

2 GENERAL PROCEDURES

Section 9 of the Act states that:

No person may use any land in a manner that contravenes a rule in a district plan or proposed district plan unless the activity is –

- (a) *expressly allowed by a resource consent granted by the territorial authority responsible for the plan; or*
- (b) *an existing use allowed by section 10 or 10A.*

2.1 Resource Consents

2.1.1 Types of Resource Consent

Two types of resource consent may be required by this Plan in respect of **subdivision** and **land use**.

Resource consents from the Wellington Regional Council may also be required for some activities including discharges to air, water and land, modification to watercourses, soil and vegetation disturbance and the taking of water from water sources. Resource users should consult with the Wellington Regional Council to ascertain whether resource consent is required from them.

Part VI of the Act details the procedures and requirements for making a resource consent application.

2.2 Types of Activities

2.2.1 Permitted activities

Permitted activities can proceed without a resource consent from the Upper Hutt City Council, provided they comply with all the relevant standards in the Plan.

A person wishing to carry out an activity which may require a building consent under the Building Act 2004 must supply relevant plans and information to the Council. These will be checked to determine whether the proposed activity will comply with the requirements of the Plan and therefore be a permitted activity.

2.2.2 Controlled activities

A controlled activity can proceed only if a resource consent has been obtained. The activity must comply with any conditions specified in the plan; otherwise it will be classified as a discretionary, restricted discretionary, or non-complying activity.

Resource consent for a controlled activity cannot be declined. However, in granting consent for a controlled activity, the Council may impose conditions relating to matters stated in the Plan over which control is reserved.

2.2.3 Discretionary activities

Discretionary activities are those subdivisions or land uses that are identified as such in the Plan. Council will assess the effects the activity will have on the environment and decide either to decline consent or grant it with or without conditions.

2.2.4 Restricted discretionary activities

The Plan classifies certain activities as restricted discretionary activities. These are activities for which the Plan has restricted the Council's discretion to the consideration of specified matters. In these cases, resource consents may be declined or granted with or without conditions, but conditions may only be imposed, in respect of the matters to which discretion has been restricted.

2.2.5 Non-complying activities

A non-complying activity is an activity which:

- Is not provided for in the District Plan; or
- Is not provided for on the relevant site; or
- Does not comply with the standards specified; or
- Is provided for as a non-complying activity.

