

## HOW THE PLAN WORKS

# General Approach

### The Waitomo District Plan Framework

The plan employs an integrated management approach to the subdivision, use, development and protection of land and associated natural and physical resources. Sometimes integrated management of effects requires the use of other mechanisms such as bylaws, advocacy, education and incentives to help achieve environmental outcomes. Where a rule or a regulatory approach is the best solution to an issue, this plan contains those provisions. This plan is comprised of four parts:

<b>Part 1 - Introduction &amp; General Provisions</b>				
Introduction	How the Plan Works	Interpretation	National Direction Instruments	Mana Whenua

These chapters explain the context of this plan, how it works and provide definitions that assist with interpretation of the plan’s provisions. They also provide context and process-related information in relation to mana whenua

<b>Part 2 - District-Wide Matters</b>						
Strategic Direction, Urban Form & Development	Energy, Infrastructure & Transport	Hazards & Risks	Historical & Cultural Values	Natural Environment Values	Subdivision	General District-Wide Matters

The strategic direction chapter contains objectives which address key strategic matters and provide district-wide strategic considerations. The objectives in this chapter have the same status as all other objectives in the plan but provide guidance across the district.

The district-wide provisions apply to the use and development of natural and physical resources across the district regardless of the zone or precinct in which they occur.

The provisions for overlays, scheduled sites and features are also contained within this section. Overlays, scheduled sites and features manage the protection, maintenance or enhancement of particular values associated with an area or resource. These can apply

across zones and precincts, however their boundaries do not generally align to zone or precinct boundaries and often they do not align to land parcel boundaries. The plan has the following overlays, scheduled sites and features:

<p><b>Historical and cultural values</b></p>	<p><b>Heritage buildings and structures (SCHED1)</b></p> <p><b>Significant archaeological sites (SCHED2)</b></p> <p><b>Sites and areas of significance to Māori (SCHED3)</b></p> <p><b>Sites and areas of significance to Māori - wāhi tapu sites (SCHED4)</b></p> <p><b>Sites and areas of significance to Māori - cultural alert layer (SCHED5)</b></p>
<p><b>Natural features and landscapes</b></p>	<p><b>Significant natural areas (SCHED6)</b></p> <p><b>Outstanding natural landscapes (SCHED7)</b></p> <p><b>Outstanding natural features (SCHED8)</b></p> <p><b>Landscapes of high amenity value (SCHED9)</b></p> <p><b>Karst overlay (SCHED12)</b></p>
<p><b>Coastal environment</b></p>	<p><b>Areas of outstanding natural character (SCHED10)</b></p> <p><b>Areas of high/very high natural character (SCHED11)</b></p> <p><b>Coastal environment overlay (SCHED13)</b></p>

There are also hazard areas and coastal hazard areas. The provisions for overlays, scheduled sites and features generally apply more restrictive rules than the zones. The provisions apply to all activities on the part of the site to which the overlay, scheduled sites or feature applies unless the rule expressly states otherwise. The overlays, scheduled sites and features are identified on the planning maps and individual sites are listed in the schedules in Part 4. The general approach is that overlays, scheduled sites and features take precedence over a zone or precinct.

<b>Part 3 - Area-Specific Matters</b>		
Zones	Amenity & Te Maika Precincts	Designations

Zones manage the way in which areas of land are used, developed or protected. The spatial application of zones identifies where similar uses and activities are anticipated. The zones provide the main provisions to direct activities. Zones are identified on the planning maps. Additionally, zone rules which have a spatial component, such as the flightpath height restrictions associated with Te Kūiti Aerodrome, are identified on the planning maps. This plan has twelve zones.

The precincts enable local contrasts to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or district-wide provisions and can be more restrictive or more enabling. Where the precinct is located entirely within a single zone, the precinct provisions sit within that zone. An example of this is the Mokau commercial precinct (PREC4) which sits in the settlement zone. Where the precinct has multiple zones, it sits alone as a "multi-zone precinct". In this plan, the amenity precinct (PREC6) and Te Maika precinct (PREC7) are the only multi-zone precincts. Precincts are identified on the planning maps. The plan has seven precincts.

The Act allows Ministers of the Crown, local authorities and network utility operators who are approved as requiring authorities to designate land for public works such as roads, schools and telecommunication facilities. A designation is a form of 'spot zoning' over a site, area or route in a district plan. It allows a requiring authority to undertake the works within the designated area subject to any conditions imposed on the designation. The State Highway corridors and the North Island Main Trunk Railway corridor are both examples of designations.

<b>Part 4 - Appendices &amp; Maps</b>		
Schedules	Appendices	Planning Maps

The schedules list identified areas, sites and features while the appendices contain technical information. The planning maps are electronic. They spatially define zones, precincts, coastal/hazard areas, overlays, sites and features referred to within the plan chapters.

