

Wairau/Awatere Resource Management Plan

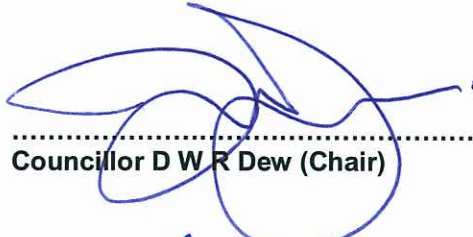
Decision on Plan Change No. 61: Minor Amendments to the Wairau/Awatere Resource Management Plan


This document contains the decisions of the Marlborough District Council on plan change 61 to the Wairau/Awatere Resource Management Plan.

Included as part of this decision is the reasons and amended Schedule of Changes

DECISION DATE: 11 October 2013

Decision made under delegation (Minute R.12/13.336) from the
Marlborough District Council by Sub-Committee members


.....
Councillor D W R Dew (Chair)


.....
Councillor P J S Jerram


.....
Councillor J A Arbuckle


.....
Councillor G S Barsanti

Dated this 11 Day of October 2013

Introduction

Plan Change 61 is a Council initiated change to the Wairau/Awatere Resource Management Plan (WARMP or the Plan) made under Part 2 of the First Schedule of the Resource Management Act 1991 (RMA).

The purpose of Plan Change 61 is to introduce a number of minor additions and alterations to the provisions of the WARMP in order to remove redundant provisions and provide greater clarity in the administration of a number of existing provisions.

The Plan Change was notified on 22 November 2012, with the submission period closing on 21 December 2012. Within this period, 81 submissions were received. A summary of the submissions received was publicly notified on 14 March 2013, with the further submission period closing on 28 March 2013.

Plan Change 61 proposed changes to the Plan covering the following items:

1. Policy on term of water permits to take and use water
2. Definition of "Family Flat"
3. Setbacks from water bodies for reasons other than avoiding flood hazard
4. Remove references to a "Hazards Register" as none exists
5. Controlled activity rule for development
6. Clarify that Utility provisions apply to "requiring authority"
7. Subdivision Chapter (Chapter 28)
8. Include rules for the damming of water
9. Subdivision in the Conservation Zone
10. Definition of wineries, distilleries and breweries in Rural Environments
11. Amendments to definition of "Home Occupation"
12. Include drainage channels in the rules requiring discharge setbacks from water bodies
13. Earthwork volume limit exemptions
14. Garden maintenance.
15. Zoning amendment – Rarangi

Hearing Process

A hearing of submissions was held in the Council Chamber before an appointed committee on the 14 August 2013. The Committee consisted of Councillor Dew (Chair), Councillor Jerram, Councillor Arbuckle and Councillor Barsanti. The Committee was given delegated authority to make decisions on the submissions to the plan change.

Submissions were presented at the hearing by the following submitters:

Submitter	Item(s)
David Whyte on behalf of Clintondale Trust	1
Debs Martin on behalf of Royal Forest and Bird Protection Society New Zealand	1, 3, 8 & 9
Steve Wilkes on behalf of Wilkes RM Solutions, Marama Irrigation Co Ltd and Blind River Irrigation Co Ltd	1 & 10
John Marris on behalf of J E and A L Marris and Kapiti Views Trust	2, 3, 10, 11 & 12
Gary Barnett on behalf of Marlborough Province of Federated Farmers of New Zealand	1 & 12
Marcus Pickens on behalf of Marlborough Wine Growers Association Inc	1 & 10
Nicola Foran on behalf of TrustPower Limited	1, 6 & 8
Dr Rengasamy Balasubramaniam on behalf of Delekat's Wine Estate Limited	1 & 10
Darryl Woolley on behalf of Constellation Brands	10
Mike Newman on behalf of the New Zealand Association of Radio Transmitters	6
Kaye Hannagan on behalf of the Marlborough Amateur Radio Club	6
Paul Rennie	6
Robert Nicoll	6
Robin Carter on behalf of M G Wooding and himself	6
Khalid Suleiman on behalf of Richard Evans and himself	2, 7, 12 & 13
Tony Hawke on behalf of New Zealand Institute of Surveyors Nelson Marlborough Branch	2

Committee Decisions & Reasons for Decisions

The following decisions address the issues raised on each of the items included in the Plan Change. All decisions made by the Committee were unanimous.

Item One – Policy of Water Permit Term

Currently Policy 6.3.1.1.3 of the Plan suggests that water permits should be issued for periods of 30 years (the maximum allowed under the RMA). Consenting practice has not reflected the Policy with most water permits being issued for terms of 10-20 years. This has come about because of demand being experienced in areas/catchments where it was not originally anticipated. With water resources with no Sustainable Flow Regime (SFR), the uncertainty over the nature and severity of the adverse effects due to the limited hydrological information and/or knowledge of in-stream values has dictated a conservative approach. As did the allocation of water from resources that are approaching or in some instances exceeding full allocations.

Case law has shown that Section 128 reviews cannot be used to fundamentally affect the allocation of water made through the granting of water permits. Taking this into account and dealing with the effects of full and over-allocation of water resources (as required by the National Policy Statement: Freshwater Management) water permit terms need to provide sufficient certainty to water users while allowing the Council to effectively reconsider the consent to address full or over allocation issues.

Seventeen submissions were received on this item with the majority opposing the amendment. The reasons given for opposing the provisions were that the proposed term did not allow enough certainty for investment in infrastructure, that water permit term would be more appropriately addressed as part of the Plan review and that longer terms are appropriate having regard to the provisions of the RMA and the third report of the Land and Water Forum and are appropriate for rivers with a sustainable flow regime (SFR) in place.

A pre hearing meeting to consider the Water Permit Term component of the Plan Change was held on the 17 May 2013.

Pre Hearing Meeting – Attendance

Organisation	Name
Delegat's Wine Estate Limited	Dr Balasubramaniam Rengasamy (Bala)
Clintondale Trust	David Whyte
Landfall Estate Limited	Jeremy Laurenson
Blind River Irrigation Limited	Neale Lawson
van Asch Irrigation Limited	Geoffrey van Asch
Marlborough Vegetable and Process Growers Association	Andrew Jones
Starborough Farming Company	
Trelawne Farm Limited	Guy Lissaman
Awatere Water Users Group	
Marlborough Winegrowers Association Incorporated	
Coatbridge Limited	Scott Adams
Marlborough Province of Federated Farmers of NZ	Kevin Payton

Agreement was reached at the pre-hearing meeting that a further amendment to the explanation to the Policies under section 6.3.1.1.3 is appropriate given that the proposed change is a transitional approach until a full review of the WARMP is undertaken that gives effect to the National Policy Statement Freshwater Management.