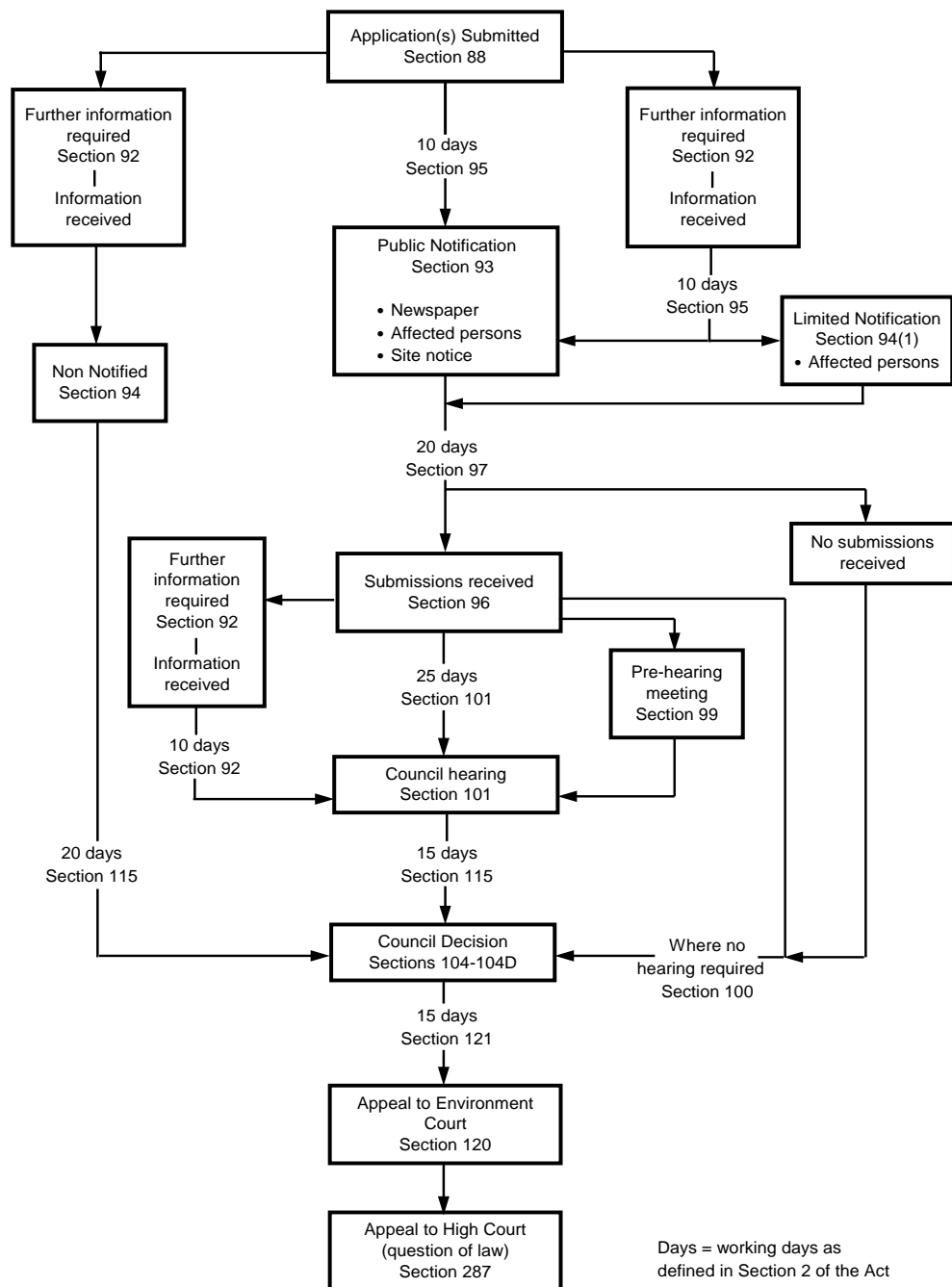
2.2.6 Prohibited activities

A prohibited activity is one which this Plan expressly prohibits and for which no resource consent can be granted.

2.2.7 Interpretation of activities

For the avoidance of doubt, in cases where an application for resource consent proposes an activity with elements which fall into two (or more) application categories, the application as a whole will be considered and determined according to the more restrictive category. For example, if one aspect of an activity is classified as controlled and another aspect is classified as discretionary, the application will be assessed as a discretionary activity.

2.3 Resource Consent Procedure



2.4 Notification

Applications for consent for activities that may have effects on the environment that are more than minor may be publicly notified. This means that they will be advertised and an opportunity given for the public to make submissions to the Council in support of, or opposition to, the proposal.

Section 93 of the Act lists the steps that the Council must take to ensure that interested parties are given an opportunity to understand the nature of applications for resource consent that have been publicly notified.

Section 94 of the Act sets out the general circumstances in which applications for resource consents can proceed without notification.

In determining those parties that may be adversely affected by the granting of a resource consent, the Council will consider the Plan's objectives and policies, the reasons for the rules, and (where appropriate) the effects on:

- Those owners and occupiers of properties adjacent to or near to any application site; and whose use of that land could be detrimentally affected by the granting of consent.
- Those parties whose use or enjoyment of an area could be adversely affected by the granting of consent.
- Any Minister of the Crown with statutory responsibilities in respect of the application site or any adjacent area.
- The Wellington Regional Council.
- Any other party who the Council considers relevant in the circumstances, including the tangata whenua of the area.

2.5 Plan changes

Plan changes may be initiated either by the Council or by any other party upon a request lodged under section 73 of the Act. A Plan change may be proposed because the provisions have become inappropriate or no longer relevant. The process for Plan changes is set out in Part II of the First Schedule to the Act.

2.6	Information required with applications for resource consents
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2.6.1 General information

Section 88 of the Act sets out the general procedure for making an application for resource consent. The information required to be supplied with any application for resource consent should be sufficient for any person to understand:

1. Who is making the application.
2. The location of the site to which the proposed activity relates including the legal description(s) of the property, current copies of Certificates of Title and photographs of any relevant features where appropriate.
3. The nature, staging, and physical extent of the proposed activity.
4. The actual or potential effects that the activity may have on the environment.
5. The ways in which any adverse environmental effects may be avoided, remedied, or mitigated.
6. Any other resource consents that the activity may require, and whether or not such consents have been applied for.
7. In relation to a proposed subdivision, such information as required by the Act and included in 2.6.8.
- 8. In relation a proposal within an identified Flood Hazard Extent, the information required by the Act, and as identified in 2.6.9D.**

2.6.2 Further information

In addition to the above information requirements, an application may also require any of the following:

1. An explanation of how the proposed activity is consistent with the relevant objectives and policies.
2. Reports from relevant experts such as a registered engineer or geologist detailing the proposal's suitability.
3. The nature, scale and design of the proposal (including building materials, hours of operation, car parks, access and proposed landscaping).
4. Details of any signage included in the proposal.
5. Details of water supply and effluent disposal.
6. An explanation of how any concerns, recommendations or requirements made by any relevant organisation or affected persons are to be addressed.

