

File Reference: W045-15-61

Wairau/ Awatere Resource Management Plan

Proposed Plan Change No. 61: Minor Amendments

Report prepared to fulfil the requirements of Section 32 of the Resource Management Act 1991

TABLE OF CONTENTS

	Page
INTRODUCTION	1
EXPLANATION OF ITEMS AND PROPOSED CHANGES	1
SECTION 32 REQUIREMENTS.....	13
STRUCTURE OF THIS REPORT	14
PART A: BACKGROUND AND RESEARCH UNDERTAKEN.....	14
PART B: LEGISLATIVE FRAMEWORK	14
Purpose of the Resource Management Act	14
Marlborough District Council Responsibilities	14
Marlborough Regional Policy Statement.....	15
Marlborough Sounds Resource Management Plan	15
PART C: SECTION 32 EVALUATION.....	15
Evaluation of Options	16
Effectiveness and Efficiency of Existing Plan Provisions	25
Risk of Acting, or Not Acting, where there is Uncertain or Insufficient Information.....	26
CONCLUSION.....	26
APPENDIX 1: PROPOSED PLAN CHANGE - SCHEDULE OF CHANGES.....	27

INTRODUCTION

This report sets out an evaluation of the proposal by the Marlborough District Council to change the Wairau/Atawere Resource Management Plan (the Plan) in respect of Plan Change No. 61: Minor Amendments.

The purpose of the Plan Change is to make a number of minor additions and alterations to the provisions of the Plan to :

- Remove redundant provisions;
- Provide greater clarity of the existing provisions to improve implementation

The Plan Change results in amendments to a policy and explanation to a policy; planning maps; rules and definitions.

In preparing a change to the Plan, the Council has a duty under section 32 of the Resource Management Act 1991 (RMA) to undertake an evaluation of a number of matters. In particular, Section 32 states :

- (3) *An evaluation must examine –*
 - (a) *N/A*
 - (b) *Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*
 - (a) *the benefits of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Section 32 (5) requires that a report is prepared that summarises the evaluation and gives reasons for that evaluation. This report satisfies that requirement.

EXPLANATION OF ITEMS AND PROPOSED CHANGES

As a result of administering the Plan over a number of years the Council has identified a number of provisions in the Plan that require amendment to provide greater clarity and remove inconsistencies. The items subject to this plan change are generally minor and have not required in depth research. The items, identified as Items 1-15 below, and the reasons for the amendments, are explained below. The changes are shown with new text italicised and underlined and deleted text is shown by ~~strikeout~~.

Item 1 Policy on term of water permits to take and use water

Policy 6.3.1.1.3 of the Plan suggests that water permits should be issued for periods of 30 years (which is the maximum allowed in the RMA). As a consequence of demand being experienced in areas/catchments where it was not originally anticipated, and water resources approaching full allocation (or in some areas exceeding it) consenting practice has not typically reflected this policy. The majority of water permits issued since the WARMP was notified are for terms of between 10 and 20 years.

Case law has also determined that s128 reviews of the RMA cannot fundamentally affect the allocation of water made through the granting of the water permit. Taking this into account and in dealing with the effects of full and over-allocation of water resources (as required by the National Policy Statement: Freshwater Management) a term considerably less than the maximum provided for in Policy 6.3.1.1.3 is considered appropriate. The term needs to provide sufficient certainty to water users while allowing the Council to effectively reconsider the consent to address full or over allocation issues. A term of 10 years is considered appropriate in this regard.

There are also water resources for which a Sustainable Flow Regime (SFR) has not been established. In these circumstances, there is uncertainty over the nature and severity of adverse effects due to the limited hydrological information and/or knowledge of in-stream

values. A term of 10 years is also appropriate in these circumstances. Any effects not anticipated at the time of granting the water permit can be addressed in the short term on the expiry of the permit (if a new permit is applied for).

Overall it is considered the plan change will better achieve Objective 6.3.1 which is to “Achieve equitable allocation and use of surface water and groundwater resources.”

Proposed Change

- (i) 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 ongoing sustainable management of the water resource. To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality requires enhancement.*~~

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.

To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality requires enhancement.

- (ii) 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. 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 2 Definition of ‘Family Flat’.

The definition of ‘Residential Unit’, as set out below, includes a reference to a family flat:

means a residential activity which consists of a single self-contained housekeeping unit, whether of one or more persons, and includes a holiday home, accessory buildings and a family flat. Where more than one kitchen facility is provided on the site, other than a kitchen facility for a family flat there shall be deemed to be more than one residential unit. For the purposes of this definition a residential unit shall include any emergency unit or refuge.

However ‘Family Flat’ is presently not defined in the Plan. The absence of an appropriate definition has created an issue regarding the appropriate scale of buildings constructed as family flats. Occasions have arisen where a second substantial residential dwelling has been constructed under the auspices of a ‘Family Flat’ on the same site. However, the intent of providing for Family Flats is to provide for family members in a small self-contained unit.

This matter was recently the subject of appeals to both the Environment Court and the High Court, with the High Court determining that a family flat need not be part of a larger building¹. The Court went on to note that

If it is to be a permitted use where there is already a dwelling on the title a family flat must be an adjunct to the principal residence, a subordinate dwelling. That follows when one inquires whose family is to use the flat; it is the family of the owner of the land and occupier of the principal residence. That concept may have several dimensions, including by way of illustration the relationship of the occupants to one another (which relationship may be not only familial but also dependant) and the size and design of the flat, its physical relationship and that of its services to the principal dwelling, and its intended lifespan on the site².

The Council considers it is appropriate to include a definition that restricts the size of a family flat, as well as to clarify that family flats are intended to house a family member of someone occupying the principal residential unit on the property. In essence this will allow the creation of family flats as an ancillary use to the principal residential activity on the site, and remove the risk that a secondary dwelling could be established. This also avoids the risk that once established, a second dwelling could be subdivided onto its own Certificate of Title.

Proposed Change

The Plan Change seeks to insert the following definition of “Family Flat” into Chapter 25 of the Wairau/Awatere Resource Management Plan:

Means a building of less than 70m² gross floor area used to accommodate a family member of a person residing in the principal residential unit on the property.

Item 3 Setback 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. The existing rule headings, however, appear to limit this setback for the purpose of avoiding natural hazards only, whereas the Council is of the view that the rule should have a wider application for riparian management. This would enable the Council to exercise full discretion when determining any resource consent application to locate or build a structure within 8 metres of a waterbody. This change would allow the Council to consider the actual and potential adverse effects of such a structure on matters such as natural character and amenity values.

