Working Table: Chapter 12 How to use and interpret the rules

Third Column:

Changes made as per national planning standard directions

Further changes required / Requires re-drafting

Disclaimer:

- 1. This working table is intended as a provision tracking mechanism only.
- 2. The third column is not the final representation of the new national planning standards version. Further amendments and updates have been undertaken in the clean version documentation.
- 3. The numbering has not been updated to reflect the final version.
- 4. In some cases, the numbering, cross-referencing and zone chapters have been updated in the working tables however, this has not been applied across all working tables. All numbering, cross-referencing and zone chapters has however been updated in the clean version documentation.

PWDP	Provisions as notified	NPS Location /	NPS Provisions	Reasons
		Relocation required		
Chapter	r 12 How to use and interpret the rules	PART I –	How to use and interpret the rules	6. Introduction and
12.1	Introduction to rules	INTRODUCTION	(1) Introduction to rules	General Provisions
		AND GENERAL		Standard
		PROVISIONS		<u>Direction 6</u> : If the following
				matters are addressed, they
		HOW THE PLAN		must be located in the
		WORKS		General approach chapter:
				a. an explanation of the
		Chapter: General		approach to integrated
		approach		management, including
(a)	Section C of the district plan contains the rules. Rules are	PART I –	(a) Section C of the district plan contains the rules. Rules are	(where relevant) hapū or
	one of the methods of achieving the objectives and	INTRODUCTION	one of the methods of achieving the objectives and	iwi management values or
	implementing the policies set out in Section B of the district	AND GENERAL	implementing the policies set out in Section B of the district	practices
	plan.	PROVISIONS	plan.	b. the steps plan users
				should take to determine if
		HOW THE PLAN		an activity is provided for
		WORKS		by the policy statement or
				plan
		Chapter: General		c. how resource consent
		approach		applications subject to
(b)	Rules describe activities (land use and subdivision), the	PART I –	(b) Rules describe activities (land use and subdivision), the	multiple zones or chapters
	activity status and the conditions that must be complied with	INTRODUCTION	activity status and the conditions that must be complied with	are treated
	to meet the specified activity status. These terms are	AND GENERAL	to meet the specified activity status. These terms are	d. an outline of
	explained in this chapter.	PROVISIONS	explained in this chapter.	administrative or other
				provisions of the RMA that
				apply
		HOW THE PLAN		e. information to be
		WORKS		submitted with a resource
				consent application

PWDP Provisions as notified	NPS Location / Relocation required	NPS Provisions	Reasons
(c) The rules in Section C that are highlighted in green have immediate legal effect in accordance with s86B of the Resource Management Act 1991.	Chapter: General approach PART I – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS	(c) The rules in the District Plan that are highlighted in green have immediate legal effect in accordance with s86B of the Resource Management Act 1991.	f. how controlled and restricted discretionary activities will be assessed in addition to the specific requirements in individual rules g. any other matter that assists with the use of the policy statement or plan.
(d) Chapter 13 contains all the definitions that are used in the rules within Section C. The definitions form part of the rules and are identified by underlining and are also hyperlinked in ePlan.	Chapter: General approach PART I – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN	(d) Chapter 13 contains all the definitions that are used in the rules within Section C. The definitions form part of the rules and are identified by underlining and are also hyperlinked in ePlan.	
(e) Chapter 14: Infrastructure and Energy and Chapter 15: Natural Hazards and Climate Change (Stage 2 of the district plan review) apply across the whole district.	WORKS Chapter: General approach PART I –	(e) El — Energy and infrastructure, NH — Natural hazards and CC — Climate Change (Stage 2 of the district plan review) apply across the whole district.	_
(f) There is a chapter of rules for each zone (Chapters 16 – 28). The order of text in each chapter is: (i) Introduction (for some zones only); (ii) Land Use – Activities Rules; (iii) Land Use – Effects Rules; (iv) Land Use – Building Rules; and (v) Subdivision Rules.	Chapter: General approach PART I – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS Chapter: General	(f) There is a chapter of rules for each zone (Chapters 16—28). The order of text in each chapter is: (vi) Introduction (for some zones only); (i) Land Use Activities Rules; (ii) Land Use Effects Rules; (iii) Land Use Building Rules; and (iv) Subdivision Rules.	_