7. Any hazard information, including any hazard mitigation measures and whether the proposal will exacerbate the extent or effects of any hazard beyond the site.
8. The nature, extent and effects of any earthworks.
9. The location of any significant areas of indigenous vegetation, water bodies (including streams), ridgelines, and an explanation of any effect of the proposed activity on these resources.
10. The location of any heritage items and the compatibility of any proposed activities with them.
11. Any above-ground utility which is a discretionary activity must provide information on the principal alternative sites assessed as part of the site selection process. If the proposed activity is not to be co-sited with another above-ground utility, the application must demonstrate that co-siting is not a feasible option.

See relevant Chapters of the Plan for 'Matters for Consideration' which will give additional guidance on further information requirements.

Provision of insufficient information may delay the processing of an application, as the Council may stop the process in accordance with section 92 of the Act while waiting for further information that has been requested.

2.6.3 Drawings and plans

In addition to the above information, all applications for resource consent must (unless inappropriate to do so) include a set of drawings to illustrate the proposal.

An application for a land use consent must supply an original to scale, plus two A3 or A4 copies, of each drawing. The drawings must be accurate, readily legible and comprehensible, and shall include where relevant the following information:

1. Site location: with road name, site boundaries, and north point.
2. Site plan at an appropriate scale for detail (as a general guide, a scale of 1:200 would be appropriate for an urban area), showing as applicable:
 - Site dimensions in metres.
 - The location of all existing and proposed buildings and structures.
 - All sealed areas.
 - The position of any easement over the site.
 - The position and dimensions of car parking and loading

- spaces and access points.
- Kerb lines adjacent to the site and any adjacent street trees.
 - Levels on site boundaries and around any buildings, and, if the site is not level (a uniform grade of less than 1 in 10), ground contours.
 - Proposed retaining walls, excavations and landfills.
 - Existing trees and areas of vegetation and proposed landscaping.
 - Appropriate shadow diagrams or models showing overshadowing of proposed structures on adjacent properties.
 - Water courses, and drainage and sewerage pipes within the site.
 - The means to manage all stormwater and sanitary drainage.
 - Location of power transmission and gas lines, main trunk water supply and sewerage pipes on or in close proximity to the site.
 - Location of any known hazards.
3. Floor plan and elevations of each building (as a general guide, a scale of 1:100 would be appropriate) showing:
- The use of all parts of the building including car parks, storage and service areas.
 - Internal layout of the building and identification of the use of such rooms or parts of a floor. Where several floors are of the same area and use, a standard floor plan may be used.
 - The external appearance of the building (including windows and doors).
 - The number of floors.
 - Building heights and distance to any property boundary and, where relevant, building height envelopes and maximum permitted height.
 - Original and modified ground levels underneath the proposed building(s).

2.6.4

Assessment of environmental effects

The applicant will also be required to include an assessment of environmental effects. In accordance with the Fourth Schedule of the Act, any such assessment must provide sufficient information for any person to understand the actual or potential effects (both beneficial or adverse) of that proposed activity on the environment, and the ways it is proposed to avoid, remedy, or mitigate any adverse effects.

In respect of any application for a controlled activity, the assessment shall only address those matters over which the Council has retained control. In respect of any application for a restricted discretionary activity, the assessment shall only address those matters related to the matters over which the Council has retained discretion.

In respect of other types of applications, the assessment shall address all relevant matters relating to the actual or potential effects of the proposed activity on the environment, and shall be in such detail as corresponds with the scale and significance of those effects.

2.6.5 Consultation

Applicants may be advised to consult any or all of the following persons:

1. The owner(s) and occupier(s) of the subject site.
2. Persons likely to be directly affected by the proposed activity.
3. The City and Regional Councils.
4. The Department of Conservation.
5. The New Zealand Historic Places Trust.
6. Iwi authorities.
7. Transit New Zealand.
8. Other relevant authorities or organisations.