In their submission to the Committee, TrustPower Limited sought that water permit terms be determined on the particular circumstances of each case, with Council retaining the ability to grant longer terms if appropriate to those circumstances.

Mr Whyte of Clintondale Trust sought that if a 10 year term policy amendment be initiated then the transitional nature, the limited period and the intent to return to longer water permit terms be unequivocally expressed in the policy statement.

Mr Whyte also raised the issue of permit holders being disadvantaged during the 'transitional period' in terms of inconsistency resulting from the intent to return to longer terms.

It was the decision of the Committee to accept the outcome from the prehearing meeting as it provides a fuller explanation for Council's policy.

Policy 6.3.1.1.3 and the explanation to the Policies under Section 6.3.1 be amended to:

Policy 6.3.1.1.3

To issue water permits to take and use water for a period of 10 years where water resources are either fully allocated or over allocated relative to the allocation limits set in this Plan or where water is to be taken from a resource for which no SFR has been established in the Plan.

Explanation to Policies

Domestic water extraction up to 10m³ per day is exempt from requirements for metering or water permits. For non-domestic extraction the term of water permits will be 10 years where the cumulative volume of water allocated through individual water permits has reached the Class A and (where there is a Class B limit set) Class B allocation limits. This will allow the adverse effects of abstraction in a situation of full or over-allocation to be addressed in a timely fashion. A 10 year term is also appropriate where water is to be taken from a water resource for which no SFR has been established due to the uncertainty over the cumulative effects of water extraction in these circumstances.

The full and over allocation of water resources are issues being addressed through the review of the Wairau/Awatere Resource Management Plan. A water allocation framework that directs how these issues are to be resolved will be notified before December 2014, as required by the National Policy Statement: Freshwater Management 2011. It is likely that the implementation of this framework will remove the need to limit duration in the manner set out in Policy 6.3.1.1.3.

Resource reviews will be undertaken every 5 or 10 years depending on location, to ensure ongoing sustainable and equitable management of the resource. The interval of resource review is related to the level of understanding for the particular resource. The longer the interval between reviews for example 10 years, the greater the understanding of the resource and less potential there is for adverse effects.

Item Two - Definition of " Family Flat"

The Committee considered it is appropriate and necessary to include a new definition to both restrict the size of a family flat and clarify that family flats are intended to house family members of someone occupying the principle residential unit on the property. This emphasises that a family flat is an ancillary use to the principle residential activity on the site. The absence of a definition for a Family Flat gives scope for inconsistencies in the interpretation of the Plan and its administration. The net result could be the undermining of the basic tenet of one dwelling per site and a reduction in amenity as it relates to density and open space.

Mr Sulieman submitted that rather than limit the family flat by floor area that it should be limited to two bedrooms. As he felt that a family flat is not a precursor to a subdivision and that the size restriction proposed was arbitrary. As a 140m² flat would not have any greater effects could arguably be the same as a building of 70m².

"Means a building used to accommodate a family member of a person residing in the principal residential unit on the property with a maximum size of two bedrooms and gross floor area smaller than the principal residential unit".

Mr Marris submitted that allowances need to be made for examples such as dependent daughter and child, a dependent father or mother and child, or a dependent handicapped child and a caregiver. And that the size should be increased to a floor area of 80 m².

In reaching its decision the Committee considered that a limit on floor area is straightforward and a reasonable approach to use. It clearly makes a distinction between a family flat and second residential dwelling.

The Committee also accepted the argument that if it was to allow for more than one family member or a caregiver then an increase in size to 80 m² floor area would be appropriate. Making a restriction on floor size on the basis of the number of bedrooms even if limited to being smaller than the principle dwelling would be more uncertain in terms of scale and amenity effects. If someone had a need for a larger family flat they were still able to go through the consent process.

Therefore the decision of Committee is to amend the following definition of “Family Flat” be inserted into Chapter 25 as follows:

Family Flat *Means a building of less than 80m² gross floor area used to accommodate up to two family members or a caregiver of a person residing in the principal residential unit on the property.*

Item Three - Setbacks from water bodies for reasons other than avoiding flood hazard

The current Plan provisions require that buildings be set back a minimum of 8 metres from lakes, rivers and wetlands. This setback is currently limited to the purpose of avoiding natural hazards only. The Committee is of the view that the rule should have a wider application for riparian management.

A wider application of the rules enables the Council to exercise full discretion when determining any resource consent application to locate or build a structure within 8 metres of a water body. This will allow Council to consider the effects of such a structure on matters such as natural character and amenity values.

While natural hazard areas are not specifically identified in the Plan “flood hazard” areas are referred to in the Plan (e.g. Flood Hazard Overlay). To clarify this situation it is proposed to replace the former term with the latter term in respect of a number of rules.

The decision of the Committee is as follows:

- *Replace the heading “Hazards” with “Flood Protection/Riparian Management” in Rules 31.1.6, 32.1.5, 33.1.5, 36.1.5, 37.1.7 and 38.1.5.*
- *Delete the heading “Flood Protection/Riparian Management” from Rules 31.1.6.1, 32.1.5.1, 33.1.5.1, 36.1.5.1, 37.1.7.1 and 38.1.5.1*
- *Replace Rules 31.1.6.2, 32.1.5.2, 33.1.5.2, 36.1.5.2, 37.1.7.2 and 38.1.5.1 with “No building activity or earthworks shall take place as a permitted activity within any area identified as a flood hazard by this Plan”.*

Item Four - Remove references to a “Hazards Register” as none exists

There are a number of references in the Plan to a ‘Hazards Register’. There is no such register and the Council has no plans to introduce one.

There were no submissions received on this item.

The decision of the Committee is that the Plan be amended as follows:

Remove the advisory note for the hazards register from the following plan provisions

31.1.6.2

32.1.5.2

33.1.5.2

36.1.5.2

37.1.7.2

38.1.7.2

Item Five - Controlled activity rule for development

Each zone in the Plan contains a controlled activity rule that gives the Council the ability to impose development contributions as a condition of a resource consent. However, development contributions are now imposed under the Local Government Act 2002 and the existing references in the plan are therefore redundant.

The submission from Marlborough District Council identified an error in the public notification in which some part of the rules, not relating to development contributions, are unintentionally deleted. No submissions were received on the remaining changes proposed as part of this item.

The Committee has decided that the relief sought is appropriate as it retains the parts of the rules unrelated to the development contributions issue.

The decision of the Committee is that:

The Plan be amended to remove references to as shown in the schedule of changes for Item five.