This change can be effected without substantively altering the existing content and rule structure of the Plan, and requires a number of minor changes to the headings of some of the existing rules, and the subsequent removal of a number of rules that provide for buildings to intrude into the 8 metre setback as a minor non-compliance.

These amendments also require some consequential amendments to delete references to now redundant exceptions.

Proposed Changes

- (i) Replace the heading “Hazards” with “*Flood Protection/Riparian Management*” in the following rules:

31.1.6

32.1.5

¹ Beavon Investments Ltd v Marlborough District Council [2012] NZHC 113, Paragraph [21].

² Ibid, para [22]

33.1.5

36.1.5

37.1.7

38.1.5

(ii) Delete the heading "*Flood Protection /Riparian Management*" from the following rules:

31.1.6.1

32.1.5.1

33.1.5.1

36.1.5.1

37.1.7.1

38.1.5.1

(iii) Replace the following rules with "*No building activity or earthworks shall take place as a permitted activity within any area identified as a flood hazard by this Plan*".

31.1.6.2

32.1.5.2

33.1.5.2

36.1.5.2

37.1.7.2

38.1.5.1

Item 4 Remove references to a 'Hazards' Register' as none exists

A number of existing rules in the Plan refer to a hazard register. No such register exists and the reference can therefore be deleted.

Proposed Changes

Delete the words "*or listed in the Hazards Register*" from the following discretionary activity rules:

29.3 (second bullet point)

30.4 (second bullet point)

31.4 (second bullet point)

32.4 (second bullet point)

33.4 (First bullet point)

34.4 (second bullet point)

35.4 (first bullet point)

36.4 (second bullet point)

37.3 (third bullet point)

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 hazard area identified on the Planning Maps as a hazard area any flood hazard area identified by this Plan.~~

Item 5 Controlled activity rule for development

Currently, each Zone in the Plan includes a controlled activity rule that provides the Council with the ability to impose development contributions as a condition of resource consent. Development contributions are now imposed under the Local Government Act 2002 and the Council Long Term Plan. The provisions in the Plan are therefore redundant and can be deleted.

Proposed Change

(i) Delete the following rules from the list of controlled activities listed in the following rules:

30.2.1

31.2.1

32.2.1

35.2.1

36.2.1

37.2.1

38.2.1

40.2.1

(ii) Delete the associated standards and terms as follows:

30.2.8

31.2.2 and 31.2.3

32.2.4

35.2.4

36.2.5

37.2.5

38.2.5

40.2.6

Item 6 Clarify that utility provisions apply to “requiring authority”

The establishment of utilities is provided for in the rules in section 27.5 of the Plan.

As the rules are presently worded, it is possible to interpret them as allowing any person to undertake the installation of a utility. For example, under the present wording, it would be possible for a 25 metre high radio aerial to be erected in a residential zone by any person. However, the intention of the rules is that they should only apply to Network Utility Operators, and not private individuals or businesses.

In addition Rule 28.1.1 provides for the subdivision of a utility as a permitted activity. Again it is not considered appropriate for a private radio aerial, or any other utility erected by a private individual or business to be subdivided onto a separate section.

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

Proposed Change

- (i) Insert the following definition of “utility” into Chapter 26 of the Wairau/Awatere Resource Management Plan:

Means a network utility operation undertaken by a requiring authority as those terms are defined in Section 166 of the Resource Management Act 1991

Item 7 Subdivision Chapter (Chapter 28)

7.1 Reconcile subdivision standards for Township Residential zone with site density standards

The subdivision standards for the Township Residential Zone are not consistent with the site density standards for the same zone. The net effect is that landowners are unable to subdivide their properties as a controlled activity, to an equivalent size that a residential unit can be built upon as a permitted activity. The following plan change will make these standards consistent.

Proposed Change

- (i) 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	400 450	15 metre diameter circle	15	
	Front WO	800 1000	15 metre diameter circle	15	
	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

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

The Plan subdivision standards require a building platform of certain dimensions (that vary according to zone) be available on any allotment to be created to ensure that it is possible to build upon any allotment created. Applications have been received for some sites where easements and yard setbacks encroach into building platform, meaning essentially that not all of the identified building platform can be built upon. This in turn creates difficulties for subsequent owners of properties when the time comes to erect a dwelling on the site. The issue has been remedied in the past by requiring resource consents to allow the reduced setback, or to relocate easements.

In order to avoid this issue arising in the future, it is appropriate to ensure that building platforms do not intrude into yard setbacks and are not located over existing easements.

Proposed Change

- (i) Insert the following text to the end of the existing note 2 to Tables 28.2.2 and 28.3.2:

The minimum building platform must be free of any easement or any building setback and depth requirements required by zone rules.

7.3 Remove references to section 321 of the Local Government Act

Notes in Rules 28.2.2 and 28.3.2 refer to section 321 of the Local Government Act, which has been repealed.

Proposed Change

- (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~~

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

The existing rules for Controlled and Discretionary Subdivision activities (Rules 28.2 and 28.3 respectively) identify that some Assessment Matters need to be complied with in order for an activity to qualify as a controlled or discretionary activity. This is an inappropriate application of Assessment Matters, as it is *ultra vires* to rely upon Assessment Matters to determine the activity status of an activity. This issue was discussed and confirmed by the Environment Court³. Assessment Matters are intended to identify the matters to be considered in the event of rules or standards being breached, rather than being the determinant of a particular activity status.

This matter can be rectified by deleting the requirement for Assessment Matters to be complied with in order for a subdivision to be treated as a Controlled or Discretionary Activity, and instead including a reference to the rule that sets out the matters over which the Council has reserved its control.

Proposed Changes:

(i) Controlled Subdivision Activity

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, 28.2.2, ~~28.2.4~~) the Council will reserve control over the matters prescribed in Rule 28.5.

(ii) Discretionary Subdivision Activity

Amend Rule 28.3 (Subdivision) 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 8 Include rules for the damming of water

The Plan has rules for constructing a dam as a land use but not the associated damming of water. Therefore, rules to permit the damming of water should be introduced to remove unnecessary consenting requirements. For consistency, it is appropriate that the status of damming of water is the same as that for the construction of a dam.

