in the following circumstances:

- a) if the activity to which the application relates is a controlled activity and:
 - i) the Plan expressly permits consideration of the application without the need to obtain the written approval of or serve notice on affected persons; or
 - ii) written approval has been obtained from every person who, in the opinion of the consent authority may be adversely affected by the granting of the resource consent, unless in the authority's opinion it is unreasonable in the circumstances to require the obtaining of every such approval.

- b) The activity to which the application relates is a discretionary activity or non-complying activity and the consent authority is satisfied that the adverse effect on the environment of the activity for which consent is sought will be minor; and written approval has been obtained from every person who the Council is satisfied may be adversely affected by the granting of the resource consent; unless the Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

Notwithstanding (a) and (b) above, the Council is empowered to require any application to be notified even if this Plan expressly provides that it need not be notified. In particular, where the subject site is cross-leased or has a unit title, the Council may notify the application unless it is made in the name of all lessors, or the body corporate as the case may be.

Refer to clause 10.9.15 for requirements for notification and approval of the New Zealand Historic Places Trust.

15.3.2.4 Notification Procedure

The notification process is carried out in accordance with the requirements of sections 95A-95F of the Act. This procedure involves preparing a notice in the forms set out in the Resource Management (Forms, Fees and Procedure) Regulations 2003 (Form 12) and serving copies of it on the following people as appropriate:

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

The notice is also required to be published in the newspaper.

The notice will give details of the application and give the closing date for submissions to be received by the Council. Submissions must be in writing and may be made by any person. They should be sent to the Council Office nominated in the notice.

The costs involved with the notification process will be included as part of the administrative charge to be paid by the applicant.

15.3.2.5 Restricted Controlled Activities

Except as provided for by Section 95A(4) of the Act, the following controlled activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons and will be assessed according to matters the Council has reserved control over in the Plan.



- a) The provision of network utility services or any other works to be carried out within the dripline of any tree on unzoned land or road (refer to Clause 14.2B.2.3.)
- b) Any activity identified as a restricted controlled activity in other parts of the Plan, except where those parts specify that this rule shall not apply.

Refer to clause 10.9.15 for requirements for notification and approval of the New Zealand Historic Places Trust.

15.3.2.6 Restricted Discretionary Activities.

Except as provided for by section 95A(4) of the Act, the following discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons. The Council will restrict the exercise of its discretion to those matters specified in the Plan for each particular activity.

- a) The demolition, removal, alteration or addition to any non-scheduled building in a Conservation Area (refer to Clause 10.10.5.2).
- b) Vehicle access across the dripline of any tree in a road (refer to Clause 14.2B.4.3).
- c) The cutting, damaging or destruction of any tree or the carrying on of any work within the dripline of any tree, all as described in 10.11.8.
- d) Any use, development or subdivision of land subject to flooding and instability (refer to Part 13).
- e) Any activity identified as a restricted discretionary activity in other parts of the Plan, except where those parts specify that this rule shall not apply.

Refer to clause 10.9.15 for requirements for notification and approval of the New Zealand Historic Places Trust.

15.3.3 CERTIFICATES OF COMPLIANCE

An application for a Certificate of Compliance shall include all relevant information prescribed by Clause 15.3.2.1. The Council may require further information to be provided in accordance with Clause 15.3.2.2.

15.4 DESIGNATIONS

15.4.1 REQUIRED INFORMATION

The information to accompany a notice of requirement is set out in section 168A(3) of the Act. This includes details of the work, alternatives considered, results of

consultations with affected parties and resource consents to be obtained. Information required by this Plan must also be included. Each notice of requirement shall be accompanied by the prescribed administrative charge.

Information required by this Plan is as follows:

- a) Sufficient drawings to adequately illustrate the proposal.
- b) Details of the Order in Council which empowers the applicant as a requiring authority in this case, including any specified terms and conditions, whether the proposed work is a public work in terms of the Resource Management Act 1991, or if the requirement is for a proposed project or work by a network utility operator.

Note: Pursuant to S166 of the Act a Minister of the Crown is a requiring authority and doesn't require an Order in Council to exercise the designating powers of the Act.