Item Six - Clarify that Utility provisions apply to “requiring authority”

As the rules are currently worded it is possible to interpret them as allowing any person to undertake the installation of a utility. In addition Rule 28.1.1 provides for the subdivision of a utility as a permitted activity.

In order to address this issue it was proposed to insert a definition of ‘Utility’ to clarify that the utility provisions in the Plan relate to network utility operators.

The definition proposed was:

Utility	Means a network utility operation undertaken by a requiring authority as those terms are defined in Section 166 of the Resource Management Act 1991.
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The Council received some 49 submissions on this item. The majority of these submissions related to the Amateur Radio Fraternity.

The Amateur Radio interests submitted on the benefits of the Amateur Radio Service some of which are the assistance it provides to local organisations and events, the important role they play in civil defence and emergency management, and the research and development of communications technologies. And that they relied on the provisions for Utilities to enable them to erect effective antennas required for them to undertake their activities. The submissions were presented in a professional manner and clearly demonstrated how passionate the Amateur Radio operators were about their activities.

Some of the submitters suggested ways that Amateur Radio could be accommodated in the plan and discussed how the issues in relation to Amateur Radio had been debated in other districts and volunteered amendments to the plan based on these experiences.

It was felt by the Committee that the suggested changes were beyond the scope of what was notified by this proposed plan change and would be better dealt with as part of the plan review.

The other submitters to this item raised issues with regard to this change being anti competitive as not all utility providers were requiring authorities, that the change could have unforeseen consequences as not all utility providers can become requiring authorities, and that some utility providers are only requiring authorities for some components of the operations needed to provide the utility. For example TrustPower only has requiring authority status for electricity lines transmission functions.

The Committee concluded that the definition as notified could negatively impact on those network utility operators who did not have requiring authority status. As they could be excluded from undertaking their functions under the proposal.

TrustPower’s submission that a definition for utilities not be included in the Plan. Does not however address the concerns the Council has with regard to allowing any person to undertake the installation of a utility and the possible utilisation of the provisions allowing for the subdivision of a utility.

The Committee agreed with the Section 42A Report that there was scope within the plan change and submissions to consider amending the definition to “network utility operators”. And that the members of the New Zealand Association of Radio Transmitters and the Marlborough Amateur Radio Club could potentially meet the definition of a network utility operator.

The decision of the Committee is that:

The Plan be amended by adding the following definition for “Utility” into Chapter 26 of the Plan:

Utility Means a network utility operation as that term is defined in section 166 of the Resource Management Act 1991.

Item Seven - Subdivision Chapter (Chapter 28)

Item 7.1 Reconcile subdivision standards for Township Residential Zone (Renwick) with site density standards

It has been identified that the subdivision standards and the site density standards for the Township Residential Zone (Renwick) are inconsistent. The effect of this difference is that landowners are unable to give effect to the controlled activity subdivision rule that enables the creation of additional lots of capable of accommodating a dwelling as a permitted activity.

The plan change seeks to amend the threshold lot for the Township Residential Zone (Renwick) in order to ensure that the standards are consistent in the Plan for this zone.

Mr Suleiman submitted that the Renwick should not differ from the rest of the Wairau/Awatere area and that the separate Township Residential (Renwick) in table 28.2.2 Allotment Standards (Controlled Subdivision Activities) be deleted and the test (excluding Renwick) be removed from Township Residential.

The Committee have concluded that matters raised by Mr Sulieman’s submission are beyond the scope of this plan change and would be better considered as part of the plan review.

The decision of the Committee is that:

The Plan be amended by changing the threshold Lot Area for Township Residential (Renwick) in Table 28.2.2

Zone	Allotment Type W = with Sewerage Reticulation WO = Without	Environmental Assessment Threshold Lot Area m ² ¹ see note below	Environmental Assessment Threshold Building Platform Shape Factor ² see note below	Environmental Assessment Threshold Frontage Metres ^{3,4} see note below	Qualification
Township Residential (Renwick)	Front W	400 450	15 metre diameter circle	15	
	Front WO	800 1000	15 metre diameter circle	15	

Zone	Allotment Type W = with Sewerage Reticulation WO = Without	Environmental Assessment Threshold Lot Area m ² ¹ see note below	Environmental Assessment Threshold Building Platform Shape Factor ² see note below	Environmental Assessment Threshold Frontage Metres ^{3,4} see note below	Qualification
	Rear W	500-450	15 metre diameter circle	NA	Access requirements apply, refer 28.2.3
	Rear WO	1000	15 metre diameter circle	NA	Access requirements apply, refer 28.2.3

Item 7.2 Clarify that building platforms must be free from easements and yard setbacks

The Plan requires a circle of various diameters (13-15m) to be accommodated in each lot in order that it can be demonstrated a suitable building platform of reasonable dimensions is available on each site. The purpose of this proposed plan change was to ensure that a building platform does not intrude into yard setbacks or easements. The WARMP generally also requires a minimum frontage of 14-15m for front lots in residential zones which is generally consistent with the diameters of the circles.

The New Zealand Institute of Surveyors Nelson/Marlborough Branch submitted that the amendment as notified would result in an increase in the width of lots created in order to provide the necessary building platform and an appropriate area for setbacks.

It is agreed as stated in the Section 42A Report that the amendment will result in an increase to the width of lots in order to demonstrate that a suitable building platform is available of each site. It is also accepted that setback requirements cannot be calculated with certainty at subdivision stage as setbacks depend on the actual dwelling determined by the orientation of the lot and recession planes. The subdivision of existing lots based on a minimum frontage could also be difficult given the increased “width” requirements.

It is the view of the Committee that the Plan Change may not be appropriate in achieving the outcomes sought. However to assist in addressing the issue, it has been decided to make an addition to the existing note that draws attention to the need to comply with setbacks and easements as recommended by the Section 42A Report.

The decision of the Committee is that:

The Plan be amended by inserting the following note to the end of the existing note 2 to Tables 28.2.2 and 28.3.2:

² The minimum building shape factors may be applied anywhere within the proposed allotment. Any building located within the building platform shape factor must comply with the bulk and location requirements of the respective zones and comply with the requirements of any easements.

Item 7.3 Remove references to section 321 of the Local Government Act

Note 3 in each of sections 28.2.2 and 28.3.2 refer to section 321 of the Local Government Act which has been repealed.

No submissions were received on this item.

The decision of the Committee is that as section 321 of the Local Government Act has been repealed it is appropriate to remove references to it from the plan.