Proposed Change

- (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, does not cover the taking, use, ~~damming~~ or diversion of water controlled under Section 14 of the Act. A

³ TR Norton et al v Marlborough District Council, C30/2009.

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.

- (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 of water, is a Permitted Activity where ~~it~~ they meets 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.

- (v) 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:

- (vi) 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 9 Subdivisions in the Conservation Zone

In the Conservation Zone of the Plan subdivision is included in the list of discretionary activities under Rule 41.2.1. The inclusion of this is in direct conflict with the subdivision Rule 28.4.2, which states that subdivision in the Conservation Zone is a non-complying activity. Removal of reference to subdivision in the Conservation Zone will ensure the Plan is not in conflict.

Proposed Change

- (i) Delete "subdivision" from the list of discretionary activities in Rule 41.2.1 for the Conservation Zone, as follows:

• **Subdivision**

Item 10 Wineries, distilleries, and breweries in rural environments

Rule 30.4.1 of the Plan provides for 'wineries, distilleries and breweries' as discretionary activities. Currently, 'Wineries' are defined as:

"premises for the retail sale of wine, associated wine promotional material and associated dining facilities".

This definition does not provide for wine making/production. The public is increasingly associating a winery with the industrial process of wine making as well as associated dining facilities rather than just the subsequent sale of wine. It is appropriate to amend the definition of 'Winery' to reflect the wide range of functions associated with a winery.

Proposed Change

Delete the existing definition of 'Wineries' from Chapter 26 (Definitions) and replace it with the following definition:

WINERY - a facility for the processing of grapes or other fruit for the production of wine, or juice from the subsequent production of wine, premises for the retail sale of wine, associated wine promotional material and associated dining facilities.

Item 11 Amend the definition of 'Home Occupation' to reflect the intention that it can only be undertaken by a member of the household, plus one additional person.

Home occupations can currently occur as a permitted activity in residential zones. The existing definition of a "Home Occupation" is as follows:

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

(a) Performed 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.

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.

The Council has identified that there is uncertainty in the administration of the permitted "Home Occupation" rule. Specifically, confusion has arisen over whether a dwelling may be utilised for a Home Occupation when there are no occupants in the dwelling. The definition is also presently silent on whether or not it is appropriate for there to be an employee or employees who are not part of the household residing on the site.

Issue 11.2.1 of the Plan identifies that where the nature, character, and effects of non-residential activities are compatible with the character of residential areas, there is no reason to prevent them from being established. It is also noted that Home Occupations should not be permitted to 'develop to such a scale or intensity as would cause detriment to local residential character' by giving rise to effects such as excessive or unusual traffic volumes or excessive noise.

In order to address the uncertainty, and considering the nature of home occupation, the Council proposes to clarify that a Home Occupation is restricted to those resident at the address, provided that one staff member that is not part of the household unit (i.e. does not live on the site) may also be employed as part of the home occupation. The Council considers it is appropriate to provide for one additional employee for the following reasons:

- One additional person will not create excessive vehicle movements to or from the site.
- Allowing a business to operate from a residential dwelling that employs a number of people that are not part of the household residing on the site will generate a level of activity on the site that is out of keeping with the amenity and character of residential neighbourhoods.

The current definition of Home Occupation also excludes massage parlours and escort agencies and the Council are seeking to amend the definition to exclude brothels as well, as these have similar effects. The exclusion of brothels is consistent with the existing definition, which excludes activities which would detract from the amenities of the neighbourhood or locality.

Proposed Change

- (i) Amend the definition of "home occupation" so that it excludes brothels and it can only be undertaken by a member of the household plus one employee, 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 12 Include drainage channels in the rules requiring discharge setbacks from water bodies

The existing provisions in the Plan relating to setbacks (in various zones) require that discharges be setback from water bodies. However, this exclusion does not cover drainage channels. Drainage channels carry water, so the potential for contamination is potentially the same as it is for rivers, lakes and wetlands. Often drainage channels flow into rivers, and not having a setback for drainage channels may prevent the maintenance of water quality in those rivers. It is therefore considered appropriate to add “drainage channel” to all of the existing setback rules.

Proposed Change

(i) Add “or drainage channel” to the end of the following conditions requiring a setback from surface water bodies for the discharge of contaminants onto or into land:

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

30.1.8.11.3

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 13 Earthwork volume limit exemptions

In the Plan both the Rural-Residential (Chapter 31) and the Central Business (Chapter 35) zones have exemptions for limits on excavation and fill. These exemptions apply to support structures and earthworks carried out for approved subdivisions. In both cases, there is no certainty in respect of how much excavation/fill can occur. This has been the cause of complaint from adjoining neighbours and it is considered appropriate to remove the exemptions, especially considering uncertainty over what can be considered a “support structure”. The removal of the exemptions will provide greater certainty.

Proposed Change

Delete the exemptions (c) and (d) of the following Rules, as follows:

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 fences and works.*~~
- d) ~~*Any earthworks carried out in accordance with an approved subdivision.*~~

Rule 31.1.7.1.3

Rule 35.1.6.1.3

Item 14 Garden Maintenance

As the Plan contains a presumption that any activity not expressly provided for requires resource consent, an issue has arisen over the maintenance of trees and vegetation. The maintenance of vegetation (such as trimming or pruning) or the removal of trees is not provided for as a permitted activity in the rules in the Plan at present. Accordingly normal garden maintenance activities could potentially require resource consent. To remove any doubt it is appropriate that the Plan provide for such activities, subject to appropriate protection of existing heritage or scheduled trees and areas of existing significant indigenous vegetation (which are located in the Rural and Conservation Zones), given that minimal adverse effects are likely to arise.

Proposed Changes

Include a new general rule that provides for the maintenance or removal of trees and vegetation as a permitted activity, 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 Rural Zones the Conservation Zone.*

Item 15: Zoning Amendment – Map 131 (Rarangi)

The Marlborough District Council previously owned a number of vacant properties in Rarangi Beach Road. These sites adjoined sites that faced onto Rarangi Beach which were in private ownership and generally had dwellings located on them. The existing dwellings are serviced by bores on each site for water supply and septic tanks on each site for effluent disposal.

At or about 2005, the Council offered the landowners the opportunity to purchase the adjoining Council properties. All landowners took advantage of this opportunity and subdivision consent was subsequently granted to amalgamate each existing residential property with the adjoining Council site.

The above sites are presently zoned Township Residential, as shown on Map 131.

