



5.0 ADMINISTRATION

5.1 Introduction

This section covers matters relating to the administration of the District Plan including details relating to:

- (i) existing uses
- (ii) processing of resource consent and certificate of compliance applications
- (iii) designation requirements
- (iv) temporary activities
- (v) monitoring programmes

5.1.1 Existing Uses

Section 10 of the Resource Management Act 1991 protects certain existing uses in relation to land. Where an activity was lawfully established before this District Plan became operative, that activity may continue regardless of the provisions of this plan. However, the effects of the activity must retain the same or similar character, intensity and scale to that which existed before this district plan became operative. Existing use rights lapse once the activity has been discontinued for 12 months, however can potentially be re-established within 24 months of the activity disestablishing if the required application made to Council is approved.

Section 17(1) imposes a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity whether or not that activity has existing use rights. Section 16(1) imposes a duty on occupiers of land to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.



5.1.2 Applications, Requirements and Heritage Orders

Applications for resource consents, or certificates of compliance, and notices of requirements for designations or heritage orders must be made in the appropriate format and contain sufficient information to enable Council to make informed decisions (and recommendations in respect of requirements). The information that must accompany such applications is detailed in the Specific Rules of this section.

The Resource Management Act 1991 establishes procedures for processing resource consents and specifies the statutory time limits within which Council must process and make a decision on applications.

This section of the District Plan includes general criteria which applies to resource consent applications for activities in all zones. These criteria are based on the matters specified in Section 104 of the Act. The Act enables Council to specify in the District Plan the matters over which it has discretion when considering applications. This District Plan enables Council to exercise the full discretionary powers afforded to it under the provisions of the Act.

Council will determine, on a case by case basis, whether or not a resource consent application is required to be publicly notified in accordance with the provisions of Section 93 of the Resource Management Act 1991.

A resource consent application for a controlled activity is not required to be publicly notified. A resource consent for a discretionary activity or non-complying activity is not required to be publicly notified if Council is of the opinion that any actual or potential adverse effects on the environment will be minor, and approval has been obtained from every person who may be adversely affected by the granting of the resource consent.

Where a resource consent application or requirement is required to be publicly notified, the Resource Management Act 1991 requires that notice be served on all persons likely to be affected by the application and a notice be placed in the relevant news paper covering the area to which the application relates and a sign erected on the site advertising the application. The application or requirement will then be available at the Council offices for inspection and any person may make a submission before the closing date specified in the notification.

Activities that are not specified as Permitted, Controlled, or Discretionary Activities will be dealt with as Non-complying Activities.



5.1.3 **Licensed Premises**

Controls are placed on the hours of operation of licensed premises in some zones to limit effects such as noise, or traffic generation during the night, and the possibility of disorderly behaviour.

5.1.4 **Discharges, Emissions, and Taking of Water**

Environment Waikato is responsible for the control of most discharges and emissions into the environment and the taking of water. It is noted that many activities within the District will require a resource consent from Environment Waikato.

5.1.5 **Temporary Activities**

Various temporary activities need to be provided for throughout the District to avoid unnecessary administrative delays. Examples of such activities are buildings and structures incidental to construction projects, or drilling of test bores.

5.1.6 **Monitoring**

Monitoring is an activity carried out by Council to ensure that conditions of resource consents are being complied with and the objectives, policies and rules in the District Plan are being met. Monitoring allows non compliance to be rectified either by persuasion or enforcement. It also identifies provisions in the District Plan which may require modification.

Council will initiate changes to the District Plan when appropriate to ensure that it remains a "living document" by keeping up to date with the needs of the District. This will ensure that the anticipated environmental results are achieved for the District.

5.2 **Objectives**

5.2.1 Simple and equitable administrative procedures for resource developments.

5.2.2 Adequate monitoring and enforcement to ensure that conditions of resource consents are being complied with and the objectives, policies and rules in the District Plan are being met.