- c) A statement of the objectives that the requirement is necessary to achieve from the requiring authority.
- d) The degree to which the work complies with Part II of the Act.
- e) The impact of the work on any relevant provisions of national, coastal and regional policy statements and regional plans.
- f) The degree to which the work meets the policies, objectives and rules of this Plan.
- g) Details of current ownership of the subject land, the proposed land acquisition program, and site clearance proposals.
- h) The proposed sequence and timing of implementation of the work or project clearly identifying any part of the work which may not be commenced for five years or more.
- i) Proposals for the use and maintenance of those parts of the land which will not be developed for five or more years, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
- j) Details of the effects the work or project will have on the environment in accordance with Clause 15.3.1.4. In addition, a description of the forecasting methods used to assess longer term and cumulative effects on the environment shall be provided.
- k) Where hazardous substances may be used in the construction or operation of the work or project, the degree of risk to public health and safety arising from the storage, use, disposal or transportation of such substances shall be evaluated.



- l) If the site is already designated, information as to what that designation is for, the extent to which it has been put into effect, and the generated effects of the existing designation.
- m) If the site is subject to a heritage protection order, what heritage item the order is for, and the effect of the proposed designation on that item.
- n) Details of all archaeological features present within the site.

15.4.2 CONDITIONS

Conditions, appropriate to the circumstances, may be recommended on all requirements to address the following matters:

- a) The remedying or mitigation of any likely adverse effect of the proposed activities and structures on the environment.
- b) The period within which the designation will be given effect.
- c) The operation or design of the work or project having regard to achieving the purpose of the required public work.
- d) The maintenance of the land affected by the designation.
- e) Any resource consent procedure that may be required to enable the establishment and operation of the proposed activity.
- f) Compliance, where practicable, with the rules relating to the land affected by the designation.

Other conditions may also be recommended according to the particular proposal, its nature, site and location, and the relevant provisions of the Plan and the Act.

Any works and activities not able to be fully disclosed with the initial notice of requirement will require a notice to alter the designation pursuant to section 181 of the Act, or a fresh notice of requirement when details are available.

15.4.3 OUTLINE DRAWINGS

- a) Outline drawings of works to be constructed by or on behalf of a requiring authority on designated land shall be submitted to the Council for its consideration before construction is commenced, unless they have been otherwise approved under this Plan. The outline drawings shall show the height, shape and bulk of the work, its location on the site, the likely finished contour of the site, vehicular access, parking and circulation, and landscaping provisions.

- b) The provisions of this clause shall not apply in respect of -

- i) any work which the body or person responsible for its construction considers is immediately necessary to safeguard life or property, or to maintain or restore communication or transport links.
 - ii) dams, and bridges
 - iii) any network utility service set out in 12.6.1
 - iv) such other works in respect of which the Council considers it to be impracticable or unnecessary to prepare outline drawings.
- c) Any temporary work which the body or person responsible for its construction considers is immediately necessary to meet an emergency may be constructed without first advising the Council, if outline drawings of the work are submitted to the Council as soon as practicable after the work has been commenced.
 - d) Outline drawings of a work need not be submitted to the Council under this clause if details of the proposed work were supplied when a requiring authority made a requirement in respect of the work under section 168 of the Act.
 - e) The Council, after considering the proposals included in the outline drawings, may, within 20 working days after receipt of the drawings, request the requiring authority to make changes to all or any of the proposals contained in the drawings so that the proposals comply more fully with the conditions imposed.

15.5 GENERAL RULES

This Section sets out general rules and rules which apply to a range of activities including compliance requirements, activities provided for throughout the Central Area and prohibited activities.

15.5.1 COMMON RULES

15.5.1.1 GENERAL DUTY TO COMPLY

- a) No person may use any land in a manner that contravenes a rule in the Plan unless the activity is



expressly allowed by a resource consent, or is an existing use allowed by section 10 of the Act.

- b) A resource consent shall be obtained for any activity, including the erection of a building or use of any land or building which is not specifically provided for as a permitted, controlled or discretionary activity in the parts of the Plan applying to the location of the activity, and is not located on a road.

Note: Section 2 of the Act defines "non-complying activity" in such a way that any activity requiring a resource consent under Clause 15.5.1.1(b) will be a non-complying activity.

15.5.1.2 DUTY TO AVOID, REMEDY OR MITIGATE ADVERSE EFFECTS

Every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by, or on behalf of, the person, whether or not the activity is in accordance with a rule in this Plan, or a resource consent granted, or an activity lawfully existing prior to 1 October 1991.

15.5.1.3 TEMPORARY ACTIVITIES

15.5.1.3A.

For the purposes of this rule, development controls of the district plan do not apply, except in Part 10 Heritage or unless otherwise stated below.

