

RULES

How to use the rules tables

Note: Defined words within the text are in CAPITALS - see the definitions section at the end of Volume I.

1 Find the location of your proposed activity on the planning maps. Note which ENVIRONMENT AREA it is located within (e.g. RESIDENTIAL, RURAL, BUSINESS, INDUSTRIAL or OPEN SPACE) and which OVERLAYS apply.

2 Work out what activities your proposal involves:

The following types of activities are covered by this plan: ✓

- ERECTION, alteration, removal, RELOCATION or destruction of STRUCTURES, including:
 - BUILDINGS
 - NETWORK UTILITIES
 - SIGNS
 - any other type of STRUCTURE.
- Earthworks (EXCAVATION and FILLING).
- Use of HAZARDOUS SUBSTANCES.
- Keeping of goats within 2km of the Egmont National Park.
- OUTDOOR STORAGE of materials.
- Consumption of liquor.
- Generation of stock truck effluent.
- Subdivision of land.

3 Are there any OVERLAYS on or near the location of your activity?

Yes → go to the checklist for the OVERLAYS – it follows this guide (page 170).

No



Note: The rules for the OVERLAYS have precedence over the rules in any other section. Where there is a conflict, the rule relating to the OVERLAY applies.

4 What ENVIRONMENT AREA is your activity located in?

Go to the rules section for your ENVIRONMENT AREA:

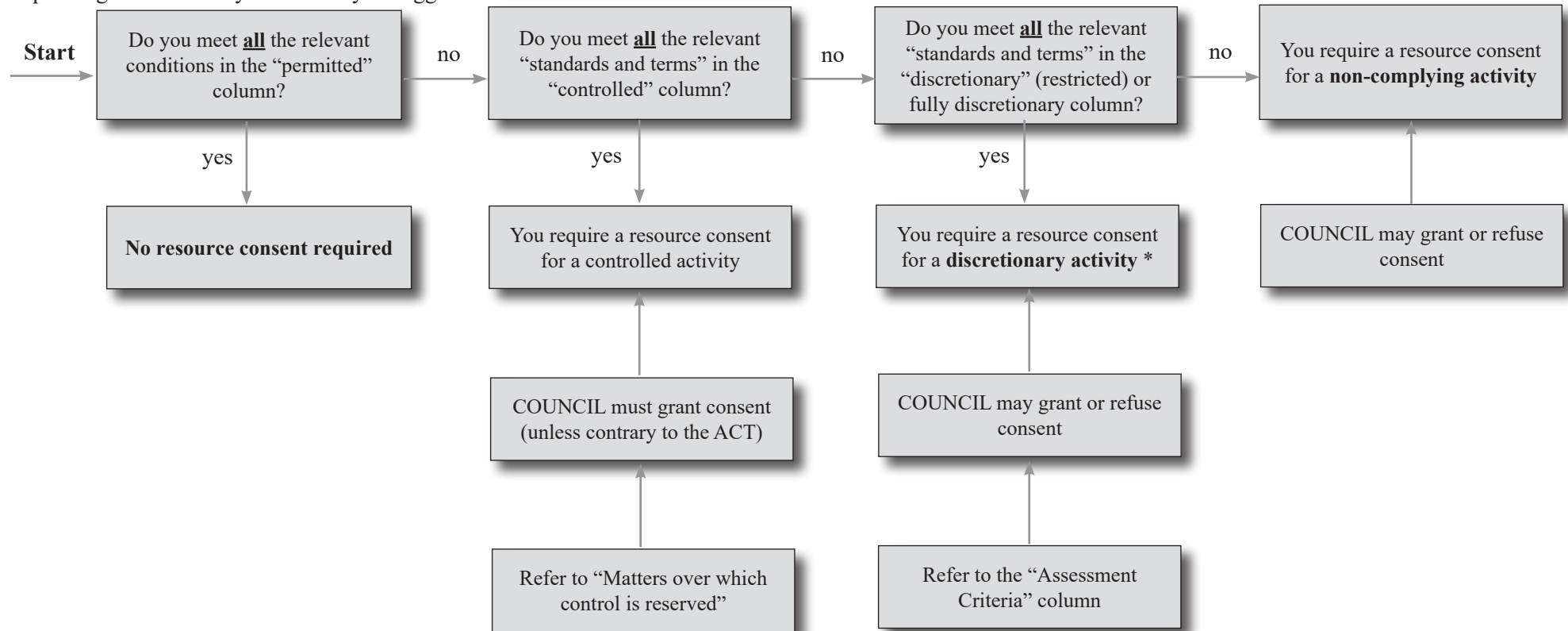
- Residential.....page 209
- Rural.....page 241
- Business.....page 277
- Industrialpage 315
- Open Space.....page 347

Follow the checklist to help you find the relevant rules for your activity.