5.2.3 Where resource consent applications are likely to affect items on the Heritage and Ecological Inventory, the New Zealand Historic Places Trust shall be considered an affected party under Section 94(2)(b) of the Act.



5.3 Policies

- 5.3.1 To implement simple administrative procedures for resource consents, certificates of compliance and requirements without compromising the rights of other parties.
- 5.3.2 To require adequate information to be supplied with resource consent and certificate of compliance applications or notices of requirements for designations and heritage orders.
- 5.3.3 To process applications in an efficient and equitable manner within statutory time limits.
- 5.3.4 To recover fair and reasonable costs associated with processing resource consent applications, certificates of compliance and notices of requirements.
- 5.3.5 To restrict the hours of operation of licensed premises where they could cause a nuisance to residential areas.
- 5.3.6 To provide for temporary activities in all zones subject to performance standards.
- 5.3.7 To implement a programme of monitoring to ensure that the objectives and policies of this District Plan are being achieved, and conditions of resource consents are complied with.
- 5.3.8 To invoke the enforcement provisions of the Resource Management Act 1991 where noncompliance with the District Plan for resource consent conditions can not be resolved.

5.4 Methods to Achieve Objectives and Policies

The following identifies the methods that will be used to achieve the objectives and policies contained in this section of the District Plan:

5.4.1 General

- (i) Internal procedures will be developed to ensure that applications are processed within statutory time limits.

Refer to Policies 5.3.1, 5.3.2, and 5.3.3.



(ii) The Council will implement and maintain a comprehensive monitoring programme to ensure compliance with resource consent conditions and to ensure that the objectives, policies and rules of the District Plan are achieved. When required, this District Plan will be changed to ensure that the objectives of the District Plan are being achieved and that the District Plan provisions are adequate and appropriate.

(iii) Where the conditions of resource consents and the provisions of the District Plan are not being complied with, the enforcement provisions of the Resource Management Act 1991 will be invoked if other means of resolution are unsuccessful.

Refer to Policies 5.3.7 and 5.3.8.

(iv) Specific rules are used to implement the objectives and policies contained in this section of the District Plan.

(v) Section 105(1)(a) of the Resource Management Act 1991 requires the District Council to grant consent to a controlled activity, but allows the Council to impose conditions. The Council will exercise the full discretion afforded to it under the Act when determining what conditions are appropriate.

When considering a resource consent for a Discretionary or Non-Complying Activity, the Council shall exercise the full discretion afforded it under the Act when determining whether or not to grant consent and, if granting consent, in determining what, if any, conditions are appropriate.

All resource consent applications must be accompanied by the prescribed fee and the following information, where relevant:

- (a) Complete application form.
- (b) Locality plan.
- (c) Full description of the site as it exists including structures and topography.
- (d) Description of the proposal and ancillary works.
- (e) Details of consultation undertaken.
- (f) Metric scale site plan (including relevant dimensions).
- (g) Metric scale floor plan where appropriate (e.g. for child care centres).



- (h) Metric scale elevation plans for any proposed buildings.
- (i) Assessment of environmental effects prepared in accordance with the 4th Schedule of the Resource Management Act 1991 and which is appropriate to the scale of the proposal.
- (j) Details of any signage associated with the proposal including drawings showing dimensions, design, and lettering characteristics.
- (k) Subdivision applications must include a plan of the proposed subdivision.
- (l) A4 copies of all plans must be provided.

The information supplied must be of sufficient detail to allow Council to make an informed decision based on the general criteria for resource consents outlined in Section 5.4.2 Rule A.

Consultation shall be undertaken in a manner appropriate to the scale and potential adverse effects of the proposal. If required, the South Waikato District Council will advise applicants what level of consultation is considered appropriate for each application as well as the appropriate tangata whenua representative where appropriate.

Written approvals of each affected party must be on the appropriate Council form or similar format.

