



1 INTRODUCTION

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1.1

INTRODUCTION

BACKGROUND

This Plan relates to the whole of Rodney District.

It is the Council's first District Plan prepared under the Resource Management Act 1991.

The Council has, however, prepared a number of significant Plan Changes under the Act over recent years, the most notable being the proposed changes to Residential Provisions (Plan Change 26 - Notified 1994), Rural Provisions (Plan Change 55 - Notified 1995), and Financial Contributions (Plan Change 62 - Notified 1996).

This District Plan brings into one document a number of separate plan changes already prepared and publicly examined under the Resource Management Act. However, the Plan also deals with many other matters not dealt with previously, thus integrating existing and new provisions.

This 'rolling review' approach, reflected the dynamic state of development and an evolutionary approach to managing the natural and physical resources of the District.

It is also important to recognise the influence of a number of other plans and strategies in the development of the District Plan. These are explained in more detail later in the Plan but two key examples are the District Development Strategy, adopted in 1994, and the Auckland Regional Policy Statement, approved in July 1999.

In short, this Plan has been able to absorb policy directions and initiatives developed at national, regional and district levels over the last few years, highlighting again the evolutionary and integrated approach that has been applied.



1.2

THE STATUTORY CONTEXT

1.2.1

Need for a District Plan

The Council is required by the Resource Management Act 1991 (section 73) to have a district plan. The purpose of the district plan (its preparation, implementation and administration) is stated by the Act as being to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act.

1.2.2

Purpose of the Act

The single and predominant purpose of the Resource Management Act is defined by the Act as being to “promote the sustainable management of natural and physical resources” (section 5).

“Sustainable Management” is defined as:

“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while--

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

In Rodney District, sustainable management of natural and physical resources is viewed in the context of a wide mix of activities, natural and physical resources and growth pressures. These are stimulated and intensified by the District’s very close proximity to metropolitan Auckland.

The Council has identified the significant resource management issues of the District (section 75 RMA) and these are stated within each of the key activity sections of the District Plan. Similarly, the objectives sought to be achieved by the Plan, the policies intended to achieve the objectives, and the methods used to implement the policies, are all contained within the relevant activity chapters.



1.2.3

Specific Functions

The Act gives the Council specific functions (section 31) in order to give effect to the Act. These include;

- (a) the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources; and
- (b) the control of any actual or potential effects of the use, development or protection of land including:
 - the avoidance or mitigation of natural hazards;
 - matters relating to hazardous substances;
 - the use of contaminated land;
 - the maintenance of indigenous biological diversity.
- (c) the control of the emission and effects of noise
- (d) the control of the effects of activities on the surface of water in rivers and lakes.

The requirement is therefore to control the effects of activities, not the activities themselves. Taken in the context of the Purpose of the Act, this duty to manage and control can be achieved by avoiding, remedying or mitigating any adverse effects on the environment.

1.2.4

The District Plan Approach

This section provides a brief explanation of the approach that has been taken in the Plan. A full analysis of the approach is provided in the Section 32 Report required to be prepared by the Act.

The Plan has identified a series of resource management issues based on the purpose and principles of the Act and from lengthy consultation processes over a number of years. The issues are therefore locally focussed. An issue occurs when an activity impacts on a resource and generates an effect that necessitates some form of intervention. For each of the issues, objectives have been identified and these state the desired outcome that the Council seeks to be achieved in relation to that issue. Each objective is then supported by policies which focus on the effects to be managed and indicate how the objective is to be achieved and thus the issue addressed. In terms of the methods used to implement the policies the Council has primarily used an activities list approach supported by development controls and performance standards (standards and terms in the language of the Act). The activities have been identified and their activity status determined, ie permitted, controlled, restricted discretionary, discretionary and non complying, on the basis of an assessment of their effects on the environment and whether there is an effect that relates to identified issues and objectives. Where an activity is required to obtain a resource consent to assess its effects on the environment the Council has identified assessment criteria to assist in that evaluation.