That the Plan be amended by the following:

- (i) *Delete Note 3 from Rule 28.2.2 as follows:
~~3 Where no frontage is available the Council must be able to issue a certificate under Section 321 of the Local Government Act 1974, to confirm that legal physical access is available.~~*
- (ii) *Delete Note 3 from Rule 28.3.2 as follows:
~~3 Where no frontage is available the Council must be able to issue a certificate under Section 321 of the Local Government Act 1974, to confirm that legal physical access is available~~*

Item 7.4 Remove references to compliance with Assessment Matters from the rules relating to controlled and discretionary subdivision activities

The Rules relating to controlled and discretionary subdivision activities (Rules 28.2 and 28.3) identify that, in order to be qualified as a controlled or discretionary activity, some existing Assessment Matters must be complied with. This is an inappropriate application of Assessment Matters as they are not matters which Council has reserved control or discretion over.

The submission of the Marlborough District Council identified that there had been an error in the public notice. And that the rule should be referenced in Rule 28.2 (Controlled Activities) is Rule 28.2.5, and not Rule 28.5. There was also another typographical error as Rule 28.2.2 was referenced twice as opposed to 28.2.2 and 28.2.3.

The corrections requested by the submitter are appropriate as they identify the correct rule. The decision of the Committee is to amend the Plan by amending Rules 28.2 and 28.3 as follows:

Rule 28.2

If subdivision proposals for these zones meet all of the following standards ~~and assessment criteria~~ (Rules 28.2.2, 28.2.3, ~~28.2.4~~) the Council will reserve control over the matters prescribed in Rule 28.2.5.

Rule 28.3

Generally, subdivision in these zones is a discretionary activity if the proposal meets all of the standards specified. ~~Applications will generally be considered in the context of the assessment criteria specified in Rule 28.3.5.~~ There are two exceptions to these general requirements, both involve a subdivision component with Limited Discretionary status. They involve Rule 28.3.3, "Standards for Access t Rear Lots", and Rule 28.3.4, "Limits to the Councils Discretion, which includes matters that relate to "State Highway", in Rule 28.3.4.2.

Item Eight - Include rules for the damming of water

Currently the Plan has rules for the construction of a dam as a land use (under Section 9 and/or Section 13 of the RMA) activity but not the damming of water (under Section 14 of the RMA). The purpose of this plan change is to introduce updated provisions to provide for the construction of dams and the associated damming of water as one integrated process.

Submitters were generally in support of the proposed change as it is seen as a logical step to include the damming of water with the construction of a dam.

TrustPower submitted that although the wording of Rule 27.1.6 in the Planners Section 42A report sort to clarify that dams and associated damming should be dealt with together, it still remained ambiguous. TrustPower provided an alternative wording for the text that follows Rule 27.1.6 for the Committees consideration.

The decision of the Committee is that the changes provide for the construction of dams and the associated damming of water as one process, and given the overlap between the two activities that it is

appropriate. And that the wording proposed in the Section 42A Report provides enough clarity to achieve the purpose of the proposed change.

The Plan is to be amended as follows:

- (i) *Add damming of water to the title of Rule 27.1.6 as follows*

Rules for the Construction of a Dam and the Associated Damming of Water

- (ii) *Amend the text that follows Rule 27.1.6 as follows:*

A consent for the construction of any dam on-stream or off-stream, under Sections 9 or 13 of the RMA does not cover the taking, use or diversion of water controlled under Section 14 of the Act. A separate water permit will be required for the taking, use, or diversion of water associated with a dam and the damming of water.

- (iii) *Amend Rule 27.1.6.1 to include the damming of water, as follows:*

Unless expressly limited elsewhere, the construction or alteration of a small dam, and the associated damming, are Permitted Activities where they meet the following conditions.

- (iv) *Amend Rule 27.1.6.2 to include the damming of water, as follows:*

The construction or alteration of any dam and the associated damming of water which cannot comply with the conditions for a Permitted Activity.

Item Nine - Subdivision in the Conservation Zone

Subdivision in the Conservation Zone is included in the list of discretionary activities under Rule 41.2.1. This is inconsistent with Rule 28.4.2 which states that subdivision in the Conservation Zone is a non-complying activity. Removal of the reference to subdivision in Rule 41.2.1 would ensure that the Plan is not in conflict.

The submission of the Royal Forest and Bird Protection Society supports the proposed change.

The decision of the Committee is that the change will remove a conflict from the plan and aid the consistency of its administration.

The plan be amended by deleting “subdivision” from the list of discretionary activities in Rule 41.2.1 for the Conservation Zone

Item Ten - Definition of wineries, distilleries and breweries in rural environments

The current definition of “wineries” does not provide for wine making or production activities which can reasonably be expected to be part of a winery.

The submissions received clearly indicated that there was a perception that the proposed definition did not cover the full gambit of activities associated with the making of wine. However there is a risk in that attempting to define every possible activity associated with a winery may result in some element being missed. It should be sufficient to capture the key elements of wine making. For example it should not be necessary to specify the activity of the delivery of grapes to the site or the subsequent transport of wine from the site. A winery will remain a discretionary activity in rural zones. A consent is therefore required and any environmental effects should be assessed through that consenting process.

The decision of the Committee is that:

The plan be amended by deleting the existing definition of “Wineries” in section 26 of the Plan and replacing it as follows:

Winery a facility for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending, storage, bottling and packaging of wine.

Item Eleven - Amendments to definition of “Home Occupation”

The purpose of having the “Home Occupation” rule is to allow for some limited commercial activity in residential zones without detracting from the amenity of the zones. The current definition has caused some confusion with regard to the use of an unoccupied home and or the employment of persons who are not part of the household residing on the site.

The submission of S Jerrett requesting amendments with regard to the current exclusion of brothels, escort agencies and motor vehicle repairs was consider to the be outside of the scope of the Plan Change as it was notified.

Mr Marris submitted to the committee that the proposed wording was ambiguous with regard to a situation where a husband and wife may be both carrying out the same or differing business activities from their home.

It is the view of the Committee that the Plan Change provides clarity to the definition of home occupation and will assist in meeting the Objectives and Policies of the WARMP relating to the establishment of a variety of activities in residential zones.

Submitters raised the need for clarification as to whether one or more than one household member can undertake a home occupation in the premises. The Committee have altered the wording of the provision in order to provide that clarity.

The definition of ‘Home Occupation’ is amended as follows:

Home Occupation Means an occupation, business, trade, craft or profession, other than escort agencies, brothels and massage parlours, the primary purpose of which is to derive income and is:

- (a) *Performed only by a member or members of the household residing in the dwelling unit or accessory building which it is carried out; and*
- (b) *Is incidental and secondary to the use of the dwelling unit for residential purposes.*

The person or persons undertaking the home occupation is entitled to employ one additional person who does not normally reside in the dwelling unit or accessory building.