As the properties are not reticulated with services concern has arisen that if additional accommodation is constructed on the vacant portion of the sites, the required on-site waste water systems could have adverse effects on the existing bores and their ability to deliver water of an appropriate standard thereby resulting in a public health risk. It is noted the ground conditions are predominantly gravel and very permeable.

The Council considers that those parts of the properties that are vacant or undeveloped should be subject to a deferred zoning that can be lifted at the time that appropriate reticulated services become available. The rezoning of these sites to Deferred Township Residential effectively achieves this. Any proposal to develop the Deferred Township Residential zoned land will require resource consent. The risks to groundwater quality will therefore be able to be assessed through the determination of the resource consent application.

Proposed Changes

Extend the Deferred Township Residential zoning over part Lots 1 – 20 DP 342604 on Map 131 (Rarangi):

The proposed zoning is shown on the map in Appendix 1.

SECTION 32 REQUIREMENTS

As indicated above in preparing any change to the Plan, the Council has a duty under section 32 of the Resource Management Act 1991 (RMA) to evaluate a number of matters.

The section 32 process of the RMA assists in ensuring that good environmental outcomes are achieved, plan provisions are targeted at achieving the purpose of the RMA by the most appropriate methods, there is sound policy analysis to base decisions and for reassessing whether the chosen provisions are necessary and appropriate once they are in use. An evaluation under section 32 has to be carried out before the Council publicly notifies the proposed change and then again before making a decision on submissions received. A section 32 evaluation must examine the extent to which each objective, policy, rule and method is the most efficient and effective and/or appropriate way to achieve the purpose of this Act. It must also take into account the benefits and costs of policies, rules, or other methods, and the risk of acting or not acting.

STRUCTURE OF THIS REPORT

Part A: Issue Identification, including background, investigation and analysis of the issues determined through Council initiated research and public consultation.

Part B: A summary of the legislative framework, within which resource and environmental issues are currently managed.

Part C: An evaluation under section 32, as required under the RMA, of the actual changes to the Plan.

The proposed Schedule of Changes to the Plan, which sets out the proposed plan change, is attached as **Appendix 1**.

PART A: BACKGROUND AND RESEARCH UNDERTAKEN

The changes proposed have been identified by the Council as a result of administering the Plan over a number of years. Inconsistencies and uncertainty over definitions and the appropriate application of rules have been identified. The issues subject to this plan change are minor and have not required any in depth research.

PART B: LEGISLATIVE FRAMEWORK

Purpose of the Resource Management Act

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources. Sustainable management means:

“managing the use, development and protection of natural and physical resources in such a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment”*

In achieving the purpose of sustainable management, the Council must have regard to a number of principles set out in the RMA. These include recognition and provision for a number of matters of national importance described in section 6 of the RMA. The Council must also have particular regard to matters such as amenity and heritage values, kaitiakitanga, quality of the environment, and ecosystem values (section 7) and take into account the principles of the Treaty of Waitangi (section 8).

The RMA enables the use and development of resources as long as such use does not adversely affect the environment in a way that impacts the foreseeable needs of future generations, the life supporting capacity of ecosystems, other users or the environment. This is the concept of “sustainability” which the RMA promotes as its overriding purpose.

The changes proposed are all minor, and will not alter the existing structure or intent of the rules in the District Plan. The changes will remove existing uncertainties in the Plan provisions and as such will promote the Act’s purpose.

Marlborough District Council Responsibilities

The Marlborough District Council is a unitary authority, that is, it has the functions, powers and duties under the RMA of both a district council and a regional council. Its functions are set out in sections 30 and 31 of the RMA. Of most relevance to this plan change are the district

functions set out in section 31, particularly in relation to controlling the actual and potential effects of the use, development or protection of land. This also extends to the control of subdivision where this is a method used to carry out functions. The change to the rules relating to damming water is a regional function, which is provided for under section 30 of the Act.

Marlborough Regional Policy Statement

The Marlborough Regional Policy Statement (MRPS) was made operative in July 2005. The MRPS provides a community based vision and direction for the management of the natural and physical resources of Marlborough. The vision and direction sets the framework for more detailed consideration of issues in the Marlborough's resource management plans.

A review of the MRPS is currently underway. Until the review is complete the existing provisions of the MRPS will continue to apply.

The amendments sought in this Plan Change are relatively minor and will improve the interpretation and administration of the Plan. There are no changes that will give rise to inconsistencies with the Objectives and Policies of the Regional Policy Statement.

Marlborough Sounds Resource Management Plan

In addition to preparing a regional policy statement, the Council's unitary authority status creates an obligation to prepare a coastal plan, a district plan and such other regional plans as are necessary to promote the sustainable management of natural and physical resources. Due to its unitary authority status the Council has taken the opportunity to integrate the management of the Region's resources by preparing two combined regional, district and coastal plans, being the Marlborough Sounds Resource Management Plan for that part of Marlborough north of the Richmond Ranges, and the Wairau/Awatere Resource Management Plan for the part of Marlborough south of the Richmond Ranges.

The amendments to the Wairau/Awatere Resource Management Plan will improve its consistency with the Marlborough Sounds Resource Management Plan.

The Plans were publicly notified in November 1997 and made operative in March 2009.

PART C: SECTION 32 EVALUATION

The Section 32 process must be transparent and well documented, with all assumptions and decisions justified. This helps to ensure that:

- Good environmental outcomes are achieved.
- Plan provisions are targeted at achieving the purpose of the RMA by the most appropriate methods.
- Councillors (as decision makers) have sound policy analysis on which to base their decisions about resource management issues.
- A sound basis is provided for reassessing whether the chosen provisions are necessary and appropriate once they are in use and the environmental outcomes become apparent.

Section 32(4) of the Act states that this evaluation must take into account:

- (a) *the benefits and costs of policies, rules or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Evaluation of Options

Options for the various items are considered below although the nature of some of the items makes it unnecessary to identify alternative options.