Such an "activities" approach in relation to the methods is considered to be an "effects based approach" provided that the activities are managed on the basis of effects. It is acknowledged that this is but one approach that a District Plan can take. However, it is considered that this approach is relatively easy to use as it is generally quickly clear to a user the status of an activity they are interested in and what rules they have to comply with.



1.2.5

Other Relevant Plans or Policy Documents

In preparing and reviewing the District Plan, the Council is required to consider a range of other plans and policy documents of relevance to the District. Under section 55 of the Act the Council is required to implement any national policy statement. The District Plan must not be inconsistent with (section 75(2)):

- (a) any national policy statement;
- (b) the New Zealand Coastal Policy Statement;
- (c) any water conservation order; or
- (d) the Regional Policy Statement or any regional plan.

The Council will undertake Plan Changes, if necessary, where these plans or policy documents are prepared subsequent to this District Plan.

In preparing this plan, the Council has had regard to the following documents:

- (a) the New Zealand Coastal Policy Statement
- (b) the Auckland Regional Policy Statement and proposed regional plans;
- (c) District plans of adjacent local authorities (section 74(2));
- (d) the Rodney District Council's Adopted District Development Strategy.

Section 223D of the Local Government Act 1974 requires the Council to set out its broad policies and objectives through an Annual Plan, providing a clear statement of the goods and services provided by the Council.

The District Plan, through its rules, is principally a regulatory method of achieving the sustainable management of the natural and physical resources of the District. Service delivery and regulation are however complementary procedures, and the delivery of goods and services by the Council can also be used to achieve sustainable resource management. To this extent the Council's District and Annual Plans should not be in conflict but can work together to provide a variety of means to achieve the purposes of the Act.

The Council's Long Term Financial Strategy, adopted in June 1997, provides a wider and longer term (10 years) overview of the financial and environmental direction of the Council.

Note: Refer to Appendix 1A.



1.3

1.3.1

STRUCTURE OF THE PLAN

Chapter Outline

The Plan is structured in a logical way that is intended to help users find their way around it. The Plan starts with matters of wider or general application and narrows to more specific elements. This is described in Table 1 below.

CHAPTER	DESCRIPTION	COMMON USAGE
VOLUME 1		
Chapter 1	Introduction: explains the structure of the District Plan, the general and statutory context of the Plan, and the Plan's development. Among other things, it explains how the Plan is indexed, numbered and cross referenced. It also explains how the status of an activity can be established by working through the Plan in a logical way, identifying the zoning, relevant policies and rules, other documents that may apply, and other constraints to the use and development of resources.	Use to find out how the Plan is put together, how to find your way around it, and how to work out whether an activity needs a resource consent.
Chapter 2	Administration and Procedures: explains how to make a resource consent application, what the information requirements are, how the District Plan can be changed, how the Council will monitor the Plan, and how cross-boundary issues with other local authorities will be managed.	Use to work out how the Council operates the District Plan and what the requirements are for various applications and processes.
Chapter 3	Definitions: explains the meaning of many of the key words in the District Plan, particularly relating to activities.	Use to obtain an understanding of what some of the words or activities in the District Plan mean.
Chapter 4	Overview: explains the position of the District Plan in the development of the District, and relative to other Council functions, and sets out in broad terms the direction for development that the objectives, policies and rules in the Plan seek to achieve.	Use to get an idea of the long term future direction of the District and how the District Plan provisions enable that direction to be achieved.
Chapter 5	Natural Hazards: explains how natural hazards may affect people, property and the environment and how development activities may also intensify natural hazards and the risk posed by them.	Use to determine how the risks posed by natural hazards are or should be managed.
Chapter 6	Highly Valued Natural Resources: explains the issues, objectives and policies relating to the significant ecological and landscape features of the District. It does not contain rules as these are included in the various zoning and rule chapters.	Use to determine why ecological and landscape features of regional and national significance are important, and how they should be dealt with.