## District roads and water bodies

Waitomo District Council is the road controlling authority for district roads. Formed district roads are not zoned but are subject to rules. Most of the rules which apply to roads are found in the transport and network utilities chapters. There are also some specific rules, for example signs in the road reserve, contained throughout the plan. Unformed roads are zoned the same as the zoning of adjoining sites. Where a different zone applies on either side of the unformed road then the zoning will apply to the centreline of the road. Water bodies are not zoned in Waitomo district but they are subject to the rules in the activities on the surface of water chapter.

## Using the Plan

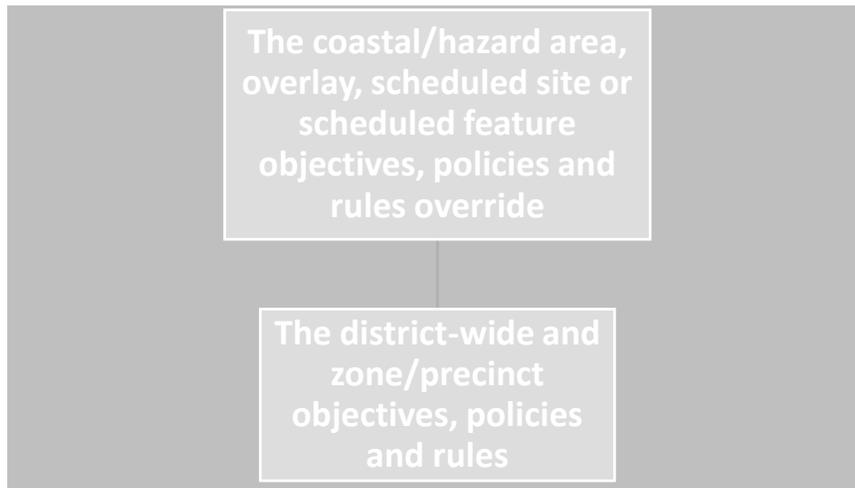
Each chapter contains objectives, policies and rules. Objectives are a statement which seek to direct or resolve an identified resource management issue. All of the chapters in Part 2 District-Wide Matters and Part 3 Area-Specific Matters contain objectives and policies which set the policy framework for the plan. Policies set the course of action to achieve or implement an objective.

Rules are presented in two formats – as provisions in an Activities Rules table and as provisions in a Performance Standards table.

Activities rules are rules applicable to the type of activity that is being undertaken and provide the activity status. Where activities rules are used, they are usually found as Table 1 in the chapter. Activities provided for in Table 1 as permitted, controlled or restricted discretionary activities are normally subject to performance standards. Performance standards set limits on the extent to which an activity is permitted or may be assessed as a controlled or restricted discretionary activity. Exceedance of a performance standard normally results in the activity being considered as a more restrictive class of activity. The performance standards are found in Table 2 of most chapters. Some chapters do not have performance standards.

Provisions for coastal hazard areas, hazard areas, overlays, scheduled sites and features sit above the district-wide, zone and precinct objectives, policies and rules and are used to identify hazards as well as the special values of the district, which Waitomo District Council and the community most want to retain. The overlays also include the matters of national importance in the Resource Management Act 1991 (RMA). Unless specified, these provisions prevail over other provisions in the plan:

**Figure 1 - The provisions hierarchy**



Wherever there is a conflict or inconsistency between rules, the most restrictive rule status applies to the activity in the first instance and thereafter the hierarchy in Figure 1 applies to the extent of any conflict.

Wherever there is a conflict or inconsistency between policies or between objectives, in the first instance, the most specific policy approach applies and where this cannot be applied, the hierarchy in Figure 1 applies to the extent of any conflict.

**Please note:**

- Any activity not expressly provided for within this plan is a non-complying activity.
- Where “all zones” is used in a rule, it applies to all precincts within that zone unless otherwise specified.
- For precincts, the provisions relating to the underlying zone apply unless specifically stated otherwise.
- Formed roads are not subject to the provisions of coastal/hazard areas, overlays, scheduled sites and features unless otherwise specified in a rule.
- Where “SASM” is used in a rule, it refers to sites identified in Schedule 3 and Schedule 4 only.
- Schedule 5 – Sites and areas of significance to Māori - cultural alert layer is subject to the following provisions only: SASM-O3, SASM-P12 and SASM-R24.

**For avoidance of doubt, where there is an inconsistency between the rules, the more stringent rule applies.**

## **Applying for a Resource Consent**

*Application forms and guidance on how to make an application and the information that is to be submitted with an application are available on the Waitomo District Council website.*

Step One: Use the planning maps to help you work out what zone applies to your property. Check if it is also within a precinct or coastal/hazard area. Do other controls, overlays, scheduled sites or features apply to your property?