Item 1 – Term of water permits

Option 1: Status Quo – Leave term as 30 years

Benefits/Advantages	Costs/Disadvantages
Applicant may be able to obtain long term consents providing them with security.	<p>If water permits continue to be granted with 30 year terms the Council will not be able to appropriately deal with issues associated with full and over-allocation in a timely manner.</p> <p>In respect of the water resources for which no SFR have been established the uncertainty associated with the potential and severity of adverse effects relating to flows will remain.</p> <p>A 30 year term gives rise to the risk of unanticipated adverse effects arising, and the inability to address them in a timely fashion due to the long life of the permit.</p>

Option 2: Change the term to 10 years

Benefits/Advantages	Costs/Disadvantages
By reducing the term granted to water permits the Council will be given the opportunity to reassess the water allocation limits of the area at more regular intervals, therefore, any issues associated with over-allocation can be dealt with in a timely manner.	May not provide consent holder with long term security.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 2 – Definition of ‘Family Flat’

Option 1: Status Quo – No definition

Benefits/Advantages	Costs/Disadvantages
No change is required to the District Plan.	<p>Family Flats will remain as Permitted Activities in a number of zones. The issue of the potential abuse of the rules will remain, with the potential for second residential units to be constructed and subsequently subdivided, affecting residential amenity.</p> <p>There will be costs associated with the consideration of resource consent applications and potentially appeals to the Environment Court and beyond.</p>

Option 2: Include a definition with a restriction on size only

Benefits/Advantages	Costs/Disadvantages
Placing a limit on the area that may be devoted to a Family Flat will create certainty when interpreting the Plan and determining whether or not a flat qualifies as a 'Family Flat'.	Restricting the area of a Family Flat without identifying intended occupants could result in flats being occupied by people unrelated to the occupants of the principal residence, in essence creating a second residential unit on the site (with subdivision potential) and potentially creating a situation where the permitted residential density is exceeded.

Option 3: Include a definition with a restriction on occupancy only

Benefits/Advantages	Costs/Disadvantages
Making it clear that family flats are intended for occupation by people related to the household residing in the principal residential unit provides certainty when administering the District Plan.	The absence of a restriction of the appropriate size of a Family Flat could result in an inappropriately large building being constructed under the auspices of a Family Flat, increasing the density on site.

Option 4: Include a definition with restrictions on size and occupancy

Benefits/Advantages	Costs/Disadvantages
Such a definition creates certainty when determining whether or not an activity qualifies as Family Flat, and clarifies the Council's expectation that Family Flats are intended to be small, ancillary units intended for occupancy by a family member.	Family Flats that exceed the size limit or not used by a family member will be required to go through the resource consent process.

Preferred Option

Option 4 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 3 – Setback from water bodies for reasons other than avoiding flood hazard

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
There is no change to the existing situation. Buildings will be appropriately set back to avoid flooding hazards.	The heading for the rule indicates that the rules only address hazards, when in fact the rule also applies to riparian management. Not addressing the issue will allow this unclear situation to remain.

Option 2: Amend the plan and enable a wider application of the rules

Benefits/Advantages	Costs/Disadvantages
<p>Amending the rules clarifies the Council's intent that buildings should be set back from all water bodies, rather than just for hazard mitigation purposes. So doing recognises that it is appropriate to require a minimum setback to ensure that waterbodies are protected from potential adverse effects of development occurring too close to their margins.</p> <p>The change is minor and removes uncertainty in the application of the rules.</p>	<p>The change to the rules will potentially restrict the location of some buildings on sites where the boundary abuts a water body.</p>

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 4 – Remove references to a ‘Hazards’ Register’ as none exists

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
<p>The reference to a Hazards Register remains in the Plan, removing the need to undertake a future Plan Change to include appropriate references should the Council ever prepare a Hazards Register.</p>	<p>Leaving the reference to a Hazards Register in the Plan when one does not exist can create confusion for users of the Plan.</p>

Option 2: Create a Hazards Register

Benefits/Advantages	Costs/Disadvantages
<p>A central register would exist that holds information on all known hazards affecting land in the district.</p>	<p>The Plan already includes Hazard overlays and creating a register would be an unnecessarily time consuming and costly exercise.</p>

Option 3: Delete the reference to a Hazards Register

Benefits/Advantages	Costs/Disadvantages
<p>Confusion in Plan administration is removed as the reference to a document that does not exist will be removed.</p>	<p>There are no disadvantages in removing a reference to a non-existent document.</p>

Preferred Option

Option 3 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 5 – Controlled activity rules for development

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
<p>No changes will have to be made to the District Plan and development contribution</p>	<p>Development contributions are now provided for under the Local Government Act, and</p>

process.	retaining provisions in the Resource Management Plan will create confusion for those administering the Plan and those using it as to which process development contributions will be imposed under.
----------	---

Option 2: Remove all of the controlled activity rules for development.

Benefits/Advantages	Costs/Disadvantages
The removal of the controlled activity rules will streamline the resource consent process and avoid unnecessary resource consents when an activity would otherwise be permitted.	There are no identified costs/disadvantages

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 6 – Clarify that utility provisions apply to “requiring authority”

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
Any person may erect a utility on a property.	<p>The absence of a definition could lead to uncertainty for people, including requiring authorities, in determining whether a potential development is a utility.</p> <p>Activities that may not normally considered a utility may be inappropriately located on properties or within residential areas, and be subject to the rule allowing utilities to be subdivided onto a stand-alone title.</p>

Option 2: Include a definition of ‘Utility’.

Benefits/Advantages	Costs/Disadvantages
Defining ‘Utility’ provides certainty to requiring authorities, and to the community, that the utility rules are intended to apply only to Requiring Authorities/Network Utility Operators.	The community may consider that some rights have been removed. However, the insertion of the definition only clarifies the intention of the rules.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 7 – Subdivision Chapter (Chapter 28)

7.1 Reconcile subdivision standards for Township Residential zone with site density standards

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
No change is required to the District Plan	The inconsistency between the standards of the Township Residential Zone and site density standards for the same zone means the landowners are unable to subdivide their properties as a controlled activity, to a size that allows permitted residential activity to be built upon the site of this size.

Option 2: Reconcile subdivision standards for Township Residential Zone with site density standards

Benefits/Advantages	Costs/Disadvantages
Landowners will be able to subdivide their lots as controlled activities and establish permitted residential activity on the lots. Makes the Plan more consistent. Administration costs associated with this issue may be reduced.	With permitted activity status the Council will lose some control over the density of residential activity occurring in the district. However, as there is only a 50m ² to 200m ² difference, there is only a minor loss of control.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

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

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
There are few restrictions on where building platforms may be sited on a new lot, providing greater flexibility to future owners when they come to build on a site.	The absence of appropriate guidance on platform locations has resulted in building platforms being approved such that they intrude into setbacks or are placed over easements, resulting in additional costs for future owners as they attempt to obtain resource consent to utilise the platform. If consents cannot be obtained then parts of the building platforms may not be able to be used.