CHAPTER	DESCRIPTION	COMMON USAGE
Chapter 7	Rural: explains the issues, objectives, policies and rules for activities in Rural Zones.	Use to work out what and how rural activities are provided for.
Chapter 8	Residential: explains the issues, objectives, policies and rules for activities in Residential Zones.	Use to work out what and how residential activities are provided for.
Chapter 9	Business: explains the issues, objectives, policies and rules for activities in Business Zones.	Use to work out what and how commercial and industrial activities are provided for.
Chapter 10	Open Space and Recreation: explains the issues, objectives, policies and rules for recreation and other open space activities.	Use to work out what and how open space and recreation activities are provided for.
Chapter 11	Inland Waters: explains the issues, objectives, policies and rules for the water column, surface and air space above lakes, rivers and streams.	Use to work out what and how activities are provided for within inland water areas, including recreation activities and structures.
Chapter 12	Special Zones: explains the issues, objectives, policies and rules for zones applied as generally "one-off" zones for an activity or a similar group of activities which do not easily fit into the more general zones (eg. aircraft related activities at North Shore Airfield).	Use to work out what activities are provided for in separately identified special activity areas.
VOLUME 2		
Chapter 13	Future Development and Structure Plans: explains how land is identified for future urban development and how it can be used for such purposes.	Use to find out what needs to be done before land zoned for future urban development can be used.
Chapter 14	Scheduled Activities: are the activities which are specifically provided for in the Plan, usually because they are activities which are not generally provided for in the zone in which they are located (such as a service station in a rural zone).	Use to establish what the development limits are for (mostly) existing activities which have been specifically provided for.
Chapter 15	Designations: explains the nature and scope of designations for public works and network utility services.	Use to determine what the restrictions on the use of designated land are, both for activities restricted by a designation and the limitations applying to the designated activities themselves.
Chapter 16	General Rules: explains what rules apply generally across the District (in contrast to rules applying to activities within specific zones).	Use to work out what limits may apply to a proposed activity throughout the District, in addition to the specific requirements that may apply within a zone.



CHAPTER	DESCRIPTION	COMMON USAGE
Chapter 17	Cultural Heritage: explains the issues, objectives, policies and rules relating to the significant cultural heritage features of the District, such as waahi tapu, archaeological sites and historic buildings.	Use to determine how sites and features of regional or national and district cultural or historical significance are protected.
Chapter 18	Urban Land Modification and Vegetation Protection: explains what actions or methods must be used to avoid or mitigate adverse effects resulting from earthmoving and similar activities on land, particularly in relation to water run-off and sediment control, and sets out the rules for modification/removal of trees and vegetation in urban zones.	Use to work out what restrictions apply to earthmoving, and modification or removal of trees and vegetation, in urban zones.
Chapter 19	Utilities: explains the issues, objectives, policies and rules for utility provision and activity, including electricity supply and reticulation, telecommunications, and sewer and stormwater reticulation.	Use to determine the requirements for establishing utility services within the District.
Chapter 20	Hazardous Substances and Contaminated Sites: explains the issues, objectives, policies and rules for activities involving the storage and use of materials with potential risks to people, property or the environment because of their chemical properties.	Use to determine what kinds and quantities of hazardous materials are permitted, prohibited, or require resource consent.
Chapter 21	Transportation and Access: explains the issues, objectives, policies and rules for transport activities, including access, parking and roading.	Use to determine the requirements for activities generating traffic, pedestrian and other transport effects.
Chapter 22.	Financial Contributions and Works: explains the objectives, policies and rules for the payment of financial contributions required to avoid, mitigate or remedy the adverse effects that would otherwise result from activities and development in the District.	Use to work out what financial contributions may be required for an activity, including some permitted activities.
Chapter 23.	Subdivision and Servicing: explains the issues, objectives, policies and rules relating to the provision of roads, services and other elements required to avoid or mitigate the effects of activities, for example, stormwater systems.	Use to determine the requirements relating to subdivision and servicing activities.
VOLUME 3		
Planning Maps	Planning Maps: sets out in spatial and graphic form the zones, designations, scheduled activities and similar elements required to determine how the District Plan affects specific properties and land generally.	Use to determine how a specific property or piece of land is affected by the District Plan rules.