PWDP Provisions as notified		NPS Location / Relocation required	NPS Provisions	Reasons
(g)	The spatial area of each zone is shown on the planning maps. As well as zones, there are various policy areas (such as Landscape Policy Area), sites/features (such as Historic Heritage buildings) and designations marked on the planning maps. These are referred to where relevant in the rules in each zone chapter. Every part of the district (except for roads) is in one zone and the zones do not overlap.	PART I – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS Chapter: General approach	(g) The spatial area of each zone is shown on the planning maps. As well as zones, there are various policy areas (such as Landscape Policy Area), sites/features (such as Historic Heritage buildings) and designations marked on the planning maps. These are referred to where relevant in the rules in each zone chapter. Every part of the district (except for roads) is in one zone and the zones do not overlap.	
(h)	Roads appear white on the planning maps and are not zoned. Rules relating to activities occurring in the road corridor are set out Chapter 14: Infrastructure and Energy.	PART I – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS Chapter: General	(g) Roads appear white on the planning maps and are not zoned. Rules relating to activities occurring in the road corridor are set out Chapter 14: Infrastructure and Energy.	
(1)	Lakes and rivers appear with a blue shading to assist users with orientation. Although the rivers and lakes are not given a zone shading, they are in a zone. All waterbodies are zoned Rural, except for Lake Hakanoa and Lake Puketirini, both of which are zoned Reserve and have reserve management plans applying to them.	approach Part 2: District-wide Matters / General District-wide Matters / ASW – Activities on the surface of water	(h) Lakes and rivers appear with a blue shading to assist users with orientation. Although the rivers and lakes are not given a zone shading, they are in a zone. All waterbodies are zoned General rural, except for Lake Hakanoa and Lake Puketirini, both of which are zoned Reserve and have reserve management plans applying to them.	
(1)	The district plan regulates activities on the surface of rivers, lakes and other waterbodies. Activities are subject to the zone rules that apply. The Waikato Regional Plan regulates any structures in, on, under or over the beds of lakes and rivers, and may also be required to obtain resource consent under the Waikato Regional Plan.	Part 2: District-wide Matters / General District-wide Matters / ASW – Activities on the surface of water	(i) The district plan regulates activities on the surface of rivers, lakes and other waterbodies. Activities are subject to the zone rules that apply. The Waikato Regional Plan regulates any structures in, on, under or over the beds of lakes and rivers, and may also be required to obtain resource consent under the Waikato Regional Plan.	

12.2 Categories of Activities

(a) Rules determine whether resource consent is required for a particular activity. The Resource Management Act provides categories of permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities for every land use or subdivision. The following table shows the order and summarises the meaning of these categories.

		these categories.	
	Activity class	Rule	Comments
No consent required	Permitted	Activity is permitted if it complies with all the: (1) Land Use – Effects Rules; (2) Land Use – Building Rules; and (3) Conditions listed in the "Activity-specific conditions" column of the rule table.	No resource consent is required. However, approvals may be required under other legislation, such as a building consent under the Building Act or a resource consent under the provisions of the Waikato Regional Plan. There is no provision for subdivision as a permitted activity.
Consent required	Controlled	Activity is controlled if the activity is listed and complies with conditions for a controlled activity specified in the rule table.	The Council must grant consent. Consent conditions may be imposed on matters over which control is reserved, as listed in the rule table. The Council may refuse to grant a controlled activity subdivision if the provisions of \$106 of the Resource Management Act apply.
	Restricted discretionary	Activity is restricted discretionary if the activity is listed, and the activity complies with conditions specified for a restricted activity specified in the rule table.	The Council may grant or decline consent. Assessment of the application is restricted to matters over which discretion is restricted in the rule table. If granted, the Council may impose conditions on the consent, but only for those matters over which discretion is restricted.

PART I – INTRODUCTION AND GENERAL PROVISIONS

HOW THE PLAN WORKS

Chapter: General approach

(2) Categories of Activities

(a) Rules determine whether resource consent is required for a particular activity. The Resource Management Act provides categories of permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities for every land use or subdivision. The following table shows the order and summarises the meaning of these categories.