Step Two: Find your zone and/or precinct in the Area Specific Matters chapters. The rules in these chapters will help you to determine which activity status applies to your proposed activity. The activity rules in Table 1 of each chapter contain the activities, the applicable rules and the activity status of each activity. The performance standards that apply to each activity are located in Table 2 (as applicable – some chapters do not have performance standards).

Step Three: If your activity is subject to an coastal/hazard area, overlay or scheduled site or feature, check the District-Wide Matters chapters. If the rule in the overlay or scheduled site or feature is more restrictive than a rule in the zone, then the overlay or scheduled site or feature rules are the rules that apply. These chapters only include rules for certain types of activities. If your proposed activity is within an overlay or scheduled site or feature, but there are no overlay or scheduled site or feature rules that are applicable to your activity, then your activity can be treated as a permitted activity under these chapters unless stated otherwise (but you may still need a resource consent under other Part 2: District-Wide Matters chapters and/or Part 3: Area-Specific chapters).

Step Four: Check the District-Wide Matters chapters to see if your activity is subject to any of the provisions. For example, your proposal may include earthworks, a sign, need carparking or be located close to a river. The activity rules in Table 1 of each chapter contain the activities, the applicable rules and the activity status of each activity. The performance standards that apply to each activity are located in Table 2 (as applicable – some chapters do not have performance standards).

### **Please note:**

- The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal. Your proposal will be assessed on the basis of the most restrictive activity status.
- Your application for resource consent must address all rules and performance standards which are applicable to your proposal. If you do not consider that a rule or a performance standard is applicable to your proposal you must clearly set out the reason(s) why the rules or performance standards do not apply.

## Activity Status

No person may undertake any activity in a manner that contravenes a rule in a district plan or a national environmental standard unless the activity is expressly allowed by a resource consent or it is an existing use allowed by section 10 or 10A of the Act.

Where an activity contravenes a rule in this plan or in a national environmental standard, then a resource consent is required to carry out that activity.

All district plans classify activities into six categories called 'activity statuses'. The activity status determines the matters that can be considered when processing and determining the resource consent application.

<b>Activity Status Abbreviations</b>	<b>Activity status</b>	<b>Is resource consent required?</b>	<b>What can Council consider?</b>
<b>PER</b>	<b>Permitted</b>	<b>No</b>	<b>N/A.</b>
<b>CON</b>	<b>Controlled</b>	<b>Yes, and consent must be granted</b>	<b>The 'matters over which control is reserved'.</b>
<b>RDIS</b>	<b>Restricted Discretionary</b>	<b>Yes, and consent may be granted or declined</b>	<b>The 'matters over which discretion is restricted'.</b>
<b>DIS</b>	<b>Discretionary</b>	<b>Yes, and consent may be granted or declined</b>	<b>Any relevant matter.</b>
<b>NC</b>	<b>Non-Complying</b>	<b>Yes, and consent may be granted or declined</b>	<b>Any relevant matter and consent can only be granted if the consent authority is satisfied that: The adverse effects of the activity on the environment will be minor; or the activity will not be contrary to the objectives and policies of the relevant plan and any relevant proposed plan.</b>
<b>PR</b>	<b>Prohibited</b>	<b>No</b>	<b>A resource consent cannot be granted and the activity cannot be carried out unless a plan change is sought to change the activity status.</b>

- The type of resource consent required is generally dependent on the degree of change anticipated and the effects that the proposed change is likely to have on the environment.
- For controlled and restricted discretionary activities, the plan lists matters over which the Council reserves its control (for controlled activities) and restricts its discretion (for restricted discretionary activities).
- The most restrictive activity status used in the plan is 'prohibited'. Applicants may not apply for a resource consent to undertake any activity that is prohibited.
- Any activity which is not permitted (PER) or prohibited (PR) requires a resource consent.

### **Archaeological sites**

The Waitomo District Council website provides a map showing archaeological sites in the district which have been identified by the New Zealand Archaeological Association (NZAA) Site Recording Scheme.

### **Cultural sites**

Sites and areas of significance to Māori are identified on the Planning Maps. However, there may be some sites which are of cultural significance but are not mapped. Applicants are encouraged to consult with mana whenua through the appropriate Iwi Authority early in the development process.

### **Material incorporated by reference**

This plan occasionally refers to publications that act as a measure to help applicants comply with rules or provisions in the plan. These publications are known as 'material incorporated by reference'. Council is unable to provide copies of standards (New Zealand and international) due to matters of copyright. These must be obtained directly from the source: <http://www.standards.co.nz/default.htm>