Excluded from this definition are any activities involving panel beating, spray painting, motor vehicle repairs, fibre-glassing, heavy trade vehicles, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process which involves continual use of power tools and drilling or hammering or any other occupation, business, trade, craft or profession which would detract from the amenities of the neighbourhood or locality.

Item Twelve - Include drainage channels in the rules requiring discharge setbacks from water bodies

There are currently in place rules in various zones in the WARMP that require the discharge of contaminants be set back from water bodies. Generally the discharges are from on-site effluent disposal systems, liquid waste, animal dips, and solid waste facilities. This plan change seeks to add drainage channels to these set back rules.

The Marlborough Province of Federated Farmers raised a number of concerns about including drainage channels in rules for set backs for the discharge of contaminants. Their concerns centred on the practicality of the rules as it applies to farming operations.

Mr Suleiman raised concerns on the practical effects of the setbacks. Examples he gave were the setback required from structures if roading water tables or storm water cut off drains were considered drainage channels. However, the Committee noted that the term “drainage channel” is clearly defined in the plan.

The addition of the drainage channels to the set back rules will only affect the rules relating to the discharge of on-site effluent disposal systems, liquid waste, animal dips, and solid waste facilities. They will not impact on the application of agrichemicals, farm tracks or offal pits. The changes will provide benefits in terms of maintaining and enhancing water quality and will therefore assist to achieve the water quality objective of the Plan.

The decision of the Committee is that:

The Plan be amended by the adding “or drainage channel” at the end of the following conditions:

30.1.8.2.4 g)

30.1.8.2.5 e)

30.1.8.4.1

30.1.8.9.4

30.1.8.10.7

30.2.5.1.2

30.4.3.4.1

31.1.3.2.4 g)

31.1.3.2.4.2 e)

33.1.7.2.4 g)

33.1.7.2.5 e)

38.1.8.2.4 g)

38.1.8.2.4.2 e)

41.1.3.2.3

41.1.3.3.4 g)

41.1.3.3.5 e)

42.1.4.2.4 g)

42.1.4.2.5 e)

Item Thirteen - Earthwork volume limit exemptions

The Rural-Residential (Chapter 31) and the Central Business (Chapter 35) Zones have exemptions for limits on excavation and fill of earthworks. These exemptions apply to support structures and earthworks

carried out for approved subdivisions. There is however a lack of certainty in respect of the term “support structure” and the volumes of how much excavation/fill can occur.

The New Zealand Institute of Surveyors Nelson/Marlborough Branch submitted that presently the exemptions proposed to be removed provided the only means of undertaking minor excavation without the need for additional consents. The examples given in the submission were for earthworks for excavation of swimming pools and driveways. These activities would require consent even if the exemptions were retained.

The Committee was of the view that removal of the exemptions achieves the purpose of the plan change by adding clarity to the provision. However it has decided that fences can be retained in the rule as the term is certain and it is reasonable that earthworks in relation to this are exempt. As can the reference to earthworks undertaken as part of an approved subdivision. Since the earthworks have to be approved as part of the subdivision consent.

The Committee acknowledges that there does appear to be some inconsistency between zones with for example no restrictions in the Urban Residential Zones. The threshold volumes are not however the subject of this plan change. So any requests by submitters to increase volumes have been considered by the Committee to beyond the scope of this plan change.

The decision of the Committee is that:

The Plan be amended by the following changes to Rules 31.1.7.1.3 and 35.1.6.1.3:

Exemptions

- a) *Filling or excavation associated with the construction or maintenance of flood protection works, including stop banks or retention basins constructed by or on behalf of the Council.*
- b) *Any works involving the installation, repair or replacement of any network utility structure.*
- c) *Any earthworks associated with the construction of a fence.*
- d) *Any earthworks carried out in accordance with an approved subdivision.*

Item Fourteen - Garden maintenance.

The intention of the Plan Change is to remove any doubt that normal garden maintenance activities are permitted provided appropriate protection is maintained for heritage or scheduled trees.

The submission of J & A Marris and Kapiti Views Trust supported the proposed plan change. The submission from Clintondale Trust – Whyte Trustee Company Ltd interpreted the rule as not applying to the Rural Zones. Which is correct as vegetation clearance is generally a permitted activity in the Rural Zones subject to conditions.

To clarify the situation in regard to Rural Zones a further amendment has been made to enable garden maintenance in the Rural Zones provided conditions relating to significant indigenous vegetation are complied with.

The decision of the Committee is that:

The plan be amended by the introducing new Rule 27.6 to Chapter 27 – General Rules

27.6 *Garden Maintenance*

27.6.1 *Permitted Activities*

The maintenance or removal of trees and other vegetation is a permitted activity provided the following conditions are met:

Conditions:

- (a) *The tree is not a heritage tree identified in Appendix A.*
- (b) *This rule does not apply to Conservation Zone*
- (c) *Where the activity occurs in the Rural 3 and 4 Zones in complies with Rules 30.1.6 or 30.1.7.1.*

Item Fifteen - Zoning amendment – Rarangi

The proposed zoning amendment is to extend the Deferred Township Residential zoning over part Lots 1 – 20 DP 342604 on Map 131 (Rarangi) in Volume Three Maps of the Wairau/Awatere Resource Management Plan.

The Rarangi District Residents Association supported the proposed Plan Change. Richard Evans opposed the Plan Change on the basis that the Deferred Zoning limits development, and that the owner should have the choice to pay for treatment.

The Committee noted that the individual owners still retain the right to seek resource consent for a dwelling with associated effluent treatment and disposal systems on site. The Council will have the ability to consider the effects of on-site treatment and disposal of effluent, taking into account such matters as effects on ground water and proximity to bores.

The decision of the Committee is that:

The Planning Map 131 be amended as per the proposed Plan Change.

Appendix 1 – Schedule of Changes

Schedule of Changes

The changes to the Plan as a result of the decisions are shown by underlining and ~~strikethroughs~~.

Item One - Policy on terms of water permits to take and use water

Amend Policy 6.3.1.1.3 as follows:

~~To increase certainty for water users by issuing water permits for 30 year terms, subject to reviews of the resource every 5 or 10 years to ensure on-going sustainable management of the water resource.~~

To issue water permits to take and use water for a period of 10 years where water resources are either fully allocated or over-allocated relative to the allocation limits set in this Plan or where water is to be taken from a resource for which no SFR has been established in the Plan.

