

## 39.0 District Recreation Zone

### 39.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Application of agrichemicals, including deadly poisons;
- Children's play equipment, picnic facilities, public shelters, park furniture, toilets, changing rooms and seating;
- Garden and implement sheds, greenhouses, nurseries;
- Domestic wastewater and stormwater discharges;
- Historic buildings and monuments;
- Land disturbance, vegetation clearance, cultivation, excavation;
- Land use activities carried out in accordance with an approved Management Plan prepared under the Reserves Act 1977;
- Lawns, areas of bush, ornamental gardens, other planted areas;
- Outdoor recreation activities including sports grounds;
- Pest management carried out in accordance with a National or Regional Pest Strategy;
- Public carparks and walkways;
- Publicly owned or operated places of assembly for recreation, stands, swimming pools or camping grounds;
- Routes for pedestrians, cyclists, including footpaths, cycle tracks, bridges and driveways;
- Utilities and purposes for which the land vests; and
- Special events not exceeding seven days.

## Conditions for Permitted Activities

### 39.1.1 Infrastructure and Services

#### 39.1.1.1 Parking Space Requirements

Activity	Parking Spaces Required
a) Sports grounds and playing fields.	Low intensity activities (such as golf). Two spaces for every one hectare devoted to the activity.
b) Medium intensity activities (such as cricket, football, rugby and hockey).	Twelve spaces for every one hectare devoted to the activity.
c) High intensity activities (such as tennis, netball and basketball).	Twenty-five spaces for every one hectare devoted to the activity.
d) Very high intensity activities (such as bowls, mini golf).	One hundred and twenty five spaces for every one hectare devoted to the activity.
e) Places of assembly.	One space for every five people the facility is designed to accommodate.
f) Camping grounds	One space for every camp site/or accommodation unit.

### 39.1.2 Amenities

#### 39.1.2.1 Siting Requirements

39.1.2.1.1 Buildings and structures shall be set back a minimum of 4.5 metres from road boundaries; and

39.1.2.1.2 No building may be sited closer than 8 metres to the margin of any lake, river, coastal marine area, or drainage channel, or the landward toe of any stopbank or from any protection works.

#### 39.1.2.2 Sunlight and Privacy for Neighbours

No part of any building shall exceed a height equal to the recession plane angle determined by the application of Figures 25.2 and 25.3 in Chapter 25 Definitions. To determine the maximum permitted height in relation to boundaries on the lot the diagram in Figure 25.2 (Recession Plane Indicator) must be viewed within the lot, and orientated north. The angle of inclination relative to a particular boundary is determined by the angle on the diagram in Figure 25.3 adjacent to that boundary.

Except as provided elsewhere in the Plan, where a lot boundary abuts the street or road no part of any building should exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2.0 metres above the boundary of the lot where it abuts the street or road.

### 39.1.2.3 Noise

39.1.2.3.1 All permitted activities shall be conducted so as to ensure that noise arising from such activities shall not exceed the following noise limits at any point on the boundary of the District Recreation Zone.

- 0800 hours - 2200 hours Monday to Friday, and 55 dBA L10
- 0800 hours - 2200 hours Saturday
- On any day between 0800 hours - 2200 hours No L<sub>max</sub> limit
- At all other times including any public holiday 45 dBA L10 and 75 dBA L<sub>max</sub>

39.1.2.3.2 Provided these noise limits shall not apply to activities of a normal recreational nature, such as sporting events, that do not involve motor sport or amplified music.

## 39.1.3 Discharges

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### 39.1.3.1 Domestic Wastewater Management

Provision must be made for the satisfactory management of all domestic wastewater in accordance with the requirements of the Plan. The requirements of the Plan are deemed to have been met where all domestic wastewater is connected to a public system expressly designed for this purpose or the conditions for on-site domestic wastewater discharges (Rule 39.1.3.2) are met.

