

40.0 Local Recreation Zone

40.1 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;
- Domestic wastewater and stormwater discharges;
- Land Use Activities carried out in accordance with an approved Management Plan prepared under the Reserves Act 1977;
- Lawns, areas of bush, ornamental gardens and other planted areas or landscape features;
- Passive outdoor recreation;
- Routes for pedestrians, cyclists, including footpaths, cycle tracks, bridges and driveways; and
- Utilities for which the land vests;
- Special events not exceeding two days.

Conditions for Permitted Activities

The conditions applicable in the Conservation Zone are those that apply with respect to the Permitted Activities for the Local Recreation Zone.

40.2 Limited Discretionary Activities

- 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.

40.2.1 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%; and
- Buildings encroaching the height envelope created by recession plane angles by a maximum of 1 metre in any direction.

40.2.2 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 40.2.3 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.

40.2.3 Matters for Consideration in the Exercise of Council's Discretion

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

40.2.3.2 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 spaces or habitable rooms; and
- d) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.

40.2.4 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; and
- c) The design and appearance of any buildings or structures.

40.2.5 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.

40.2.5.1 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;

40.2.5.2 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.

40.3 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; and
- Community facilities.

40.3.1 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:

40.3.1.1 Matters the Subject of Assessment

- 40.3.1.1.1 Any relevant objective, policies and rules of the Plan;
- 40.3.1.1.2 Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement;
- 40.3.1.1.3 Any relevant objectives, policies and rules of any policy, statement or plan prepared under the Resource Management Act;
- 40.3.1.1.4 The requirements of section 104 of the Act; and

- 40.3.1.1.5 The likely effects of the proposed activity on the amenities enjoyed by any adjoining property and whether in the case of a community facility whether there is land other than the reserve on which the proposal would be better located.
- 40.3.1.1.6 Whether the proposal will diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.

40.4 Non-Complying Activities

- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Limited Discretionary Activity nor a Discretionary Activity shall be deemed to be a Non-Complying Activity; and
- Subdivision.

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

- 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.