Amend the explanation to the policies under Section 6.3.1 as follows:

Domestic water extraction up to 10 m³ per day is exempt from requirements for metering or water permits. For non-domestic extraction the term of water permits will be 10 years where the cumulative volume of water allocated through individual water permits has reached the Class A and (where there is a Class B limit set) Class B allocation limits. This will allow the adverse effects of abstraction in a situation of full or over-allocation to be addressed in a timely fashion. A 10 year term is also appropriate where water is to be taken from a water resource for which no SFR has been established due to the uncertainty over the cumulative effects of water extraction in these circumstances. ~~be issued for 30 year terms for all new and renewed water permits, but will be subject to.~~

The full and over allocation of water resources are issues being addressed through the review of the Wairau/Awatere Resource Management Plan. A water allocation framework that directs how these issues are to be resolved will be notified before December 2014, as required by the national Policy Statement Freshwater Management 2011. It is likely that the implementation of this framework will be remove the need to limit duration in the manner set out in Policy 6.3.1.1.3.

Resource reviews will be undertaken every 5 or 10 years depending on location, to ensure on-going sustainable and equitable management of the resource. The interval of resource review is related to the level of understanding for the particular resource. The longer the interval between reviews for example 10 years, the greater the understanding of the resource and less potential there is for adverse effects.

Item Two - Definition of 'Family Flat'

Insert the following definition of "Family Flat" into Chapter 26.

Definitions (Chapter 26)

Means a building of less than 80 square metres gross floor area used to accommodate up to two family members of a person residing in the principal residential unit on the property.

Item Three - Setbacks from water bodies for reasons other than avoiding flood hazard

- (i) Replace the heading "Hazards" with "**Flood Protection/ Riparian Management**" into the heading for the following rules, and delete the heading "Flood Protection /Riparian Management" from the following rules:

3.1 Rural Residential Zone(Chapter 31)

31.1.6 Hazards Flood Protection/ Riparian Management

31.1.6.1 Flood Protection/ Riparian Management

3.2 Urban Residential 1 and 2 Zones (Chapter 32)

32.1.5 Hazards Flood Protection/ Riparian Management

32.1.5.1 Flood Protection/ Riparian Management

3.3 Township Residential Zone (Chapter 33)

33.1.5 Hazards Flood Protection/ Riparian Management

33.1.5.1 Flood Protection/ Riparian Management

3.4 Neighbourhood Business Zone (Chapter 36)

36.1.5 Hazards Flood Protection/ Riparian Management

36.1.5.1 Flood Protection/ Riparian Management

3.5 Industrial 1 and 2 Zones (Chapter 37)

37.1.7 Hazards Flood Protection/ Riparian Management

37.1.7.1 Flood Protection/ Riparian Management

3.6 Rural Township Zone (Chapter 38)

38.1.5 Hazards Flood Protection/ Riparian Management

38.1.5.1 Flood Protection/ Riparian Management

(ii) Amend the following rules as shown:

3.7 Rural Residential Zone (Chapter 31)

31.1.6.2 *No building activity or earthworks shall take place as a Permitted Activity within ~~or having any adverse effect upon~~ any natural hazard area identified as a flood hazard by this Plan.*

3.8 Urban Residential 1 and 2 Zones (Chapter 32)

32.1.5.2 *No building activity or earthworks shall take place as a Permitted Activity within ~~or having any adverse effect upon~~ any natural hazard area identified as a flood hazard by this Plan.*

Amend the 12th bullet point in Rule 32.4.1 to:

Any activity listed as a permitted activity and establishing on ~~or impacting on~~ any flood hazard area identified on the Planning Maps as a hazard area by this plan.

3.9 Township Residential Zone (Chapter 33)

33.1.5.2 *No building activity or earthworks shall take place as a Permitted Activity within ~~or having any adverse effect upon~~ any natural hazard area identified as a flood hazard by this Plan.*

3.10 Neighbourhood Business Zone (Chapter 36)

36.1.5.2 *No building activity or earthworks shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified as a flood hazard by this Plan.*

3.11 Industrial 1 and 2 Zones (Chapter 37)

37.1.7.2 *No building activity or earthworks shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified as a flood hazard by this Plan.*

3.12 Rural Township (Chapter 38)

38.1.5.2 *No building activity or earthworks shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified as a flood hazard by this Plan.*

Item Four - Remove references to a 'Hazards Register' as none exists

Delete the advisory note for the hazards register in the following plan provisions:

4.1 Rural Residential Zone (Chapter 31)

31.1.6.2 *No building activity or earthworks shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.*

Hazards Register

Note:

The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.

4.2 Urban Residential 1 and 2 Zones (Chapter 32)

32.1.5.2 *No building activity or earthworks shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.*

Hazards Register

Note:

The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.

4.3 Township Residential (Chapter 33)

33.1.5.2 *No building activity shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.*

Hazards Register

Note:

~~The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.~~

4.4 Neighbourhood Business Zone (Chapter 36)

36.1.5.2 No building activity shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.

~~Hazards Register~~

~~Note:~~

~~The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.~~

4.5 Industrial 1 and 2 Zones (Chapter 37)

37.1.7.2 No building activity shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.

~~Hazards Register~~

~~Note:~~

~~The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.~~

4.6 Rural Township (Chapter 38)

38.1.7.2 No building activity shall take place as a Permitted Activity within or having any adverse effect upon any natural hazard area identified by this Plan.

~~Hazards Register~~

~~Note:~~

~~The Council maintains a Hazard Register, which provides public information on properties where natural hazards have been specifically identified. (The Register is a 'living' document which is progressively updated). Property developers are advised to consult this register.~~

Item Five - Controlled activity rule for development

- (i) Delete the following rules from the list of controlled activities listed in the following rules, and delete the associated standards and terms as follows:

5.1 Rural 3 and 4 Zones (Chapter 30)

30.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- The sale of farm produce from a rural selling place.
- Excavation exceeding 1,000 m³ on land over 20° slope .