Note: Where there is an inconsistency between rules, the more stringent rule applies.

5 Work out if you require a resource consent.

Once you have worked out which rules are relevant, you can work out whether you need a resource consent. The District Plan includes different rules matrices depending on the activity status that you trigger.



* Sometimes referred to as “restricted discretionary”. In some cases for **land use and subdivision consents, the COUNCIL has restricted the exercise of its discretion** to those matters listed in the relevant “Assessment Criteria” or “Matters to be considered” column. This means that in deciding whether to grant or refuse a land use consent, the COUNCIL can consider only those matters. There are also fully discretionary activities for land use consents. Refer to the relevant rule matrix to determine the relevant activity status.

Where a resource consent is granted, the COUNCIL may only place conditions that relate to the matters in the relevant “Assessment Criteria” or “Matters to be considered” column for a restricted discretionary activity. If the activity also includes a parameter that meets the standards and terms for a controlled activity, conditions as stated in the “matters over which control is reserved” for that parameter may also be included.

Subdivision consents remain fully discretionary unless otherwise specified.

Note: Where there are no relevant parameters, the activity is permitted.

- 6 If you need a resource consent go to the implementation section (page 381). This tells you:
- What the different types of resource consents are and how they are treated.
 - How to apply for a resource consent and what information you need to supply with your application.
 - How consent applications are processed.
 - What happens if your application crosses the boundary with another council.
- 7 The cross-reference matrix at the end of each rules section provides a link between the objectives, policies and rules.

Note: Regardless of whether a consent is required for your activity under this District Plan, permission may be required from other agencies – refer to the “Role of Other Agencies” section of this plan (pages 8-11).

How to read the rules tables

The following illustration, with fictitious examples, shows you how to read one of the tables. Note that there are variations of this table so they need to be read carefully.

Rule No.	Parameter	Conditions Permitted	Standards & Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		
FLOWER POLICY AREA						
Growing of hamsters						
1		n/a	n/a	under all circumstances	n/a	1) visual impact 2) impact on flowers
Erecting poles						
2	maximum height	400m	500m	does not meet the conditions for a permitted activity nor the standards and terms for a controlled activity	1) colour 2) type of materials used	1) impact on landscape 2) likelihood of falling
Keeping wolves						
3		n/a	n/a	n/a	n/a	n/a

Rule:	The rule number is used for reference purposes.
Parameter:	The parameter describes the principal matter the rule is addressing (e.g. HEIGHT) or qualifies an activity to certain circumstances (e.g. to within 20m of a FAULT LINE).
Conditions Permitted:	Gives the conditions that an activity must meet to be permitted. n/a means the activity is not treated as permitted under any circumstances.
Standards and terms Controlled:	Gives the standards and terms that an activity must meet to be treated as a controlled activity. n/a means the activity is not treated as a controlled activity under any circumstances.
Standards and terms Discretionary:	Gives the standards and terms that an activity must meet to be treated as a discretionary activity. n/a means the activity is not treated as a discretionary activity under any circumstances. The District Plan includes restricted and fully discretionary activities.
Matters over which control is received:	Things the COUNCIL may place conditions on a consent for a controlled activity.
Assessment Criteria or Matters to be considered:	The matters the COUNCIL will use to help it decide whether to grant or refuse an application for a discretionary activity.

In the above fictitious table, the rules would read as follows:

Rule 1: The growing of hamsters (activity) in the flower policy area (planning map overlay) is a discretionary activity under all circumstances (standards and terms – discretionary). When considering whether to grant or refuse the application, the COUNCIL will consider the impacts of the activity on the visual environment and the flowers (assessment criteria) in the policy area.

Rule 2: The ERECTION of poles (activity) is permitted to a maximum HEIGHT of 400m (conditions – permitted).

The ERECTION of poles (activity) to a HEIGHT greater than 400m but not greater than 500m is a controlled activity (standards and terms – controlled). The matters the COUNCIL may place conditions on are colour and type of materials used (control/discretion).

The ERECTION of poles (activity) to a HEIGHT greater than 500m is a discretionary activity (standards and terms – discretionary). When considering whether to grant or refuse the application, the COUNCIL will consider the impacts of the activity on the landscape and whether the pole is likely to fall down (assessment criteria).

Rule 3: Keeping wolves (activity) is a non-complying activity (n/a appears in all columns - there are no circumstances under which it would be permitted, controlled or discretionary). Because it is a non-complying activity, there is no control reserved or assessment criteria given.