2.6.6 Supplementary information

Council may, subject to section 92 of the Act, require applicants to supply further information relating to the application where such information is necessary to better understand the nature of the proposed activity, the effects it may have on the environment, and the ways in which any adverse environmental effect may be avoided, remedied or mitigated.

Where Council is of the opinion that significant adverse environmental effects may result from a proposed activity, it may also require an explanation of any possible alternative locations or methods for undertaking the activity, the applicant's reasons for making the proposed choice, and the consultation undertaken by the applicant.

2.6.7 Commissioned reports

Where Council is of the opinion that significant adverse environmental effect may result from a proposed activity, under section 92 of the Act it may commission a report on, or a review of, any information provided in that application. The purpose of any review would be to:

1. Audit the information provided in an application in terms of its accuracy, relevance, and comprehensiveness; or
2. Review any technical, scientific, or operational detail pertaining to the proposed activity; or
3. Identify and assess any natural hazard or the use or storage of any hazardous substance pertaining to the proposed activity, including reasonable measures to avoid, remedy or mitigate any potential adverse environmental effects; or
4. Provide information or assessment of other matters pertaining to the application, such as heritage values, amenity values, or cultural considerations.

2.6.8 Subdivision resource consent applications

An application for subdivision consent shall include:

1. A description of the proposal for which the consent is sought.
2. The address and legal description of the site, current copies of all Certificates of Title of the land to be subdivided, and sufficient information for the site to be located easily.
3. A statement specifying whether any other resource consents are required, including any from the Wellington Regional Council, and whether the applicant has applied for such consents.
4. A subdivision design statement which sets out the design principles of the subdivision and assists in assessing the proposal. It shall:
 - (a) Demonstrate how the subdivision contributes to the objectives and policies for the relevant City-wide and zone provisions. This includes the 'Matters For Consideration' from the relevant sections of the district plan.
 - (b) Describe how the subdivision integrates into its surroundings and how it contributes to the overall quality of the environment.
 - (c) Provide an assessment of environmental effects.

5. Subdivision plans of the proposed subdivision, drawn to an identified scale, preferably on either A3 or A4 sized paper, containing sufficient information to adequately define:
 - (a) The position of all new boundaries, including restrictive covenant boundaries for cross-lease applications, and unit, accessory unit and common property boundaries for unit title applications.
 - (b) The areas of all new allotments (except for a subdivision by grant of cross lease or company lease or by the deposit of a unit title).
 - (c) The location and areas of new reserves to be created, including esplanade reserves and esplanade or access strips.
 - (d) The location and areas of any part of the bed of a river or lake, which is required by the Act to be shown on the survey plan as land to be vested in the Crown.
 - (e) The location and areas of land to be set aside as new road.
 - (f) The location and area of any proposed easement, or any existing easement which is to be extinguished, with a memorandum and/or schedule.
 - (g) Abutting and underlying title boundaries, existing building line restrictions and existing subject easements.
 - (h) The balance area of the site to be subdivided showing any proposals for future development.
 - (i) Where appropriate and possible, contours (based on mean sea level) at an interval sufficient for the design of accessways and services or to show the general topography of the area, particularly around proposed house sites.
 - (j) Any features to be protected by covenant or other method.
 - (k) The principal topographic and geological features, including areas of loose fill and faults or fault traces.
 - (l) Areas that may be subject to flooding or inundation, erosion, landslip or subsidence, or that are within a hazard area shown on the planning maps.
 - (m) Areas of wetland and areas of indigenous vegetation equal to or greater than 5000m² on any one site, and trees with a trunk diameter in excess of 0.5m in the Residential Conservation and Residential Hill Sub-zones.
 - (n) All watercourses that have an average width greater than 1m.
 - (o) The provision of existing and proposed utilities necessary to meet the requirements of the Code of Practice for Civil Engineering Works and the District Plan and to effectively service the subdivision.
 - (p) Existing power and telecommunication poles and lines, gas lines, main trunk water supply pipes and sewerage pipes on or in close proximity to the site.
 - (q) Existing structures (including buildings), fences and whether such structures will be retained, relocated or removed.