Option 2: Exclude setback areas and easements from being included in building platform areas

Benefits/Advantages	Costs/Disadvantages
Owners of lots will not be required to seek additional approvals to build on parts of building platforms that intrude into setbacks or cover easements. Building platforms are designed appropriately for individual sites.	There may be additional costs accrued by developers in designing subdivisions and lot layouts.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

7.3 Remove references to section 321 of the Local Government Act

A number of notes to the Rules in the present Plan refer to section 321 of the Local Government Act. This section has been repealed and it is therefore appropriate to remove the reference from the Plan. As this change is necessary to ensure references to repealed legislation are removed, no alternatives require consideration.

7.4 Remove references to compliance with Assessment Matters

The present rules require compliance with stated Assessment Matters in order for activities to be considered as controlled or restricted discretionary activities. Assessment Matters are used to guide the assessment of activities, rather than be the determinant of whether a rule is breached or not. Leaving the references as they are will not remedy the *ultra vires* situation the rules presently result in. Removing the reference to the Assessment Matters is the most effective and efficient way to remedy the inappropriate references and it is not necessary to consider other options.

Item 8 – Include rules for the damming of water

Currently, because the Plan permits the construction of a dam as a land use but does not include a rule relating to the damming of water, anyone constructing a dam has to undergo unnecessary consenting requirements. By introducing rules relating to the damming of water that mirror the status of the construction of a dam, the status of damming water will be permitted in accordance with Section 14 of the RMA.

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
There are limited benefits in retaining the existing approach given that it requires unnecessary consents.	Unnecessary resource consent applications will be required, even when constructing a dam (in terms of section 13 of the Act) is a permitted activity (subject to conditions) in the Plan.

Option 2: Include Rules relating to damming of water

Benefits/Advantages	Costs/Disadvantages
There will be reduced delay and costs as there will be no requirements for unnecessary consents. Using the same Plan standard for both the construction of a dam and for damming water will ensure consistency of regulation and application.	There is little disadvantage in making the change as it will streamline the consent process and reduce costs associated with unnecessary consents.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 9 – Subdivision in the Conservation Zone

The removal of “Subdivision” from the list of discretionary activities will ensure the District Plan is consistent. Currently, the inclusion of “Subdivision” in this list conflicts with the Subdivision rule 28.4.2 which states that Subdivision in the Conservation Zone is a Non-Complying Activity. This plan change will ensure any confusion or uncertainty is removed. No other options need to be assessed.

Item 10 – Wineries, distilleries, and breweries in rural environments

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
There will be no change to the way in which	Although wineries are a permitted activity, the

applications for wineries are treated.	definition is unclear which leaves room for uncertainty as to what may or may not be part of a winery.
--	--

Option 2: Replace the definition of ‘Winery’ in the Plan.

Benefits/Advantages	Costs/Disadvantages
Adding a definition of ‘Winery’ will ensure that it is clear what is and is not included in such an activity, making the implementation of the rules easier.	There is no disadvantage in expanding the definition to cover the wide range of activities associated with a winery.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 11 – Home Occupation

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
Flexibility is provided to small business owners to choose to work from home.	<p>The definition does not impose a restriction on employees that do not reside on the site. It would be possible for a small business to be established on a site and employ additional people, increasing the vehicle movements to and from the property, and resulting in a scale of effects that is inconsistent with the character and amenity of residential areas.</p> <p>At present the definition does not prevent brothels from establishing as a Home Occupation. These activities are considered inappropriate in residential areas and may give rise to adverse effects on the character and amenity values of residential areas within which they are located.</p>

Option 2: Amend the definition to restrict non-resident employees to one additional person

Benefits/Advantages	Costs/Disadvantages
<p>Such a change clarifies that Home Occupations are intended to be small scale and will not generate adverse effects that are greater than would normally be expected as part of a residential development.</p> <p>Including such a limitation will allow the Council to consider the actual and potential effects of ‘Home Occupations’ that wish to employ additional people.</p>	<p>Home Occupations or small businesses operated from a dwelling will require resource consent if they wish to employ more than one person who does not reside on the site.</p> <p>Including this restriction does not extend so far as to exclude brothels.</p>

Option 3: Amend the definition to restrict non-resident employees to one additional person, and to exclude activities associated with the sex industry.

Benefits/Advantages	Costs/Disadvantages
In addition to the benefits identified in Option 2 above, this option will clarify that brothels	Such activities will be required to resource consent process resulting in potential costs

are not anticipated uses in Residential zones and will avoid any adverse effects that may arise from their location in residential areas. Excluding activities associated with the sex industry from 'Home Occupations' is consistent with the Council's approach in the Plan.	and delay.
---	------------

Preferred Option

Option 3 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 12 – Include drainage channels in the rules requiring discharge setbacks from water bodies

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
Property owners are not restricted from discharging contaminants close to drainage channels.	Drainage channels carry and convey water which remains at risk from contamination or other adverse effects from inappropriately located discharges if setbacks do not apply to them. Water quality may deteriorate.

Option 2: Require setbacks from drainage channels

Benefits/Advantages	Costs/Disadvantages
Drainage channels are treated as any other water body with the potential to be contaminated or adversely affected by inappropriately located discharges. Water quality may be improved.	Property owners are restricted from discharging close to drainage channels which may result in additional costs.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 13 – Earthwork volume limit exemptions

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
Developers and land owners subdividing land are not restricted to earthworks rules relating to volume for approved structures and subdivisions thereby reducing potential costs.	The volume of excavation associated with these approved activities cannot be assessed or controlled. As a result some earthworks have resulted in large excavations which could result in instability and runoff, including affecting adjoining neighbours.

Option 2: Remove exemptions of earthwork volume limits

Benefits/Advantages	Costs/Disadvantages
The removal of these exemptions will mean the earthworks associated with these approved activities will need to meet the earthworks volume limits, and enable effects such as instability and runoff to be assessed.	Developers and land owners are restricted to meeting earthwork volume limits, and must obtain consents to exceed these which may result in delays and costs.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 14 – Garden Maintenance

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
Strict control of vegetation maintenance which may enhance neighbourhood amenity.	The current presumption in the plan is that activities not provided for require resource consent. No mention is made of vegetation and tree maintenance and therefore the default position is that consent is required by persons wishing to maintain or remove vegetation or trees from their properties. This effectively precludes many normal garden maintenance activities and imposes an unnecessary burden on property owners who would be required to obtain resource consent and result in Council expending unnecessary time and resources in processing the resource consents.