- The discharge of liquid wastes and animal effluent.
- Relocated buildings over 36m² in area.
- Temporary Military Training Activities (not a permitted activity).
- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.~~

~~30.2.8 Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~30.2.8.1 Standards and Terms~~

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~30.2.8.2 Matters Over Which the Council Will Exercise Control~~

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.2 Rural Residential Zone (Chapter 31)

~~31.2.1 Application must be made for a resource consent for a Controlled Activity for the following:~~

- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~31.2.2 Standards and Terms~~

~~31.2.2.1 All development must comply fully with the rules for permitted activities for the zone and all other relevant rules.~~

~~31.2.3 Matters Over Which the Council Will Exercise Control~~

~~31.2.3.1 The Council reserves control over and may impose conditions with respect to development levies.~~

5.3 Urban Residential 1 and 2 Zones (Chapter 32)

~~32.2.1 Application must be made for a resource consent for a Controlled Activity for the following:~~

- Relocated buildings of greater than 36 m² in area.
- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.~~

~~32.2.4 Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~32.2.4.1 Standards and Terms~~

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~32.2.4.2~~ **~~Matters Over Which the Council Will Exercise Control~~**

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.4 Central Business (Chapter 35)

35.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Residential Activity.
- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.~~

~~35.2.4~~ ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~35.2.4.1~~ **~~Standards and Terms~~**

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~35.2.4.2~~ **~~Matters Over Which the Council Will Exercise Control~~**

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.5 Neighbourhood Business Zone (Chapter 36)

36.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Residential activity (except in the case of the site scheduled in Appendix G).
- Relocated buildings.
- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.~~

~~36.2.5~~ ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~36.2.5.1.1~~ **~~Standards and Terms~~**

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~36.2.5.1.2~~ **~~Matters Over Which the Council Will Exercise Control~~**

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.6 Industrial 1 and 2 Zones (Chapter 37)

37.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Subject to Rule 37.1.6.6 the discharge into air from an industrial or trade premises, or from a non-moving source that is not an industrial or trade premise, of the products of combustion from fuel burning equipment used for generating heat or electric power using:
 - a) methane or natural or liquefied petroleum gas for the purposes of generating heat or electric power at a rate not exceeding 50 Megawatts; or
 - b) untreated wood, coal or oil, excluding waste oil, for the purposes of generating heat or electric power at a rate not exceeding 10 Megawatts

where the limits specified in a) and b) above apply to the cumulative generated heat or electric power produced by the specified fuel within the same premises.

- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~**37.2.5** Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~**37.2.5.1** Standards and Terms~~

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~**37.2.5.2** Matters Over Which the Council Will Exercise Control~~

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.7 Rural Township Zone (Chapter 38)

38.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Residential activity.
- Relocated buildings.
- ~~Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.~~

~~**38.2.5** Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~**38.2.5.1** Standards and Terms~~

~~All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.~~

~~**38.2.5.2** Matters Over Which the Council Will Exercise Control~~

~~The Council reserves control over and may impose conditions with respect to development levies.~~

5.8 Port Zone (Chapter 40)

40.2.1 *Application must be made for a resource consent for a Controlled Activity with respect to the following:*

- *Any buildings, structures and services for port activities in the coastal marine area not provided for as a Permitted Activity.*
- *Any activity which is carried out for the purpose of removal, placement, or redistribution of seabed material, sand, marine debris, litter, or dead seaweed or depositing these or other materials for the purpose of maintaining the seabed for port activities or for re-contouring or reshaping of the foreshore.*
- *Discharges to the coastal marine area (other than the discharge of human effluents) associated with the operational needs of the terminal.*
- ~~*Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development.*~~

~~**40.2.6** *Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development*~~

~~**40.2.6.1** *Standards and Terms*~~

~~*All development must comply fully with the rules for Permitted Activities for the zone and all other relevant rules.*~~

~~**40.2.6.2** *Matters Over Which the Council Will Exercise Control*~~

~~*The Council reserves control over and may impose conditions with respect to development levies.*~~

Item Six - Clarify that utility provisions apply to “requiring authority”

Insert the following definition of “utility” into Chapter 26 of the Plan:

Utility *”Means a network utility operation as that term is defined in section 166 of the Resource Management Act 1991.”*

Item Seven - Subdivision Chapter (Chapter 28)

7.1 RECONCILE SUBDIVISION STANDARDS FOR TOWNSHIP RESIDENTIAL ZONE WITH SITE DENSITY STANDARDS

Amend the Threshold Lot Area for Township Residential (Renwick) in Table 28.2.2, as follows:

Zone	Allotment Type W = with Sewerage Reticulation WO = Without	Environmental Assessment Threshold Lot Area m ² ¹ see note below	Environmental Assessment Threshold Building Platform Shape Factor ² see note below	Environmental Assessment Threshold Frontage Metres ^{3 4} see note below	Qualification
Township Residential (Renwick)	Front W	400 <u>450</u>	15 metre diameter circle	15	
	Front WO	800 <u>1000</u>	15 metre diameter circle	15	
	Rear W	500 <u>450</u>	15 metre diameter circle	NA	Access requirements apply, refer 28.2.3
	Rear WO	1000	15 metre diameter circle	NA	Access requirements apply, refer 28.2.3

7.2 CLARIFY THAT BUILDING PLATFORMS MUST BE FREE FROM EASEMENTS AND YARD SETBACKS

Insert the following text to the end of the existing note 2 to Tables 28.2.2 and 28.3.2 of Chapter 28 Subdivisions:

2 The minimum building platform shape factor may be applied anywhere within the proposed allotment. Any building located within the building platform shape factor must comply with the bulk and location requirements of the respective zones and comply with the requirements of any easements.

7.3 REFERENCES TO SECTION 321 OF THE LOCAL GOVERNMENT ACT 1974

(i) Delete Note 3 from Rule 28.2.2 as follows:

1 Lot areas prescribed are net areas, exclusive of access.

2 ...

~~3 Where no frontage is available the Council must be able to issue a certificate under Section 321 of the Local Government Act 1974, to confirm that legal physical access is available.~~

(ii) Delete Note 3 from Rule 28.3.2 as follows:

1 Lot areas prescribed are net areas, exclusive of access.

2 ...

~~3 Where no frontage is available the Council must be able to issue a certificate under Section 321 of the Local Government Act 1974, to confirm that legal physical access is available~~

7.4 REMOVE REFERENCES TO COMPLIANCE WITH ASSESSMENT MATTERS FROM THE RULES RELATING TO CONTROLLED AND DISCRETIONARY SUBDIVISION ACTIVITIES

Subdivision Rule 28.2

Delete the reference to assessment criteria, and Rule 28.2.4 and Rule 28.2.5, in Amend Rule 28.2 (Controlled Activities) as follows

If subdivision proposals for these zones meet all of the following standards ~~and assessment criteria (Rules 28.2.2, 28.2.3, 28.2.4)~~ the Council will reserve control over the matters prescribed in Rule 28.2.5.