### 39.1.3.2 The discharge of domestic wastewater into land

The discharge of domestic wastewater, through any on-site wastewater management system lawfully established without resource consent prior to 21 April 2005, into land is a Permitted Activity providing:

- 39.1.3.2.1 A public sewer is not located within 30 metres of the lot boundary or 60 metres of the closest building on the lot to be serviced.
- 39.1.3.2.2 Garbage grinders are not installed in any building that the on-site wastewater management system services.
- 39.1.3.2.3 The rate of discharge does not exceed 2000 litres per day, averaged over any one week period.
- 39.1.3.2.4 There is no increase in the rate of discharge due to an increased occupancy of the building(s) that the on-site wastewater management system serves following an extension or alteration of the building(s).
- 39.1.3.2.5 The domestic wastewater, following primary treatment, is able to infiltrate through at least 600mm of unsaturated soil or, following secondary treatment, is able to infiltrate through at least 300mm of unsaturated soil.
- 39.1.3.2.6 There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface waterbody, groundwater or coastal water or drainage channel.
- 39.1.3.2.7 The on-site wastewater management system is maintained in an efficient operating condition at all times.
- 39.1.3.2.8 No objectionable odours can be detected.

### 39.1.3.3 Stormwater Discharges (Point source and Non Point Source)

The discharge of point source stormwater, to land or natural water, by gravity and/or the discharge of non point source stormwater, to land or any natural water shall be a Permitted Activity provided that;

- a) The discharge shall not cause any significant erosion or inundation of land;
- b) The discharge shall not have any significant adverse effect on water quality;
- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody; and
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
  - Hazardous substances cannot enter the stormwater; or
  - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system;
- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes.

**Note:** The discharge of stormwater into the Coastal Marine Area is dealt with by the rules in the Coastal Marine Zone.

## 39.1.4 Land Disturbance

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### 39.1.4.1 Land Disturbance - General Conditions

Any land disturbance activity which meets the following conditions is a Permitted Activity.

#### 39.1.4.1.1 Conditions

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;
- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of a land disturbance operation; and
- c) All land disturbance sites are to be stable when subject to a storm event of 10% probability or less.

**39.1.4.1.2 Exception**

Except any land disturbance activity which does not meet the above conditions or is in an area identified as a hazard area that is required for the purposes of constructing or providing access to any structure requiring a building permit under the Building Act 1991, shall be a Discretionary Activity, with no restriction on the exercise of Council's discretion.

**39.1.4.2 Excavation and Filling****39.1.4.2.1 Conditions**

- a) The maximum volume for either excavation or filling shall not exceed 20m<sup>3</sup>;
- b) The time period applicable to filling and excavation in terms of volume shall mean the volume specified may not be exceeded within any continuous period of ten years;
- c) The gradient of any side cut excavation must not exceed an average of 9.5 (1:6) and must not exceed 11.3 (1:5) along any length of more than 20 metres;
- d) Stormwater controls, water table cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation;
- e) Batters and side castings are to be established by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation;
- f) Run-off from water tables or surfaces of side-cut excavations is to be directed to stable land areas; and
- g) Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance above can not be complied with.

**39.1.4.2.2 Fill Content**

In addition to compliance with the conditions relating to the volume of fill material any filling of land or depressions is a Non-Complying Activity where the fill contains:

- Putrecible, inflammable or hazardous components;
- Material other than rubble, ballast, stones, soily material and demolition material; or
- Vegetation which is not incidental to the clearing of sites, and which comprises more than 5% of the fill material, by volume.

**39.1.4.2.3 Exemptions**

The following activities are exempt from control on the volume of material:

- Any works involving the repair or replacement of any utilities; and
- Support structures for any permitted or approved buildings, signs, fences and works.

### 39.1.4.3 Vegetation Clearance

#### 39.1.4.3.1 Mechanical Clearing

The clearance of vegetation by hand or mechanical means such as roller crushing is a Permitted Activity provided that blading or root-raking by bulldozer shall not be used to clear vegetation on slopes of more than 20°.

#### 39.1.4.3.2 Burning Period

Burning shall not be carried out on Class 7e or Class 8 land, when the Fire Weather Index Parameters for the burn are:

- a) Drought Code - 200 or higher.
- b) Build Up Index - 40 or higher

as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977.