- (r) Any legal access connections to existing roads (including State Highways), carriageways, and pathways.
- (s) Proposed roads, access points onto the lot(s), accessways, and service lanes with relevant widths, areas and gradients.
- (t) Proposed areas of excavation and fill.
- (u) Any designations applying to all or part of the lot.
- (v) A certification by the surveyor as to the accuracy of the plan.
- (w) Any landscape, ecological or heritage features.

2.6.9 Specific information accompanying applications to waive an esplanade reserve or esplanade strip requirement

An application to reduce or waive an esplanade reserve or esplanade strip requirement shall include the following:

- (a) A description of the ecological characteristics of the water body and the land subject to an esplanade reserve or esplanade strip, including any existing or alternative measures for protecting or enhancing those characteristics;
- (b) Information to demonstrate that the landowner will use the site in an effective and reasonable manner.
- (c) The extent to which the public can still obtain access to the water body.
- (d) The extent to which the natural character and visual quality of the water body and water quality will be preserved.
- (e) The location of any buildings or structures that may influence the width of the reserve or strip.

2.6.9A Specific information accompanying applications for more than one dwelling on a site

- (a) The site plan shall clearly delineate the net site area of each dwelling/unit on the site and will be utilised for determining the Reserves and Leisure Facilities Contribution for a Land Use Resource Consent multiunit development.

2.6.9B Specific information accompanying applications for a Comprehensive Residential Development

- (a) An assessment of the proposed development against the Design Guide for Residential (Centres Overlay) Areas.

2.6.9C

Specific information accompanying applications for subdivision or development within a Residential (Centres Overlay) Area that is not a Comprehensive Residential Development where any lot has a minimum net site area of less than 400m²

- (a) An assessment of the proposed development against the section on small site design and development contained in the Design Guide for Residential (Centres Overlay) Areas.

2.6.9D

Specific information accompanying applications for subdivision or development within the Erosion Hazard Area of Mangaroa River catchment

- (a) Provision of a report by a suitably qualified and experienced person is required to determine the erosion risk to the proposed building platform or area of works in order to determine the effect of the proposal in accordance with Schedule 4 of the RMA;

2.6.9E

Specific information accompanying applications for subdivision or development within the Pinehaven Catchment Overlay

Provision of a report by a suitably qualified and experienced person assessing the ability for the site to achieve hydraulic neutrality including;

Either;

- Full catchment hydrological and hydraulic analysis using the GWRC baseline information to demonstrate hydraulic neutrality for the 1 in 10 year and 1 in 100 year flood event including climate change. This would include;
 - Existing pre-development situation calibrated to GWRC baseline information;
 - Design of mitigation infrastructure;
 - Future development scenario model with mitigation infrastructure to demonstrate no increase in downstream flood flows at any point in the catchment.

Or -

- Site Based Assessment, which would include;
 - Hydrological analysis for existing pre-development scenario;
 - Post-development scenario to mitigate design flows to 80% of pre-development flows for 1 in 10 and 1 in 100 year event including climate change.

Note 1: The full catchment approach would generally only be expected for large comprehensive developments.

Note 2: Reducing floods flow to 80% of the pre-development flood flows is to mitigate risks associated with changing the timing and coincidence of peak and recession flows from sub-catchments which, without mitigation could result in net increases in downstream peak flows.

Note 3: The 2012 Wellington Regional Standard for Water Services and the Wellington Regional Hydrological Guidelines shall be applied to the

hydrological analysis.

2.6.10 Further guidance on information requirements

The information requirements outlined above are not exhaustive and may or may not be relevant in any particular instance. Applicants are advised to discuss with Council staff what information will need to be associated with their applications for resource consent.

2.7 Financial Contributions

The Council may require, as a condition of a resource consent, money, services or land. These contributions are intended to avoid, remedy or mitigate an identified actual or potential adverse effect on any natural or physical resource from an activity, subdivision or development. Further information on financial contributions is contained in Chapters 10 and 25.

2.8 Designations

2.8.1 Introduction

Designations refer to land required for certain specified purposes by authorised agencies. Part VIII of the Act authorises the agencies which can notify their requirements to Council.

All designated sites are identified on the Planning Maps and are listed in Chapter 36 of the Plan.

2.8.2 The designation process

The procedures and requirements for making a new designation or altering an existing designation are set out in Part VIII of the Act.

In accordance with the Act, when considering a designation requirement, Council must have particular regard for the following:

- Whether the designation is reasonably necessary for achieving the objectives of the project or work for which the designation is sought.
- Whether adequate consideration has been given to alternative sites, routes or methods of achieving the project or work.
- Whether the nature of the project or work means that it would be unreasonable for the requiring authority to use an alternative site, route or method.
- All relevant provisions of national policy statements, regional policy statements, regional plans and district plans.
- The provisions of Part II of the Act.