- 1.3.2 **Indexing**
- The Plan is indexed using the chapters as the underlying structure for both page and provision numbering. It is published in two volumes (excluding the Map volume), to keep the folders to a manageable size.
- 1.3.3 **Page Numbering**
- Pages are numbered consecutively within each chapter. Therefore the first page in any chapter is always numbered “1” (preceded by the title of the chapter).
- 1.3.4 **Chapters**
- Each of the chapter’s objectives, policies, methods and rules are numbered starting with the chapter number, and then in a “multi-level” format with provisions subordinate to other provisions having a lower level number.
- 1.3.5 **Cross Referencing**
- To keep the Plan as compact and user-friendly as possible, the approach taken has been one of avoiding wherever possible repetition of standard provisions. Where one chapter, section or provision relates to a number of others, cross-reference will be made. For example, a cross reference to *Chapter 21 - Transportation and Access*, is made in many chapters in order to refer to the vehicle parking provisions in that chapter.
- 1.3.5.1 **Reference to the Resource Management Act**
- Where the Resource Management Act 1991, is referred to it will normally be described as “the Act” or “RMA”. References to any other Act or Regulations will describe that Act or Regulation in full eg. the Building Act 1991.
- 1.3.5.2 **Reference to the District Plan**
- Where the District Plan is referred to it will normally be described as “the Plan”. References to any other plan will describe that plan in full eg. the *Proposed Auckland Regional Plan - Coastal*.
- 1.3.5.3 **Reference to the Rodney District Council**
- Where the Rodney District Council is referred to it will normally be described as “the Council”. References to any other council will describe that council in full eg. the Auckland Regional Council or the Regional Council.
- 1.3.6 **Defined Terms**
- In this Plan certain terms are defined in *Chapter 3 - Definitions*. In the Activity Tables in the relevant Activity Chapters defined terms are shown in upper case for clarity. The terms may also be used elsewhere in the Plan but are not shown in upper case. However they still carry the meaning set out in *Chapter 3*



- *Definitions.*

1.3.7

Reading the Plan

An activity may or may not require a resource consent before it can proceed. In some instances it may be able to proceed as a permitted activity without the need for any consent provided that it meets all of the relevant rules set out in the Plan.

1.3.7.1

Alternatively, an activity which is already being undertaken may have existing use rights under the Resource Management Act and described in *Chapter 2 - Administration and Procedures*, where again, a resource consent is not required.

Where the Plan specifies that a resource consent is required it will be one of two types of consent:

- (a) A Land Use Consent required for some kinds of land use or activity; and
- (b) A Subdivision Consent required for subdivision proposals for land, buildings or parts of land or buildings.

In all cases requiring resource consent an activity will be either a:

- (a) Controlled Activity (s77B(2) RMA);
- (b) Restricted Discretionary Activity (s77B(3) RMA);
- (c) Discretionary Activity (s77B(4) RMA) or
- (d) Non-complying Activity(s77B(5) RMA).

In some cases, no resource consent application can be made nor can the activity be undertaken. This occurs when an activity is described as a Prohibited Activity (section 77C(1)RMA). A prohibited activity rule must be treated as discretionary until the rule is operative.

A fuller explanation of these types of resource consents can be found in Chapter 2.

1.3.7.2

The first step in finding whether a resource consent is required for a particular activity is to determine its zone by reference to the Planning Maps. These are contained in a separate volume of the District Plan, Volume 3.

An appropriate approach is to:

- (a) Identify the subject property on the Planning Maps.
- (b) Identify the zone applying to it using the key at the bottom of the map.
- (c) Check for any other notations or designations applying to the property. In some instances the Planning Maps will have a notation applying to properties which is not a designation. This may be one of several possible kinds of notation including heritage sites, archaeological sites, sites of significance to Maori and historic trees. The Planning Map reference is to a schedule or rule in Volume 1 or 2 of the Plan. This schedule will identify the nature of the notation or designation, the rules applying to it, and a cross reference to another part of the Plan, if relevant.