15.5.1.3A.1

Permitted Activities

Notwithstanding anything to the contrary in this Plan, except Part 10 Heritage, any of the following ((a) to (e)) shall be permitted activities throughout the Central Area. Except for subclause a), c) and d) of the Permitted Activities, clause 15.5.1.3A.1 does not apply to the Viaduct Harbour Precinct (refer to Part 14.7 for Viaduct Harbour Precinct provisions).

- a) Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or activities of a similar character where such buildings or activities are:
- i) incidental to a building or construction project; and
 - ii) limited to the duration of the project or for a period not exceeding 24 months.
- b) Events, including associated parking and buildings, provided that:

- i) the activities and associated structures do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity and which comply with (iii) below.
- ii) the activities and associated structures occupy any venue for more than 5 days but not more than 21 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity, subject to obtaining an Event Permit for the particular activity, and which comply with (iii) below.
- iii) the activities:
 - a) comply with the applicable general noise levels specified in clause 7.6 and other referenced clauses of the Plan noted in clause 7.6.2; or
 - b) where they exceed the levels in (a) comply with the following:
 - A limit of six noise events in any 12 month period in any one venue; and
 - The cumulative duration of the noise event shall not exceed 6 hours; and
 - The noise event, including sound checks, shall start no earlier than 9.00am and shall finish no later than 11 pm Sunday to Thursday inclusive, midnight Fridays and Saturdays and 1.00am New Year's Day; or
 - c) where occurring in Quarter Area 7 of Wynyard Quarter comply with the separate noise levels for special events in part 14.9.

For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6 of the Plan for a cumulative duration of not more than 6 hours within any 24 hour period.

- c) Any display suites, temporary storage, stack of goods or materials for a period not exceeding six months.
- d) Any temporary static or non-noisy installations (e.g. artworks) for a period not more than 60 days inclusive of time required for the establishment and removal of all associated structures and activities.
- e) Any activity or structure associated with a "Major Event" for which an Event Permit has been obtained subject to compliance with rule 15.5.1.3A.1(b)(iii).

15.5.1.3A. 2

Restricted Controlled Activities

Except as provided for by section 95A(4) of the Act, the following restricted controlled activity will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.



PART 15 - GENERAL PROVISIONS, PROCEDURES AND RULES

Clause 15.5.1.3A.2 does not apply to the Viaduct Harbour Precinct (refer Part 14.7 for Viaduct Harbour Precinct provisions).

- a) Events, including associated parking and buildings, where the activities occupy any venue for more than 5 days but not more than 21 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity, where an Event Permit for the particular activity is not obtained, but provided that:

i) the activities:

- a) comply with the applicable general noise levels specified in clause 7.6 and other referenced clauses of the Plan noted in clause 7.6.2;
- b) or, where they exceed the levels in (a) comply with following standards:
- a limit of six noise events in any 12 month period in any one venue; and
 - the cumulative duration of the noise event shall not exceed 6 hours; and
 - the noise event, including sound checks, shall start no earlier than 9.00am and shall finish no later than 11 pm Sunday to Thursday inclusive, midnight Fridays and Saturdays and 1.00am New Year's Day.
- c) or, where occurring in Quarter Area 7 of Wynyard Quarter comply with the separate noise levels for special events in part 14.9.

For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6. and other referenced clauses of the Plan as noted in clause 7.6.2 for a cumulative duration of not more than 6 hours within any 24 hour period.

- b) Any activity or structure associated with a "Major Event", for which an Event Permit has not been obtained, except as otherwise provided for in the district plan, subject to compliance with 15.5.1.3A.2(a)(i).

Assessment Criteria

The Council will have regard to the assessment criteria set out below when considering an application under sections 104 and 104A of the Act:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any buildings associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including traffic, noise and lighting, on

sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.

- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.

Consent Conditions

In granting consent to an application for a restricted controlled activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.

15.5.1.3A.3

Restricted Discretionary Activities

Clause 15.3.2.6 does not apply to rules a) and b) below. The tests of notification of an application under section 93 and 94 of the Act shall apply.

Clause 15.5.1.3A.3 does not apply to the Viaduct Harbour Precinct (refer Part 14.7 for Viaduct Harbour Precinct provisions)

- a) Events, including associated parking and buildings, where the activities occupy any venue for more than 21 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity shall be a restricted discretionary activity (except as otherwise provided for above).
- b) Events, including any activity associated with a Major Event, where the relevant noise rule is not met shall be a restricted discretionary activity.

