

43.0 Local Recreation Zone

43.1 Permitted Activities

43.1.1 Unless expressly limited elsewhere and subject to compliance with the conditions applying to Permitted Activities the activities listed below shall be permitted without a resource consent.

- Any land use activity carried out in accordance with an approved Management Plan prepared under the Reserves Act 1977.
- Outdoor recreation.
- Children's play equipment, picnic facilities, public shelters, toilets, changing rooms and seating.
- Routes for pedestrians and cyclists.
- Car parking.
- Lawns, areas of bush, ornamental gardens and other planted areas or landscape features.
- Discharges.
- Application of agrichemicals.
- Special events not exceeding two days duration.

Conditions for Permitted Activities

43.1.2 The standards and conditions applicable in the District Recreation Zone are those that apply with respect to the Permitted Activities in the Local Recreation Zone.

43.2 Limited Discretionary Activities

43.2.1 Minor non-compliance with the conditions for Permitted Activities may be allowed to the extent specified below. Application must be made for a resource consent for a Limited Discretionary Activity for the following:

- Buildings or structures intruding into the front yard by up to 100%.
- Buildings encroaching the height envelope created by recession plane angles by a maximum of 1 metre in any direction.
- Parking requirements where site circumstances make it impracticable to comply with standards.

43.2.2 Limits to the Council's Discretion

43.2.2.1 In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 43.2.3 below as are relevant to the non-compliance.

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

43.2.3 Matters to which the Council has Restricted the Exercise of its Discretion

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

- a) The non-compliance should not diminish the existing character of the locality in which the reserve is set.
- b) The non-compliance should not adversely affect the privacy enjoyed on adjoining residential properties.
- c) The non-compliance should not significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas or habitable rooms.
- d) The non-compliance should not adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.

43.2.4 Conditions

Any resource consent may include conditions relating to any one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) The bulk and location of buildings and structures including fences.
- b) The protection of public and private amenity values.
- c) The design and appearance of any buildings or structures.

43.3 Discretionary Activities

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

- Activities listed as Permitted Activities which do not comply with standards and/or conditions or with the provisions for minor compliance dealt with as Limited Discretionary Activities.
- Community facilities.
- Emergency service activities.

43.3.2 General Assessment Criteria (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

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

43.3.2.1 Matters the Subject of Assessment

- a) Any relevant objectives, policies and rules of this Plan.
- b) Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement.
- c) Any relevant objectives, policies and rules of any other Plan having jurisdiction over the Local Recreation Zone.
- d) The requirements of Sections 104, 105 and the Fourth Schedule of the Resource Management Act 1991.
- e) The likely effects of the proposed activity on the amenities enjoyed by any adjoining property.
- f) In the case of a community facility whether there is land other than the reserve on which the proposal would be better located.
- g) The likely effects of the proposed activity on traffic movement and road safety.

43.4 Non-Complying Activities

43.4.1 Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any activity not provided for as a Permitted, Limited Discretionary, Discretionary or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Subdivision.
- Within any area identified as a Flood Hazard on the Planning Maps the following are Non-Complying Activities:
 - Any building.
 - Construction of stopbanks, modification of existing stopbanks or deposition of material in ephemeral channels.
 - Construction of impermeable walls, fences or similar structures which would divert water.
 - Any excavation.

43.5 Prohibited Activities

43.5.1 The following are Prohibited Activities for which no resource consent shall be granted:

- The disposal of hazardous waste substances to land or water.
- The combustion of:
 - Materials associated with the recovery of metals from insulated electrical cables in the open; or
 - Materials and metals used in motor vehicles in the open; or
 - Any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

In the open means other than in an enclosed incineration device with a chimney.