FLOWER POLICY AREA

Refers to a map OVERLAY.

Growing of hamsters

Refers to a particular activity.

Cross reference matrix: activities to OVERLAYS

	ACTIVITIES												
	STRUCTURES						Emission of noise	EXCAVATION and FILLING	HAZARDOUS SUBSTANCES	OUTDOOR STORAGE	Vegetation	Subdivision	Stormwater
ALL STRUCTURES*	BUILDINGS	Fences	NETWORK FACILITIES	ROADS	VEHICLE ACCESS POINTS								
AIRPORT FLIGHT PATH SURFACES	1-4									1-4			
Airport noise control boundaries		5-6				9							
COASTAL HAZARD AREA	11	10					11	12		11	13,14		
COASTAL POLICY AREA	17	16			15		17			17	18,19		
DEFINED RETAIL FRONTAGE		21-22			20								
Designations													
FAULT LINES		24		23				25-26			27		
Flood hazard area	28	29					30-31	32			33		
Future Urban Development	33A-33D	33A-33D						33E			33F		
Heritage BUILDINGS and items		34-37									39		
High voltage transmission LINES		40											
INDICATIVE ROADS	41										42		
New Plymouth entrance corridors													
NOTABLE TREES	43	43					44-46		47	48-51	52		
OUTSTANDING LANDSCAPES													
Pipelines (gas and PETROLEUM)													
PORT NOISE control boundaries		53-54				55							
Preferred esplanade reserves and strips											56		
PRIORITY WATERBODIES											57-58		
REGIONALLY SIGNIFICANT LANDSCAPES													
SIGNIFICANT COASTAL AREAS													
SIGNIFICANT NATURAL AREAS											59		
Structure Plans	60A, 60D	60A, 60D, 60F, 60G				60C, 60E, 60F					60A, 60D	60B	
URBAN VIEWSHAFTS	60-79												
VOLCANIC HAZARD AREA								80					
WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and ARCHAEOLOGICAL SITES	81-83		84				85			85	87		

Cross reference matrix: rules relative to ENVIRONMENT AREAS

Activity and Parameter	Residential Rule No's	Rural Rule No's	Business Rule No's	Industrial Rule No's	Open Space Rule No's
STRUCTURES					
ERECTION of STRUCTURES					
Within railway level crossing sightline distances	1-3	1-3	1-3	1-3	1-3
Close to a rural WATERCOURSE		4,5			
Adjacent to a Future Urban Development OVERLAY		5A-5C			
ERECTION of STRUCTURES other than BUILDINGS					
Maximum HEIGHT	4	6	5-7	4-7	5-6
STRUCTURES - BUILDINGS					
ERECTION of BUILDINGS					
Relative to the Huatoki Stream within the New Plymouth CBD			8		7
Daylighting	5,6	7,8	9-10		8
Maximum HEIGHT	7	9,10	11-14	8-12	9-10
Maximum continuous length	8				
Maximum number of HABITABLE BUILDINGS		11,12a-12b			
Maximum number of HABITABLE BUILDINGS where access is via a RIGHT OF WAY	9				
Maximum COVERAGE of the SITE	10-13	13	15		11-14
Maximum area of the SITE covered by non-HABITABLE BUILDINGS		14			
Maximum COVERAGE of the FRONT YARD	14,15		16		
Minimum setback from the ROAD BOUNDARY		16		13-15	15
Minimum setback from SIDE BOUNDARIES	16	17,18	17	16,17	16
Minimum setback of a HABITABLE BUILDING from a high voltage transmission LINE	17	19	18	18	17
Minimum setback from intensive pig farming operations		20-27			
Minimum setback from intensive chicken farming operations		28-31			
Requirement for landscaping			19-20	19-20	
Requirement for financial contributions - DWELLING HOUSE	18	32	21	21	18
RELOCATION of BUILDINGS					
RELOCATION	19	33	23		19
ERECTION or use of BUILDINGS for NOISE SENSITIVE ACTIVITIES					
Requirement for sound attenuation			22	22	