#### 39.1.4.3.3 Riparian Areas

39.1.4.3.3.1 Woody vegetation, Sedges (*Carex* spp.), Native Toe Toe (*Cortaderia* spp.), and Flax (*Phormium* spp.), shall not be removed by chemical, fire or mechanical means within riparian management zones as specified in Appendix I and ecology maps in Volume Three.

The exceptions to this rule are:

- a) Existing plantations of commercial forestry trees.
- b) Other exotic trees occupying less than 100 metres length per kilometre of legal riparian boundary.
- c) Plant pests (including those listed in regional or national pest management strategies).
- d) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.

39.1.4.3.3.2 Any trees that can be felled as specified above shall be directionally felled away from the waterbody, except woody vegetation leaning over a waterbody, which may be felled in accordance with safety practices.

39.1.4.3.3.3 Except as above no logs may be dragged through the bed of any flowing river, or through any lake or wetland.

#### 39.1.4.3.4 Revegetation

The vegetation cover of a vegetation clearance site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.

#### 39.1.4.3.5 Topsoil Loss

Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site.

### **39.1.5 Protection of Sites of Ecological, Archaeological and Cultural Significance**

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- 39.1.5.1** No activity shall modify the botanical, ecological or wildlife values identified in Appendix B and shown on the relevant Planning Maps.
- 39.1.5.2** No land disturbance may damage or adversely affect any identified site of iwi significance unless expressly agreed to in writing by the iwi who have jurisdiction or manawhenua over it.
- 39.1.5.3** Any person unearthing or otherwise disturbing any historical, cultural, archaeological artefact or waahi tapu of significance to iwi during the course of a land disturbance operation shall cease work immediately and report the discovery to the Council. Work may not recommence unless expressly agreed to in writing by the iwi who have jurisdiction or manawhenua over it, NZ Historic Places Trust or a resource consent to a Discretionary Activity has been obtained.
- 39.1.5.4** No land disturbance may damage or adversely affect any historical, cultural or registered archaeological artefact or site unless an authority to do so has been granted by the New Zealand Historic Places Trust.

### **39.1.6 Protected Items**

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Refer to rules relating to Heritage items. (Refer to Chapter 26 General Rules Section).

### **39.1.7 Application of Agrichemicals**

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The discharge of a contaminant or contaminants into land or air in connection with the spray application of agrichemicals on reserves by the administering agency, or by any person authorised by the administering agency to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity unless the activity involves the discharge of contaminants onto or into fresh water, or the bed of any river or lake is a Permitted Activity provided that the following conditions are met.

#### **39.1.7.1 Conditions**

The person responsible for the activity shall:

- 39.1.7.1.1** Adequate public notification of the intention to spray shall be provided at least seven days prior to the commencement of the activity, and the sprayed area shall be appropriately labelled following the activity for a duration that is appropriate with respect to the effects of the chemical used;
- 39.1.7.1.2** Due regard to:
- a) Wind speed and direction in regard to the method of application of spray;
  - b) The selection of nozzle size and pressure of spray units to prevent or minimise the potential for spray drift;
  - c) The dilution of spray solutions to the proper concentration for application;
  - d) Upon request of the Council or neighbouring property owner make available for inspection a current programme for the application of agrichemicals;

- e) Apply sprays in accordance with the manufacturer's recommendations;
- f) Notify the Council as soon as practicable (within one hour) in the case of accidental discharge into a waterbody or coastal water; and
- g) Apply sprays in a manner which does not cause or is not likely to cause significant deposition into water.