Table x - Categories of Activities

	Activity class	Rule	Comments
No consent required	Permitted	Activity is permitted if it complies with all thei (1) Land Use Effects Rulesi (2) Land Use Building Rulesi and (3) Conditions listed in the "Activity- specific conditions" column of the rule table.	No resource consent is required. However, approvals may be required under other legislation, such as a building consent under the Building Act or a resource consent under the provisions of the Waikato Regional Plan. There is no provision for subdivision as a permitted activity.
Consent required	Controlled	Activity is controlled if the activity is listed and compiles with conditions for a controlled activity specified in the rule table.	The Council must-grant consent. Consent conditions may be imposed on matters over which control is reserved, as listed in the rule table. The Council may refuse to grant a controlled activity subdivision if the provisions of \$106 of the Resource Management Act apply.
	Restricted discretionary	Activity is restricted discretionary if the activity is listed, and the activity complies with conditionary specified for a restricted activity specified in the rule table.	The Council may grant or decline consent. Assessment of the application is restricted to matters over which discretion is restricted in the rule table. If granted, the Council may impose conditions on the consent, but only for those matters over which discretion is restricted.

PWDP – National Planning Standards Working Table

PWDP P	PWDP Provisions as notified			NPS Location / Relocation required	NPS Prov	isions			Reasons	Reasons
	Discretionary	Activity is discretionary if the activity is listed, and the activity complies with conditions specified for a discretionary activity specified in the rule table.	The Council may grant or decline consent. The consent may be granted with or without conditions. The Council will assess the application on the full range of matters without limitation.			Discretionary	Activity is discretionary if the activity is listed, and the activity complies with conditions specified for a discretionary activity specified in the rule table.	The Council may grant or decline consent. The consent may be granted with or without conditions. The Council will assess the application on the full range of matters without limitation.		
	Non-complying	Activity is non-complying if stated in the rule table.	The Council may grant or decline consent. The application can only be granted if Council is satisfied that the requirements of \$104D of the Resource Management Act are met. If the consent is granted it may be granted with or without conditions. The application will be assessed on a full range of matters without limitation.			Non-complying	Activity is non- complying if stated in the rule table.	The Council may grant or decline consent. The application can only be granted if Council is satisfied that the requirements of \$104D of the Resource Management Act are met. If the consent is granted it may be granted with or without conditions. The application will be assessed on a full range of matters without limitation:		
No consent possible	Prohibited	Activity is prohibited if it is listed in the rule table.	No application can be made for a prohibited activity and Council must not grant a consent.		No consent possible	<u>Prohibited</u>	Activity is prohibited if it is listed in the rule table:	No application can be made for a prohibited activity and Council must not grant a consent.		
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12.3 Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities. 12.3.1 Additional matters

- (a) The following matters are additional matters over which control has been reserved for all controlled activities, and to which discretion has been restricted for all restricted discretionary activities, and will also apply with respect to discretionary and non-complying activities.
 - bonds or covenants or both, to ensure performance or compliance with any conditions imposed, including provision for variation, cancellation or renewal of covenants;
 - (ii) administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, as set out in the Fees and Charges Schedule of the Long Term Plan;
 - (iii) a requirement that the holder of a consent supply information relating to the exercise of the consent, as detailed in s108(3) and (4) of the Resource Management Act;
 - (iv) works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including the creation, extension or upgrading of services and systems, planting or replanting, or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects;
 - (v) the duration of a resource consent under s123 of the Resource Management Act;
 - (vi) lapsing of a resource consent under s125 of the Resource Management Act;
 - (vii) change and cancellation of a consent under s126 and s127 of the Resource Management Act;
 - (viii) notice that some or all conditions may be reviewed at some time in the future under s128 of the Resource Management Act:

PLACEHOLDER:

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Chapter: General

approach

(3) Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities.