After considering a notice of requirement, Council will recommend that the requiring authority either:

- Confirms the requirement and adds any conditions as to duration. This may be with or without modification and subject to any conditions Council considers appropriate; or
- Withdraws the requirement.
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Development that is in accordance with the purpose for which a site was designated does not require resource consent. However, the requiring authority must submit an outline plan of the proposed development to Council so that it can have the opportunity to request changes before construction starts.

2.9

Procedures for addressing cross-boundary issues

Upper Hutt shares boundaries with Kapiti Coast District Council to the north, Porirua City Council to the west, the Hutt City Council to the south and South Wairarapa District Council to the east and is located within the region administered by the Wellington Regional Council.

The City's circumference is 130 kilometres. The boundary is mainly along rugged hill country, typically designated for water catchment purposes. Therefore the potential conflict points for cross territorial boundary issues are limited. There are a few farmland areas where there may be a conflict of zoning provisions.

The major cross-boundary issues could include:

- Airborne pollutants and chemical sprays.
- Noise.
- Effects of forestry operations.

- Standards/quality of cross boundary roads.
- Infrastructure.
- Hazardous substances and site contamination.
- Compatibility of subdivision and land use standards.
- Iwi issues.
- Water quality issues.

The Act requires that a district plan states the processes used to deal with cross territorial boundary issues.

Some of the ways the issues will be addressed include:

1. Consulting the adjoining territorial authorities and the Wellington Regional Council to ensure that cross-boundary issues are dealt with consistently and compatibly.
2. Advising adjoining territorial authorities and the Wellington Regional Council of resource consent matters or requests for District Plan changes which may have potential cross-boundary effects.
3. Consulting with other authorities and organisations whose interests cross the territorial boundaries, for example energy suppliers, Department of Conservation and forestry interests.

2.10 Procedures for Monitoring

Monitoring provisions are contained in the Act, which requires that the Plan include the procedures to be used to review the effectiveness of its objectives, policies, and methods of implementation.

Monitoring will be carried out in accordance with the provisions of the Act to ensure that the Plan is promoting the purpose of the Act. This enables Council to undertake its functions under the Act and to take appropriate action to ensure compliance with its intent. The results of monitoring will be reported to both the Council and the public.

2.10.1 Monitoring the state of the environment in Upper Hutt

Council will monitor the environment by assessing the state of natural and physical resources, and trends in resource use. The results will indicate the effectiveness of Council's environmental management and consider measures to avoid, remedy or mitigate adverse effects.

As the broad definition of the environment includes people and the community, monitoring will involve collecting and reporting on a range

of information. The means used to obtain the information include:

- Community surveys.
- Census information.
- Complaint records.
- Business information.
- Land use surveys and statistics.
- Commercial and industrial surveys.
- Environmental and ecological surveys.

In analysing the information, key indicators will be developed. These will establish trends and determine the City's progress in achieving its anticipated environmental outcomes.

2.10.2 Monitoring the effectiveness of the Plan

The Plan's provisions will be monitored to ensure that they remain appropriate for both Upper Hutt's current environment and in relation to its changing needs and ongoing development. The contents of the Plan will also be monitored to ensure that they are making progress towards the anticipated environmental results, particularly in the delivery of the Plan's objectives and policies.

This will be achieved through consultation with the community, establishing baseline or trend information, and developing appropriate indicators to assist in monitoring anticipated environmental results.

2.10.3 Monitoring the exercise of any functions, powers, or duties delegated or transferred by the Council

The Council will monitor the exercise of any functions, powers and duties that have been delegated to another agency under the Act.

2.10.4 Monitoring effects that occur from the granting of resource consents

To monitor the Plan's administration, Council will collect and review information on:

- Compliance with resource consent conditions, including any enforcement actions.
- The nature and type of resource consents, and any cumulative effects resulting from consents granted.
- The administrative costs to Council of processing applications for resource consents.
- The costs to applicants of obtaining resource consents.
- The effectiveness of consultation with the community.

2.11 Review of the District Plan

The District Plan may be reviewed and changed as a result of the monitoring process. Plan changes go through a similar process to the one followed in the preparation of this Plan. This includes public notification and the opportunity for the public to make submissions on the proposed change.