Assessment Criteria

An application for a restricted discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the following assessment criteria:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any buildings associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including traffic, noise, and lighting on sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.



- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.
- d) The effects on scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.

Consent Conditions:

In granting consent to an application for a restricted discretionary activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.
- e) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

Explanation

The purpose of the rule is to provide for a range of common temporary activities and associated buildings that otherwise might not be allowed by the Plan rules. The rule provides flexibility for a range of temporary activities recognising the Central Area's role as a focus for major development projects and for a range of entertainment and celebratory activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending upon their scale and duration. Such effects are adequately addressed through the resource consent or event permit process - an open and transparent process regulated through the Auckland City Council Bylaw, which is constituted under the Local Government Act. The event permit process will enable effects such as traffic, public and pedestrian safety and public access to be appropriately addressed. Additionally the rule will enable activities associated with Major Events such as the Rugby World Cup 2011, which have an Event Permit, to occur without further assessment. The rule will also enable temporary activities that have not obtained an event permit or are of a longer duration or do not comply with the noise controls to be appropriately assessed in terms of potentially adverse environmental effects through the resource consent process. A number of such events will be permitted activities by virtue of other rules in the district plan and such events will not require a resource consent under this rule.

15.5.1.3B

Notwithstanding anything to the contrary in this Plan (except that this rule does not apply to the Viaduct Harbour Precinct), temporary military training activities shall be a permitted activity throughout the Central Area where they meet the following standards:

- a) The written consent of the owner of the property on which the temporary military training activity is to occur shall be obtained;
- b) Immediately adjacent land owners / occupiers to the activity likely to be affected by the activity and the Manager City Planning shall be notified in writing at least one week in advance of the activity;
- c) The particular military training activity at any given site shall be limited to a period not exceeding 3 consecutive days with the total number of days on which the training activities are carried out per year shall not exceed 21 days;
- d) Not more than two training activities shall be carried out within 250 metres of each other within any 12 month period, and in the case of any such activities carried out within a 250 metre radius of a previous activity there shall be a period of at least one month between those training activities;
- e) The use of helicopters during a training activity shall only occur between the hours of 6.00am and 11.00pm;
- f) The use of guns, mortars, explosive or pyrotechnic devices shall not occur between midnight and 5am;
- g) Impulse noise arising from the use of guns, mortars, explosives or explosive simulators shall not exceed a peak sound level of 122dBC when measured 1 metre from the boundary of any building in a Residential Precinct, or any building used for residential accommodation that has been approved by Council consent.

For the purpose of this rule temporary military training activity means a temporary activity undertaken by units of the New Zealand Defence Force in order to maintain operational activities. Temporary military training activities are undertaken in accordance with the Defence Act 1990. A temporary military training activity may include low level helicopter support flying in accordance with all civil aviation regulations and the hours of operation set out in this rule. A temporary military training activity can include Tactical Exercises Without Troops (TEWTs – planning exercises which can be generally described as an academic exercise, involving resolution of military problems and presentation of solutions), counter-terrorism training (eg rappelling on the outside of buildings, use of pyrotechnics)



15.5.1.4 MAINTENANCE AND CONDITION OF LAND AND BUILDINGS

- a) No building shall be left unfinished so that its external appearance would detract from the amenity values of the surrounding area
- b) No activity shall generate more than 60 micrograms per cubic metre of dust or air suspended particulate matter, as measured over any 5 day period at any boundary of the site.
- c) No person may discharge any contaminant or water containing contaminants into the Council's stormwater system or onto land in circumstances that may result in that contaminant entering the Council's stormwater system.
- d) All commercial vehicle, machinery, or container washdown areas shall be sealed, bunded and drained. No person shall wash any vehicle, machinery or container in circumstances that may result in contaminants entering the Council's stormwater system.
- e) No silt or sediment or water containing silt or sediment may be discharged into stormwater pipes, drains, channels or soakage systems from urban earthworks or bare land.
- f) A wheel wash shall be installed and used on all sites where loose material may be carried by vehicle tyres and deposited on public roads.

Explanation

The Council has a duty to ensure that all land and buildings are maintained in a manner so as to preserve the amenity values of the neighbourhood in which they are situated.