39.1.7.1.3 Woody vegetation (except for plantation trees and noxious plants under the Noxious Plants Act 1978) shall not be removed by chemical means within 8 metres of any permanently flowing river, or any lake, wetland or the sea;

39.1.7.1.4 All reasonable care shall be exercised in the application of agrichemicals so as to ensure that spray drift does not pass beyond the legal boundary of the area of land on which the agrichemical is discharged. Reasonable care shall be deemed to have been exercised when the agrichemical has been mixed and applied in accordance with Part 5 of the Agrichemical Users' Code of Practice (NZS 8409:1995: New Zealand Agrichemical Education Trust);

39.1.7.1.5 The following qualifications shall be held at all times after 1 January 2000 -

- a) Every person undertaking the application of agrichemicals shall hold or be under training for a current GROWSAFE Standard certificate or an equivalent qualification;
- b) Every contractor undertaking the land-based application of agrichemicals shall be a registered chemical applicator, or hold an equivalent qualification; and
- c) Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.

39.1.7.1.6 The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - Agrichemical Users' Code of Practice (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.

## 39.1.8 **Deadly Poisons (as listed in the First Schedule of the Toxic Substances Regulations 1983)**

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The hand application of deadly poisons on all land, and the aerial application on private land, in circumstances which may result in the deadly poison (or any other contaminant emanating as a result of natural processes from the deadly poison) entering water, is a Permitted Activity subject to the following conditions.

### 39.1.8.1 **Conditions**

- a) The application shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the deadly poison manufacturer's instructions and any instructions attached to or enclosed with the product;
- b) The application shall be for the purpose of eradicating, modifying or controlling vertebrate animals only, and shall not include the disposal of any deadly poison onto or into land; and



- c) The applicator shall keep a written record of the location, timing and amount of the deadly poison application, and how the requirements of this Rule have been met; and provide this information to the Council on request.

**Advisory Note:**

Under the Pesticides (Vertebrate Pest Control) Regulations 1983, approval is required from the Medical Officer of Health and the appropriate territorial local authority for any use of deadly poisons:

- On a public road;
- In any other place to which the public is entitled to have access;
- Within 60 metres of a public road, or of any other place to which the public is entitled to have access;
- Inside (or within 400 metres of) the boundaries of any area or district that is controlled by a territorial local authority;
- Inside (or within 400 metres of) the boundaries of any community, as defined in the Local Government Act 1974; or
- In any catchment area from which water for human consumption is drawn.

Any application of a deadly poison must also be publicly notified at least two weeks in advance, and notices erected at every public access route where people normally obtain access to the land.

The permission of affected landowners is required before any deadly poison can be used on their land.

## **39.2 Limited Discretionary Activities**

- Minor Non Compliance;
- Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three).
- The discharge of domestic wastewater authorised by resource consent prior to 21 April 2005, or the discharge of domestic wastewater through any on-site wastewater management system installed after 21 April 2005, into or onto land.

### **39.2.1 Minor Non-Compliance**

Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent.

- Buildings or structures intruding into the front yard by up to 100%;
- Buildings encroaching the height envelope created by recession plane angles by a maximum of 1 metre in any direction; and
- Parking requirements where site circumstances make it impracticable to comply with conditions;
- Activities within Riparian Management Zones as specified in Appendix I and the Ecology maps in Volume Three.

### **39.2.1.1 Limits to Council's Discretion**

In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 39.2.1.2 below as are relevant to the non-compliance.

All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

### **39.2.1.2 Matters for Consideration in the Exercise of Council's Discretion**

**39.2.1.2.1** In considering any application for minor non-compliance the Council will in the exercise of its discretion give consideration to the following matters:

**39.2.1.2.2** The non-compliance should not:

- a) Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One;
- b) Adversely affect the privacy enjoyed on adjoining residential properties;
- c) Significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas, service courts, open space or habitable rooms on adjoining properties; and
- d) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.

### **39.2.1.3 Conditions**

Any Resource Consents may include conditions relating to any one or more of the following:

- a) The bulk and location of buildings and structures including fences;
- b) The protection of public and private amenity values;
- c) The design and appearance of any buildings or structures;
- d) Landscape design and appearance of any buildings or structures;
- e) Landscape design and appearance and site layout;
- f) The protection of the roading network and any traffic impacts; and
- g) Bonds or covenants to secure the performance of consent conditions.

### **39.2.2 Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three)**

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- Vegetation clearance except for commercial forestry trees and plant pests, including those listed in the Regional or National Pest Management Strategies;
- Excavation and filling;
- Cultivation;
- Replanting of commercial forestry or woodlots.