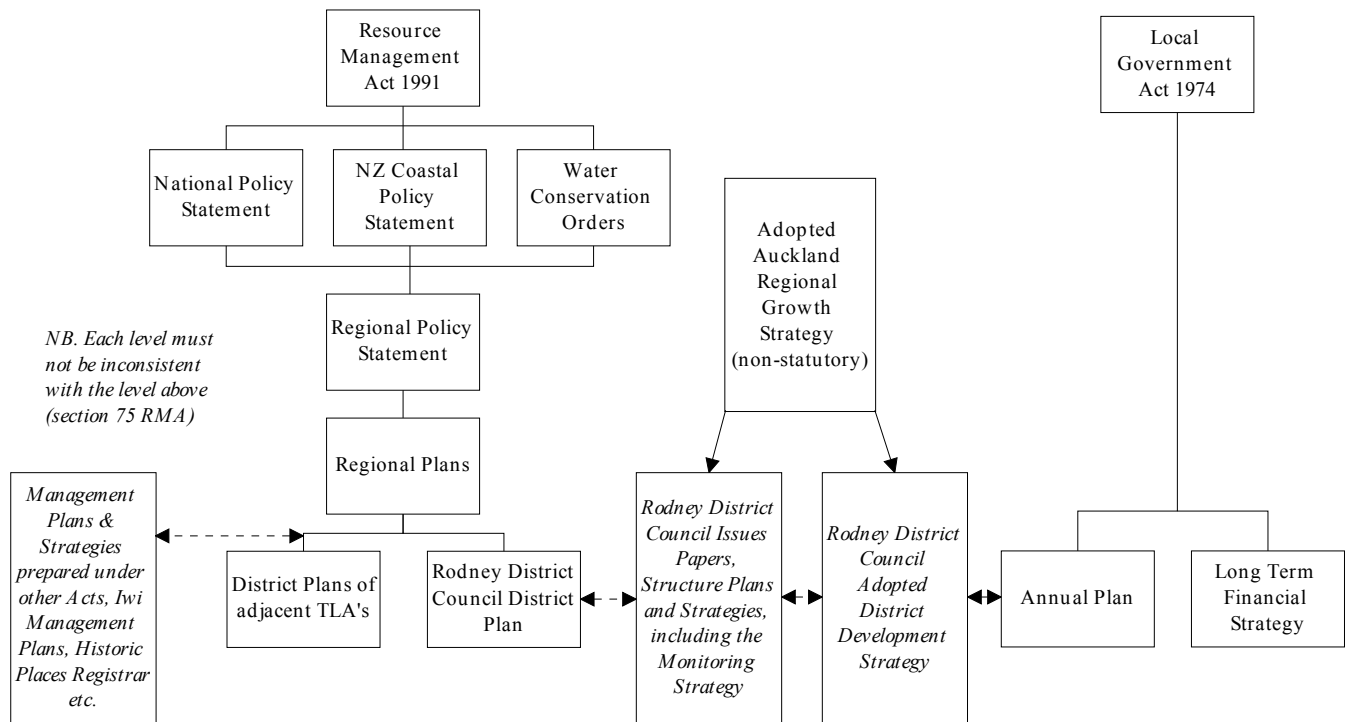


- (d) Turn to Volume 1 or 2 of the Plan and find the zone provisions under the relevant Chapter (eg. the Residential M Zone provisions will be found in *Chapter 8 - Residential*).
- (e) Identify the proposed activity in the Activity Tables. Although activities are usually described in common terms they may be one of a class of similar activities and it will often be necessary to check the meaning of an activity in *Chapter 3 - Definitions*. In the Activity Tables terms defined in *Chapter 3 - Definitions* are in capitals.
- (f) Check the relevant general and additional development controls and performance standards, and any other relevant rule in the District Plan (eg. the parking rules in *Chapter 21 - Transportation and Access*).
- (g) Decide whether a resource consent is required, and what type of consent, based on whether or not it meets all of the specified rules. Seek advice or confirmation if necessary.
- (h) Check also the effect of any notation or designation (see Chapter 15 – Designations for an explanation of these) relating to the property (eg. a designation for a future road). A designation may affect what can be done on the property and will require the consent of the requiring authority responsible for the designation before an activity can be started.
- (i) It is advisable to carry out the same assessment as above for adjacent sites so that it is clear what activities could occur on those sites, and what rights you have and do not have in that regard.