Note: Section 11.4.2 specifies additional information required in respect of natural hazards and section 18.4.2 specifies additional information required in respect of an application for a subdivision consent.

Section 13.4.1 (x) specifies additional information required in respect of solid waste.

The following guidance in respect of information is given for archaeological sites and historic buildings:



Archaeological Sites

Applicants should check with the Historic Places Trust inventories for sites; the NZ Archaeological Association filekeeper for previous surveys or additional sites with Iwi. Where no archaeological survey has been conducted for a particular property/area a survey should be done by the applicant to determine the effects of the proposal and provide for the avoidance, remediation and mitigation of effects.

Historic Buildings

In respect of buildings heritage inventories and conservation plans may be required.

In preparing a conservation plan applicants should be guided by the NZ Historic Places Trust publication: Conservation Plan: Trust Model.

Refer to Policies 5.3.2, 5.3.3 and 5.3.4.

All applications for a Certificate of Compliance shall be accompanied by the prescribed fee and the following information:

- (i) Completed application form.
- (ii) Description of activity.
- (iii) Locality plan.
- (iv) Site plan.
- (v) Details as to the compliance of the proposed activity with the performance standards for the zone in which it will be located, and all relevant matters in Part B of the District Plan.

Council may issue a Certificate of Compliance for any activity listed as a Permitted Activity that can meet all the Performance Standards for for Permitted Activities in the relevant zone.

Refer to Policies 5.3.2, 5.3.3 and 5.3.4

All applications for signs will require sufficient information to satisfy the performance standards outline in Section 16 (Signs).

*See Section 16 (Signs)
Refer to Policy 5.3.2*



Applicants, requiring authorities and heritage protection authorities will be charged fees for the processing of applications for resource consents and certificates of compliance, and for requirements, in accordance with the schedule of fees and charges determined annually through Council's Annual Planning process.

Refer to Policy 5.3.4

5.4.2 **Specific Rule**

Rule B The following temporary activities shall be permitted activities in all zones subject to compliance with the performance standards for the zone in which the activity is to occur:

- (i) Offices, scaffolding, workshops, boat building, storage sheds and buildings or activities of a similar character where the building or use is incidental to a building or construction project and limited for a period not exceeding 24 months.
- (ii) Test bore drilling, auger holes, test pits, and cone penetrometer tests (CPTs) for a period not exceeding one month.
- (iii) Temporary Military Training Activities.
- (iv) Temporary film making activities (over a maximum period of 4 months where a management plan has been submitted to and approved by Council).

Where zone performance standards can not be met by temporary activities they shall be assessed as Discretionary Activities.

See Part C.

Refer to Policy 5.3.6

5.5 **Principal Reasons**

Fair and equitable administrative procedures are required to ensure that there are no unnecessary delays involved with the processing of applications for the development of resources which are not permitted as of right, where the developer has demonstrated that adverse effects on the environment will be avoided, remedied or mitigated.



The information requirements outlined in the methods section are designed to ensure that the Council has adequate information before it to make informed decisions. The onus is on applicants rather than the Council to ensure that the information provided is adequate. These requirements have been clearly set out to clarify to applicants what information is required.

Temporary activities which are in accordance 5.4.2 Rule B need not be subject to the application procedure for a resource consent where they are incidental to an approved activity, of a temporary nature, and able to meet the zone performance standards and/or conditions of consent for an approved activity. It is considered that the adverse effects of these activities on the environment will be minor where the criteria outlined above can be satisfied.

Monitoring programmes are required to ensure that consent holders fulfil their requirements, and to ensure compliance with the District Plan which has been developed to promote the sustainable management of natural and physical resources within the District. Monitoring will also be undertaken to ensure the District Plan is effective and efficient.

5.6 Anticipated Environmental Results

The following results are anticipated:

- (i) Achievement of the objectives of the District Plan through effective, simple and equitable administrative procedures for resource developers and potential affects parties.
- (ii) Sustainable management of the natural and physical resources of the South Waikato District.