### 39.2.5.1 Matters to Which Council has Restricted the Exercise of its Discretion

- a) The effects of natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;
- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of in-stream habitat;
- f) Provision of physical public access where legal public access is provided for.

### 39.2.3 The Discharge of Domestic wastewater Authorised by Resource Consent Prior to 21 April 2005, or the Discharge of Domestic Wastewater, through any On-site Wastewater Management System Installed after 21 April 2005, into or onto Land.

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#### 39.2.3.1 Standards and Terms

- (a) The domestic wastewater shall not be discharged into soil determined to be Category 1, 4, 5 or 6 soil (in accordance with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems) if it is proposed to use a conventional on-site wastewater management system; and
- (b) The term of the discharge permit shall not exceed 15 years;

#### 39.2.3.2 Matters to which the Council has Restricted the Exercise of its Discretion

- (a) The proximity of the discharge to any surface water, groundwater or coastal water and any actual or potential adverse effects of the discharge on water quality;
- (b) The proximity of the discharge to any public sewer;
- (c) The proximity of the discharge to other discharges of domestic wastewater and the potential for cumulative effects;
- (d) The potential for the discharge to adversely affect the quality of water in any river or aquifer, or in the coastal marine area;
- (e) The potential for the discharge to initiate instability or make existing instability worse;
- (f) The extent to which the proposed on-site wastewater management system complies with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems;
- (g) The site conditions, including the nature of the soil and soil depth;
- (h) The nature of the on-site wastewater management system and the appropriateness of the system to the site conditions;

- (i) The capacity of the treatment unit and the level of treatment;
- (j) The rate and method of discharge;
- (k) The size of the land application area and alternative locations for the land application area;
- (l) The necessity for monitoring the performance of the on-site wastewater management system; and
- (m) The management and maintenance of the on-site wastewater management system, including the ability to access the on-site system for maintenance purposes.; and
- (n) Alternative on-site wastewater management systems.

### **39.3 Discretionary Activities**

Application must be made for a Resource Consent for a Discretionary Activity for the following:

- Activities listed as Permitted Activities which do not comply with conditions or with the provisions for minor compliance dealt with as Limited Discretionary Activities;
- Community facilities, places of assembly, clubrooms, licensed premises, not a Permitted Activity and not provided for in a Management Plan prepared under the Reserves Act 1977; and
- Lighting including night training lights not provided for in a Management Plan prepared under the Reserves Act 1977;
- Building construction in riparian management zone as identified in Appendix I and the Ecology maps in Volume Three.

#### **39.3.1 General Assessment Criteria**

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be the subject of the following assessment criteria:

##### **39.3.1.1 Matters the Subject of Assessment**

- 39.3.1.1.1 Any relevant objective, policies and rules of the Plan;
- 39.3.1.1.2 Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement;
- 39.3.1.1.3 Any relevant objectives, policies and rules of any policy, statement or plan prepared under the Resource Management Act;
- 39.3.1.1.4 The requirements of section 104 of the Act; and
- 39.3.1.1.5 The likely effects of the proposed activity on the amenities enjoyed by any adjoining property and traffic movement or road safety.
- 39.3.1.1.6 Whether the proposal will diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.

## 39.4 Non-Complying Activities

- Any activity other than a Prohibited Activity which is neither a Permitted Activity nor a Discretionary Activity shall be deemed to be a Non-Complying Activity;
- Any discharge of domestic effluent into water; and
- Subdivision.

## 39.5 Prohibited Activities - being activities for which no resource consent shall be granted

- Any discharge of domestic effluent into or onto land located within a Hazard Area identified on the Planning Maps and/or the Hazards Register;
- The disposal of hazardous waste substances to land or water.
- The combustion of:
  - materials associated with the recovery of metals from insulated electrical cables; or
  - materials and metals used in motor vehicles; or
  - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.
- The discharge of domestic wastewater, through any soak pit established after 21 April 2005, into land.