- (a) The following matters are additional matters over which control has been reserved for all controlled activities, and to which discretion has been restricted for all restricted discretionary activities, and will also apply with respect to discretionary and non-complying activities.
- bonds or covenants or both, to ensure performance or compliance with any conditions imposed, including provision for variation, cancellation or renewal of covenants;
- (ii) administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, as set out in the Fees and Charges Schedule of the Long Term Plan;
- (iii) a requirement that the holder of a consent supply information relating to the exercise of the consent, as detailed in s108(3) and (4) of the Resource Management Act:
- (iv) works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including the creation, extension or upgrading of services and systems, planting or replanting, or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects;
- (v) the duration of a resource consent under s123 of the Resource Management Act;
- (vi) lapsing of a resource consent under s125 of the Resource Management Act;
- (vii) change and cancellation of a consent under s126 and s127 of the Resource Management Act;
- (viii) notice that some or all conditions may be reviewed at some time in the future under s128 of the Resource Management Act;
- (ix) whether any land use or subdivision consent should attach to the land to which it relates and be enjoyed by the owners and occupiers for the time being under \$134 of the Resource Management Act;
- (x) the matters on which conditions can be imposed on subdivision consents under s220 of the Resource Management Act; and
- (xi) consent notices to secure compliance with continuing conditions under s221 of the Resource Management Act.

PWDP – National Planning Standards Working Table

PWDP Provisions as notified	NPS Location / Relocation required	NPS Provisions	Reasons
(ix) whether any land use or subdivision consent should attach to the land to which it relates and be enjoyed by the owners and occupiers for the time being under s134 of the Resource Management Act;			
(x) the matters on which conditions can be imposed on subdivision consents under s220 of the Resource Management Act; and			
(xi) consent notices to secure compliance with continuing conditions under s221 of the Resource Management Act.			

PWDP Provisions as notified		NPS Location /	NPS Provisions		Reasons
and Subdivision rules a format. (b) The prohibited activiti Use – Activities rule to table. (c) The format of rule table. Each row of the or buildings/facilities. activity number and the building or facility. The conditions that the activity status. (d) An activity is permitted the activity does not offurther down the coludis required. The column restricted discretionar (e) The rule table format the following table: Activity	and Use - Effects, Land Use - Building re in separate tables with a similar as are listed at the start of the Land ble and within the Subdivision rule es is shown in the following rule table presents rules on activities. The left-hand column contains the emiddle column states the activity, right-hand column contains the vity must comply with to meet the lift the conditions stated are met. If comply with the conditions, look and to see which category of consent an states if the activity is controlled, or, discretionary or non-complying. Activity specific conditions This column states the conditions that must be satisfied for the activity to be a permitted activity	Relocation required PART I - INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS Chapter: General approach	and Subdivision rules ar format. (b) The prohibited activitie Use Activities rule tal table. (c) The format of rule table table. Each row of the or buildings/facilities. Tactivity number and the building or facility. The conditions that the activity status. (d) An activity is permitted the activity does not confurther down the column is required. The column restricted discretionary	Time column ocated and	
		_1			

PWDP Provisions as notified			NPS Location / Relocation required	NPS Provisi	ons		Reasons
(f) The rule table format for Land Use – Effects and Land Use – Building rules is described in the following table. Where a number of different effects or building rules apply (such as for noise and earthworks), there are 'navigation' rules before the table to assist.			PART I - INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS	Buil nun for	rule table format for Land- ding rules is described in the ober of different effects or be noise and earthworks), ther ore the table to assist.	ouilding rules apply (such as	
Activity		Activity specific conditions	Chapter: General approach	Activity		Activity specific conditions	
This column contains the rule number	that must be satisfied for the activity to be a will apply to the assessment of the application discretionary activity		PART I -	number	This column describes the activity and the conditions that must be satisfied for the activity to be a controlled or restricted discretionary activity	This column states the matters of control or the matters of discretion that will apply to the assessment of the application	
nui for	ilding rules is described in th mber of different effects or b noise and earthworks), ther fore the table to assist.	ouilding rules apply (such as	INTRODUCTION AND GENERAL PROVISIONS	Buil nun for	ding rules is described in the ober of different effects or to noise and earthworks), ther ore the table to assist.	e following table. Where a pulled as a poly (such as	
This column contains the permitted activity rule number This column describes the activity and standards that apply to a permitted activity		HOW THE PLAN WORKS Chapter: General approach	This column contains the permitted activity rule number	This column describes the that apply to a permitted			
This column contains the activity rule number and activity statu	contains the a permitted activity standard activity rule			This column contains the activity rule number and activity status	This column specifies the with a permitted activity		