Activity and Parameter	Residential Rule No's	Rural Rule No's	Business Rule No's	Industrial Rule No's	Open Space Rule No's
STRUCTURES - NETWORK UTILITIES					
Installation and operation of LINES, transformers etc					
Maximum electric field strength	20	34	24	23	20
Maximum magnetic flux density	21	35	25	24	21
Installation and operation of COMMUNICATIONS FACILITIES					
Maximum field strength	22	36	26	25	22
ERECTION of SUBSTATIONS AND SWITCHING STATIONS					
Landscaping requirements	23	37	27	26	23
STRUCTURES - SIGNS					
ERECTION of OFFICIAL SIGNS					
ERECTION	24	38	28	27	24
ERECTION of ADVERTISING SIGNS, where clearly visible from any ROAD					
Location and content of SIGN	25	39-41	29	28	25
Appearance	26	42	30	29	26
Illumination	27	43	31	30	27
Minimum lettering size	28,29	44,45	32,33	31,32	28,29
Movement of SIGN	30	46	34	33	30
Removal of TEMPORARY SIGNS	31	47	35	34	31
ERECTION OF ADVERTISING SIGNS - freestanding or attached to BUILDINGS					
Location	32	48	36	35	32
Maximum area	33,34	49-51	37-41	36,37	33-37
Maximum HEIGHT	35,36	52	42-44	38-40	38
Projection over ROAD BOUNDARY	37	53	45	41	39
ERECTION of ADVERTISING SIGNS - FOOTPATH SIGNS					
Location	38	54	46	42	40
Number	39	55	47	43	41
HEIGHT	40,41	56,57	48,49	44,45	42,43
Width	42,43	58,59	50,51	46,47	44,45

Activity and Parameter	Residential Rule No's	Rural Rule No's	Business Rule No's	Industrial Rule No's	Open Space Rule No's
EARTHWORKS					
EXCAVATION and FILLING					
On/relative to sloping land	44-46		52-54	48-50	46-48
Close to a rural WATERCOURSE		60-61			
Maximum quantity	47	62	58		52
Reinstatement of earthworks	48	63	59	51	53
Composition of FILL	49	64	60	52	54
USE OF HAZARDOUS SUBSTANCES					
Establishment of HAZARDOUS FACILITIES					
EFFECTS RATIO	50	65-69	61,62	53-64	55,56
KEEPING OF GOATS					
Keeping goats within 2km within the boundary of Egmont National Park					
Containment		70			
Identification		71			
OUTDOOR STORAGE					
OUTDOOR STORAGE of items					
Landscaping requirements	51,52	72, 72a	64	65	58
CONSUMPTION OF LIQUOR					
Use of a SITE for the on-SITE consumption of liquor where a licence is required under the Sale of Liquor Act 1989 (excluding TEMPORARY EVENTS)					
Consumption of Liquor	53	73	65-67	66,67	59-60
STOCK TRUCK EFFLUENT					
Generation of stock truck effluent					
Requirement for receiving facilities		74		68	

Activity and Parameter	Residential Rule No's	Rural Rule No's	Business Rule No's	Industrial Rule No's	Open Space Rule No's
VEGETATION					
Planting					
Use of land for SHELTER BELTS and PLANTATION FORESTRY		75			
SUBDIVISION					
Subdivision of land					
Of an ALLOTMENT that requires access via a RIGHT OF WAY	54		70	69	63
Minimum ALLOTMENT size and maximum number of ALLOTMENTS	55-58	77, 78-78a	71-72	70	64,65
Requirement to provide access	59-60	79-80	73-74	71-72	66-67
Requirement for services	61	81	75	73	68
Requirement for a BUILDING platform	62	82	76	74	69
Requirement for existing BUILDINGS to meet standards	63	83	77	75	70
Requirement for financial contributions	64	84	78	76	71
LIGHT					
Emission of light (excluding TEMPORARY EVENTS)					
Standards	65-67	85-87	79-81	77-79	72-74
NOISE					
Emission of noise					
Standards	68-72	88-92	82-85	80-83	75-78
TRAFFIC AND TRANSPORT					
Requirement to provide VEHICLE ACCESS POINTS, on-SITE parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas, and on-SITE manoeuvring and queuing (excluding TEMPORARY EVENTS)					
Note: If parking is provided, then the design of it is required to meet the dimension requirements.					
VEHICLE ACCESS POINT	73	93	86	84	79
Parking	74	94	87	85	80
LOADING AND STANDING SPACE	75	95	88	86	81
DRIVEWAY	76	96	89	87	82
On-SITE MANOEUVRING SPACE	77	97	90	88	83
On-SITE QUEUING SPACE	78	98	91	89	84
Landscaping requirements	79,80	99,100	92-94	90,91	85,86

Activity and Parameter	Residential Rule No's	Rural Rule No's	Business Rule No's	Industrial Rule No's	Open Space Rule No's
TRAFFIC GENERATION					
Generation of traffic from a SITE					
Traffic generation standards	81-90	101,102			
TEMPORARY EVENTS					
Requirement to operate a TEMPORARY EVENT					
Standards	91-92	103-104	95-96	101-102	87-88

Note: The content of the rules is not necessarily the same between ENVIRONMENT AREAS.