Option 2: Include a new permitted activity rule for the trimming and removal of trees and vegetation

Benefits/Advantages	Costs/Disadvantages
<p>It is appropriate to provide for the maintenance or removal of trees and vegetation that are not protected by other rules in the Plan given the absence of likely adverse effects. Notable trees and other significant vegetation are still protected through other rules.</p> <p>The need for unnecessary and costly resource consents, and their processing, is avoided.</p>	Neighbourhood amenity created by vegetation may be reduced.

Preferred Option

Option 2 is considered the most effective and efficient means of achieving the purposes of the Act.

Item 15 – Map 131 Zoning Amendments

Option 1: Status Quo/Do Nothing.

Benefits/Advantages	Costs/Disadvantages
---------------------	---------------------

There is no restriction on property owners who may wish to further develop their properties or construct an additional accommodation.	Additional accommodation could be established on the presently undeveloped portion of the properties, giving rise to potential adverse effects on the quality of the ground water in the area.
---	--

Option 2: Insert a rule requiring resource consent for development on vacant sections

Benefits/Advantages	Costs/Disadvantages
Council is able to control the potential effects of new accommodation thereby reducing potential effects on public health.	Resource consent will be required for additional development that could result in delay and costs. Rule would only apply to a small number of lots in the Township Residential Zone leading to Plan inconsistencies. Does not imply a strategic view is taken (as opposed to Option 3).

Option 3: Rezone sites Deferred Residential Township

Benefits/Advantages	Costs/Disadvantages
<p>Council is able to control the potential effects of new accommodation in the Deferred Residential Township Zone thereby reducing potential effects on public health.</p> <p>Imposing a deferred zoning over the properties does not remove any development rights. The deferred zoning instead signifies that while development of the sites is anticipated, it cannot occur until such time as the appropriate infrastructure is in place.</p> <p>There is already a Deferred Township Residential zone in place over adjoining properties, and it is logical to extend that zoning over the subject properties. There is already an existing policy framework in place and therefore extending the zoning does not require an extensive change to the Resource Management Plan.</p>	<p>Resource consent will be required for additional development that could result in delay and costs.</p> <p>Imposing a requirement for resource consents in the Deferred Residential Township Zone may require a further Plan Change to remove the rules when appropriate infrastructure becomes available.</p>

Preferred Option

Option 3 is considered the most effective and efficient means of achieving the purposes of the Act.

Effectiveness and Efficiency of Existing Plan Provisions

All of the changes identified are minor and will improve the interpretation and administration of the plan. The changes are necessary as in their present state, the rules or lack of appropriate definitions hinder the effective implementation and interpretation of the plan.

Overall it is considered the proposed amendments will better achieve the relevant objectives of the Plan.

Risk of Acting, or Not Acting, where there is Uncertain or Insufficient Information

The RMA requires the Council to evaluate the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The amendments have arisen as a result of the practical administration of the Plan over at least ten years and as a consequence the issues are well known, and not uncertain.

CONCLUSION

Based on the assessment above, the overall conclusion is that the proposed plan change better achieves the objectives of the Wairau/Awatere Resource Management Plan than the existing Plan provisions. It is also concluded that the benefits of the proposed plan change outweigh the costs.

The Council considers that the process it has gone through has assisted in reaching a point where the proposed change to the Plan will ultimately achieve better outcomes for the community.

APPENDIX 1: PROPOSED PLAN CHANGE - SCHEDULE OF CHANGES

Schedule of Changes

ITEM 1 TERM OF WATER PERMITS FOR THE TAKING OF 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 ongoing sustainable management of the water resource. To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality requires enhancement.~~

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.

To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality requires enhancement.

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.~~ 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 2 DEFINITION OF 'FAMILY FLAT'

Insert the following definition of "Family Flat" into Chapter 26 of the Wairau Awatere Resource Management Plan:

2.1 Definitions (Chapter 26)

Means a building of less than 70 square metres gross floor area used to accommodate a family member of a person residing in the principal residential unit on the property.

ITEM 3 BUILDING SETBACK 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 (Chapter 31)

Rule 31.1.6 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 31.1.6.1 ~~Flood Protection/ Riparian Management~~

3.2 Urban Residential (Chapter 32)

Rule 32.1.5 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 32.1.5.1 ~~Flood Protection/ Riparian Management~~

3.3 Township Residential (Chapter 33)

Rule 33.1.5 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 33.1.5.1 ~~Flood Protection/ Riparian Management~~

3.4 Neighbourhood Business (Chapter 36)

Rule 36.1.5 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 36.1.5.1 ~~Flood Protection/ Riparian Management~~

3.5 Industrial (Chapter 37)

Rule 37.1.7 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 37.1.7.1 ~~Flood Protection/ Riparian Management~~

3.6 Rural Township (Chapter 38)

Rule 38.1.5 ~~Hazards~~ **Flood Protection/ Riparian Management**

Rule 38.1.5.1 ~~Flood Protection/ Riparian Management~~

- (ii) Amend the following rules as shown:

3.7 Rural Residential (Chapter 31)

Rule 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 (Chapter 32)

Rule 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.

3.9 Township Residential (Chapter 33)

Rule 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 (Chapter 36)

Rule 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 (Chapter 37)

Rule 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)

Rule 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 4 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 (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 (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 (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 (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 5 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 (Chapter 30)

~~Rule 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.~~

~~Rule 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 (Chapter 31)

~~Rule 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~~

~~Rule 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.~~

~~Rule 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 (Chapter 32)

~~Rule 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.~~

~~Rule 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)

~~Rule 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.~~

~~Rule 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 (Chapter 36)

~~Rule 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.~~

~~Rule 36.2.4 Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development~~

~~36.2.4.1 Standards and Terms~~

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

36.2.4.2 Matters Over Which the Council Will Exercise Control

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

5.6 Industrial (Chapter 37)

Rule 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~~

Rule 37.2.4 Any development as defined in Rule 29.2.19.2 and 29.2.19.3 of Standard Requirements for Subdivision and Development

37.2.4.1 Standards and Terms

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

37.2.4.2 Matters Over Which the Council Will Exercise Control

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

5.7 Rural Township (Chapter 38)

Rule 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.~~

~~Rule 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)

~~Rule 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.~~

~~Rule 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.~~

(iii) 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.