12.5 How to find out if a resource consent is needed

- (a) To determine if an activity is provided for by the plan, or is provided for in a certain area, users of the plan should take the following steps:
 - (i) Step I Check the zone that applies
 - A. Begin with the planning maps. Locate the relevant property on the zone map and determine its zoning.
 - (ii) Step 2 Confirm if any notation, overlay or designation applies
 - A. Use the planning maps to confirm whether the property has any special feature or designation applying to it. Make a note of map notations relevant to the land you are interested in.
 - (iii) Step 3 Confirm the activity status
 - A. Go to the zone rules chapter for the zone your site or property is located in.
 - B. Determine whether the activity is a prohibited activity, by reading the prohibited activity rule at the start of the chapter. If it is prohibited, then the activity is not permitted and no resource consent application can be considered.
 - C. If the activity is not prohibited, read through the permitted activity rules to determine if your activity is permitted. Look at all the rules that are relevant, including rules on policy areas, hazards, notable trees, heritage items or other special features, to see if one of these applies to your property. Note the contents of these, including any conditions.
 - D. If your activity complies with all conditions for permitted activities in activity table, and the Land Use – Effects and Land Use – Building rules, then your activity is permitted and may be undertaken without resource consent. To obtain council confirmation that your proposed development is a

PART I – INTRODUCTION AND GENERAL PROVISIONS

HOW THE PLAN WORKS

Chapter: General approach

(5) How to find out if a resource consent is needed

- (a) To determine if an activity is provided for by the plan, or is provided for in a certain area, users of the plan should take the following steps:
- Step I Check the zone that applies
 Begin with the planning maps. Locate the relevant property on the zone map and determine its zoning.
- (ii) Step 2 Confirm if any notation, overlay or designation applies
 - (i) Use the planning maps to confirm whether the property has any special feature or designation applying to it. Make a note of map notations relevant to the land you are interested in.
- (iii) Step 3 Confirm the activity status
 - (i) Go to the zone rules chapter for the zone your site or property is located in.
 - (ii) Determine whether the activity is a prohibited activity, by reading the prohibited activity rule at the start of the chapter. If it is prohibited, then the activity is not permitted and no resource consent application can be considered.
 - (iii) If the activity is not prohibited, read through the permitted activity rules to determine if your activity is permitted. Look at all the rules that are relevant, including rules on policy areas, hazards, notable trees, heritage items or other special features, to see if one of these applies to your property. Note the contents of these, including any conditions.
 - (iv) If your activity complies with all conditions for permitted activities in activity table, and the Land Use Effects and Land Use Building rules, then your activity is permitted and may be undertaken without resource consent. To obtain council confirmation that your proposed development is a permitted activity, you may apply to the Council for a Certificate of Compliance.
- (iv) Step 4 Apply for resource consent
 - (i) If any condition stated for a permitted activity is not complied with, you must obtain resource consent from the Council.
 - (ii) Look within the following activity tables, which state the category of resource consent required

PWDP Provisions as notified	NPS Location / Relocation required	NPS Provisions	Reasons
permitted activity, you may apply to the Council for a Certificate of Compliance.		(controlled, restricted discretionary, discretionary or non-complying).	
 (iv) Step 4 – Apply for resource consent A. If any condition stated for a permitted activity is not complied with, you must obtain resource consent from the Council. 		 (iii) After each Land Use – Effects and Land Use – Building rule, look within the table to determine the category of resource consent required. (iv) If you are not sure, contact the Council's planning staff, who are available to help you. If more than one 	
 B. Look within the following activity tables, which state the category of resource consent required (controlled, restricted discretionary, discretionary or non-complying). 		condition is not complied with, the whole of the activity will be assessed against the highest activity category that applies. (v) Decide if you want to apply for resource consent.	
C. After each Land Use – Effects and Land Use – Building rule, look within the table to determine the category of resource consent required.		You may prefer to redesign your proposal to fit the permitted activity conditions. (vi) If you want to apply for consent, consider whether you need professional advice to prepare your	
D. If you are not sure, contact the Council's planning staff, who are available to help you. If more than one condition is not complied with, the whole of the activity will be assessed against the highest activity category that applies.		application. Council staff can assist by providing application forms and general advice on the requirements of the plan, but cannot write the application for you.	
 Decide if you want to apply for resource consent. You may prefer to redesign your proposal to fit the permitted activity conditions. 			
F. If you want to apply for consent, consider whether you need professional advice to prepare your application. Council staff can assist by providing application forms and general advice on the requirements of the plan, but cannot write the application for you.			