Note: Refer to Appendix 1B



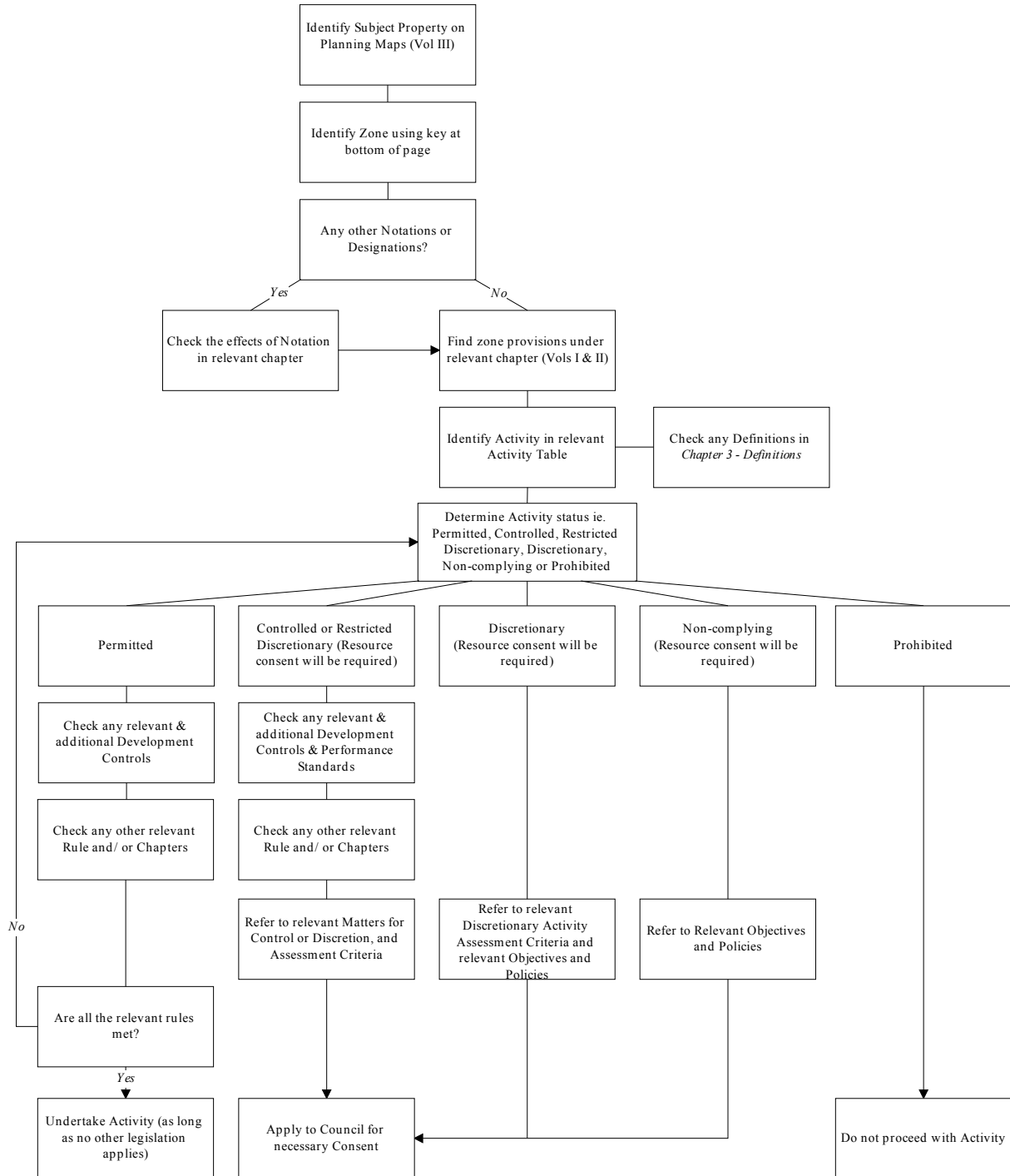
APPENDIX 1A



Relationship between Resource Management Act Policy Statements & Plans and other Rodney District Council Plans and Strategies.



APPENDIX 1B



How to use this District Plan.