Subdivision Rule 28.3

Delete the reference to assessment criteria, and Rule 28.3.5 Rule 28.3 (Discretionary Subdivision Activity), as follows:

Generally, subdivision in these zones is a Discretionary Activity if the proposal meets all of the standards specified. ~~Applications will generally be considered in the context of the assessment criteria specified in Rule 28.3.5.~~ There are two exceptions to these general requirements, both involve a subdivision component with Limited Discretionary status. They involve Rule 28.3.3, "Standards for Access to Rear Lots", and Rule 28.3.4, "Limits to the Council's Discretion", which includes matters that relate to "State Highway", in Rule 28.3.4.2.

Item Eight - Include rules for the Damming of Water

General Rules (Chapter 27)

Add 'Damming of Water' to the title of **Rule 27.1.6** as follows:

Rules for the Construction of a Dam and the Associated Damming of Water

Amend the text that follows **Rule 27.1.6**, as follows:

A consent for the construction of any dam, on-stream or off-stream, under Sections 9 or 13 of the RMA does not cover the taking, use, ~~damming~~ or diversion of water controlled under Section 14 of the Act. A separate water permit will be required for the taking, use, or diversion or damming of water associated with a dam and the damming of water.

Amend **Rule 27.1.6.1** to include the damming of water, as follows:

Unless expressly limited elsewhere, the construction or alteration of a small dam, and the associated damming of water, ~~is a~~ are Permitted Activities where ~~it~~ they meets the following conditions.

Amend **Rule 27.1.6.2** to include the damming of water, as follows:

The construction or alteration of any dam, and the associated damming of water, which cannot comply with the conditions for a Permitted Activity.

Amend **Rule 27.1.6.3** to include the damming of water, as follows:

The construction or alteration of a dam on a water resource listed below, including the associated damming of water:

Amend **Rule 27.1.6.4** to include the damming of water, as follows:

The construction or alteration of a dam on a water resource listed below, including the associated damming of water:

Item Nine - Subdivisions in the Conservation Zone

Delete “subdivision” from the list of discretionary activities in Rule 41.2.1 for the Conservation Zone, as follows:

~~41.2.1 Application must be made for a resource consent for a Discretionary Activity for the following:~~

- ~~• Subdivision~~

Item Ten - Wineries, distilleries and breweries in rural environments

(i) Delete the following Definition from Chapter 26 (Definitions)

~~**WINERIES** premises for the retail sale of wine, associated wine promotional material and associated dining facilities~~

(ii) Add the following definition to Chapter 26 (Definitions):

WINERY A facility for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending and storage of wine.

Item Eleven - Amendments to definition of “Home Occupation”

Definitions (Chapter 26)

Amend the definition of “**Home Occupation**” in Chapter 26 (Definitions), as follows:

HOME OCCUPATION means an occupation, business, trade, craft or profession, other than escort agencies, brothels and massage parlours, the primary purpose of which is to derive income and is:

- (a) Performed only by a member of the household residing in the dwelling unit or accessory building in which it is carried out; and
- (b) Is incidental and secondary to the use of the dwelling unit for residential purposes.

The person undertaking the home occupation is entitled to employ one additional person that does not normally reside in the dwelling unit or accessory building.

Excluded from this definition are any activities involving panel beating, spray painting, motor vehicle repairs, fibre-glassing, heavy trade vehicles, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process which involves continual use of power tools and drilling or hammering or any other occupation, business, trade, craft or profession which would detract from the amenities of the neighbourhood or locality.

Item Twelve - Include drainage channels in the rules requiring discharge setbacks from water bodies

Amend the following rules as shown:

12.1 Rural 3 and 4 Zones (Chapter 30)

Rule 30.1.8.2.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 30.1.8.2.5 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 30.1.8.4.1

The discharge shall not be within 100 metres of a surface water body or drainage channel or a well used for domestic water supply

Rule 30.1.8.9.4

The discharge shall not be within 20 metres of any surface water body or drainage channel.

Rule 30.1.8.10.7

The discharge shall not be within 20 metres of any surface water body or drainage channel.

Rule 30.2.5.1.2

The discharge shall not be within 20 metres of any surface water body or drainage channel.

Rule 30.4.3.4.1 e)

Discharged material shall not be placed within 1500 metres of a surface waterbody or drainage channel.

12.2 Rural Residential (Chapter 31)

Rule 31.1.3.2.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 31.1.3.2.4.2 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

12.3 Township Residential (Chapter 33)

Rule 33.1.7.2.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 33.1.7.2.5 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

12.4 Rural Township (Chapter 38)

Rule 38.1.8.2.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 38.1.8.2.4.2 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

12.5 Conservation Zone (Chapter 41)

Rule 41.1.3.2.3

The long drop toilet is not located within 50 metres of any surface water body or drainage channel.

Rule 41.1.3.3.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 41.1.3.3.5 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

12.6 District Recreation (Chapter 42)

Rule 42.1.4.2.4 g)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Rule 42.1.4.2.5 e)

The discharge shall not be within 30 metres of any surface water body or drainage channel.

Item Thirteen - Earthwork volume limit exemptions

Amend Rule 31.1.7.1.3 and Rule 35.1.6.1.3 as follows:

14.1 Rural Residential Zone (Chapter 31)

Rule 31.1.7.1.3 Exemptions

- a) *Filling or excavation associated with the construction or maintenance of flood protection works, including stopbanks or retention basins constructed by or on behalf of the Council.*
- b) *Any works involving the installation, repair or replacement of any network utility structure.*
- c) *~~Support structures for any permitted or approved buildings and signs; or for Any earthworks associated with the construction of a fence.s and works.~~*
- d) *Any earthworks carried out in accordance with an approved subdivision.*

14.2 Central Business (Chapter 35)

Rule 35.1.6.1.3 Exemptions

- a) *Filling or excavation associated with the construction or maintenance of flood protection works, including stopbanks or retention basins constructed by or on behalf of the Council.*

- b) *Any works involving the installation, repair or replacement of any network utility structure.*
- c) ~~*Support structures for any permitted or approved buildings and signs; or for Any earthworks associated with the construction of a fences and works*~~
- d) *Any earthworks carried out in accordance with an approved subdivision.*

Item Fourteen - Garden Maintenance

15.1 General Rules (Chapter 27)

Insert a new rule as follows:

27.6 Garden maintenance

27.6.1 Permitted Activities

The maintenance or removal of trees and other vegetation is a permitted activity provided the following conditions are met:

Conditions:

(a) The tree is not a heritage tree identified in Appendix A.

(b) This rule does not apply to the Conservation Zone.

(c) Where the activity occurs in the Rural 3 and 4 Zones it complies with Rules 30.1.6 or 30.1.7

Item Fifteen - Map 131 Amendments

Amend Map 131 as shown.