Water, dust and smoke do not respect boundaries, and the effects can be generated equally from high and low amenity areas, therefore these controls apply equally across the City. Controls on discharges into the stormwater drainage system of the City are applied to avoid adverse effects on the quality of the City's waterways and the coast.

Controls on discharges into the stormwater drainage systems of the City are applied to avoid adverse effects on the quality of the City's waterways and the coast. To ensure that contaminants and sediment are not discharged into the stormwater drainage system, developments that include large sealed yards, loading areas and carparks may be required by the Auckland Regional Council to install appropriate stormwater treatment systems. Sealed areas that drain directly to streams or to the coast may also require a discharge consent from the Auckland Regional Council.

See also Part 11 - Hazardous Facilities.

15.5.1.5 ODOUR AND AIR POLLUTION

The Council recognises its responsibility to deal with odour and other air pollution problems and will be guided by any national or regional standards and rules or authoritative national or international guidelines relating to odour or other air pollutants. At the appropriate time the Council will consider promoting variations to the Plan to introduce district rules to deal with odours and other air pollutants. In the interim the Council will control odour and other air pollution problems using the provisions of the Resource Management Act 1991, including sections 15, 17, 104(1)(a) and 108. The Council will also implement the provisions of the "Transfer of Powers Concerning Discharges to Air Agreement under section 33 of the Resource Management 1991" entered into between the Council and the Auckland Regional Council on 20 March 1992.

In the course of investigating complaints concerning offensive or objectionable discharges in the course of exercising its delegated regional responsibilities, the Council undertakes the following process for the assessment of odour complaints:

1. An assessment of the situation will be made by a Council Officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment will take into account the FIDOL factors – frequency, intensity, duration, offensiveness and location.
2. If the discharge is deemed to be offensive or objectionable by the Council Officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
3. If the discharger disputes the Council Officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - Assessment by more Council Officers;
 - Asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours;
 - Promoting the use of community working groups and other means of consultation between the affected community and the discharger;
 - Using the services of an independent consultant to carry out an investigation, and/or public survey;
 - Using the services of the Council's odour panellists who have all had their noses calibrated by



olfactometry and are deemed to be “average” noses;

- Undertaking an odour assessment using an olfactometer.

If the discharge continues to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, enforcement order or prosecution, pursuant to the Act.

15.5.2 RULES FOR GENERAL ACTIVITIES

15.5.2.1 PERMITTED ACTIVITIES

- a) The following are permitted activities generally throughout the Central Area, subject to the specific rules of each Part and provided that the works are outside the dripline of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

Note: The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that work or of the soil under it (refer to section 237 Public Works Act 1981).

- A subdivision which has been granted a resource consent; or
- the excavations and filling necessary to construct a building which is otherwise a permitted activity which has been granted a building consent (including any associated access driveway and vehicle manoeuvring area); or
- the maintenance of graves, vaults, monuments and tablets as provided for by the Burial and Cremation Act 1964 and the disposal of surplus spoil elsewhere on site; or
- the maintenance and resurfacing of sports fields and grounds including tennis courts, croquet and bowling greens, golf courses and race tracks
- Any activity which remediates an identified contaminated site and which has gained a restricted controlled activity resource consent in terms of Clause 11.7.1.2.
- Irrigation systems, open drains and channels for the conveyance of water.

vii) The construction of culverts in roads and public reserves.

viii) Recycling depots with a gross floor area not exceeding 30m², and a height no greater than 3m.

- b) Section 383 of the Act provides for certain land use consents granted under the Town and Country Planning Act, 1977 and in place immediately before 1 October 1991 to be deemed to be land use consents granted under the Resource Management Act 1991.

Section 10 of the Resource Management Act 1991 provides for the existing use of land in a manner which contravenes a rule to continue or to be re-established if in accordance with the provisions of that section. In particular, any building lawfully erected which does not comply with any rule in this Plan may be reconstructed, altered or added to if this work does not increase the degree by which the building fails to comply with any rule in this Plan. Such works must comply with the provisions of the Building Act 1991.

15.5.2.2 PROHIBITED ACTIVITIES

The Plan adopts measures which are appropriate to the circumstances of the district. The following activities are prohibited throughout the district:

- the manufacture and production of any radioactive material except as provided for in Clause 11.7.1.3
- the use of radioactive material for the purposes of power generation or heat generation.
- any activity determined in terms of Part 11.7.3 Hazardous Facilities to be prohibited.
- the demolition of a Category A scheduled item.