ITEM 6 CLARIFY THAT UTILITY PROVISIONS APPLY TO “REQUIRING AUTHORITY”

6.1 Definitions (Chapter 26)

Insert the following definition of “Utility”:

Means a network utility operation undertaken by a requiring authority as defined in Section 166 of the Resource Management Act 1991

ITEM 7 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 m² 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	<u>400450</u>	15 metre diameter circle	15	
	Front WO	<u>8001000</u>	15 metre diameter circle	15	
	Rear W	<u>500450</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. The minimum building platform must be free of any easement or any building setback and depth requirement required by zone rules.

7.3 REFERENCES TO SECTION 321 OF THE LOCAL GOVERNMENT ACT 19874

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

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

2 The minimum building platform shape factor may be applied anywhere within the proposed allotment.

~~*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 The minimum building platform shape factors may be applied anywhere within the proposed allotment.

~~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, 28.2.2, ~~28.2.4~~). The Council will reserve control over the matters prescribed in Rule 28.2.5. Rule 28.5.

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 8 INCLUDE RULES FOR THE DAMMING OF WATER

10.1 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, 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 Activityies 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 9 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 10 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 from the subsequent production of wine, premises for the retail sale of wine, associated wine promotional material and associated dining facilities.

ITEM 11 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 12 INCLUDE DRAINAGE CHANNELS IN THE RULES REQUIRING DISCHARGE SETBACKS FROM WATER BODIES

Amend the following rules as shown:

12.1 Rural (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 30.1.8.11.3

The discharge shall not be within 50 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 13 EARTHWORK VOLUME LIMIT EXEMPTIONS

Delete the exemptions (c) and (d) of the following Rules, as follows:

14.1 Rural Residential (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 fences 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 fences and works.~~
- d) ~~Any earthworks carried out in accordance with an approved subdivision.~~

ITEM 14: 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 B.*
- (b) *This rule does not apply to the Rural Zones or the Conservation Zone.*

ITEM 15: Map 131 Amendments

Amend Map 131 as shown overleaf.

Legend

- Land Parcel
- Conservation
- Deferred Township Residential
- Rural Four
- Township Residential
- Coastal Marine Area

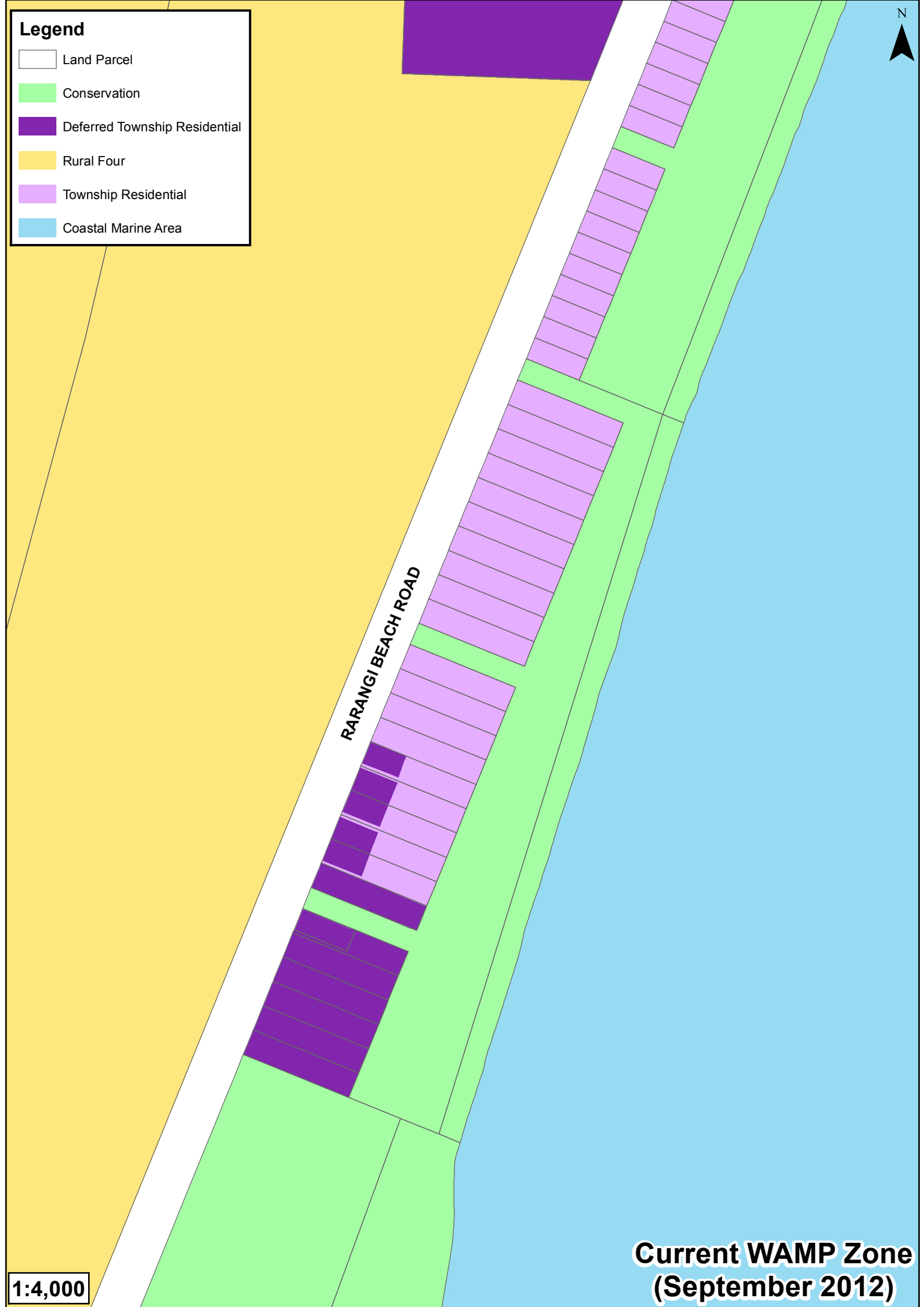
N



RARANGI BEACH ROAD

1:4,000

**Current WAMP Zone
(September 2012)**



N



RARANGI BEACH ROAD

1:4,000

 Proposed Plan Change Area

