

PART 2

HOW TO READ AND USE THE PLAN

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2.1 INTRODUCTION

The matters which must be included in the District Plan under Section 75 (Refer to 1.4) have been incorporated into this plan as follows:

Part 1 Scope And Legislative Framework Of The Plan

Part 2 How To Read And Use The Plan

Part 3 District Wide Issues, Objectives and Policies

Part 4 Environmental Area, Issues, Objectives, Policies and Rules

Part 5 Appendices, Schedules and Definitions

Part 6 Planning Maps

These are referred to in detail below. In particular the range of methods is set out in 2.4 and application of the rules is set out in 2.5.

2.2 PART 1 - SCOPE AND LEGISLATIVE PROCEDURE

Part 1 contains the relevant sections of the [Act](#) relevant to the preparation of the Plan and [Council's](#) legal obligations.

2.3 PART 2 - HOW TO READ AND USE THE PLAN

This explains how to use the Plan's various statutory procedures and outlines the procedures when applying for a resource consent.

2.4 PART 3 - DISTRICT WIDE ISSUES, OBJECTIVES AND POLICIES

The District wide provisions in Part 3 apply to the following:

1. [Utilities](#)
2. Landscape
3. Indigenous vegetation and habitats of fauna
4. Waterways and Margins
5. Coastal Environment
6. [Signs](#)
7. Natural Hazards
8. Tangata Whenua
9. [Hazardous Substances](#)
10. Transport
11. Subdivision
12. Heritage
13. Financial Contributions

Part 3 identifies significant resource management issues which apply throughout the District and the objectives and policies which are intended to address these issues. The reasons and explanation for adopting the objectives and policies is given.

Methods of implementing the objectives and policies are then identified. In this respect a number of methods, both regulatory and non-regulatory, are used which are summarised below.

- i. Promotion of Guidelines, Standards and Good Management Practices:** There are a number of guidelines and codes of practice available, such as New Zealand Forest Code of Practice, [building](#) design and [sign](#) guidelines, and regional council publications. Some organisations have their own management guidelines including accreditation with internationally recognised standards. [Council](#) encourages their use by practitioners while [Council](#) will also work with groups such as Iwi, community organisations and environmental and landholder groups to further develop codes of practice.
- ii. Encouraging Use of Covenants:** Grey District has large areas of covenanted [land](#) particularly as it relates to indigenous areas of vegetation. [Council](#) believes methods such as these should be encouraged given the acceptance and commitment of landowners.
- iii. Co-operation with other Parties:** Favourable outcomes can be achieved by co-operation with other groups and agencies. For example, co-operation with parties such as Iwi, landowners and the Department of Conservation in respect of strategies, works and programmes can give practical effect to achieving sustainable management.
- iv. Consultation/Information:** Potential problems arising from resource management can be solved within the community by consultation and ultimately agreement. Dissemination of information is part of this process. An example of this is the SNA (Significant Natural Area) Study, which over the next two years will identify areas of significant indigenous vegetation and habitats of fauna on the West Coast and the appropriate methods of sustaining their values. This is a co-operative exercise between such diverse organisations as Department of Conservation, district councils, regional council, Timberlands, Federated Farmers, Farm Forestry Association, MAF, landowners and Royal Forest and Bird Society and other conservation groups and individuals. An earlier example is the West Coast Accord in respect of indigenous forests.
- v. Use of other legislation and powers of the authorities:** The use of legislation and powers of other regulatory authorities are an effective method of achieving sustainable management, particularly when district council input will only cause a duplication, or overlap, of controls. Examples of this are the Maritime New Zealand's powers in respect of activities on the surface of water and the 1993 Forest Amendments Act which applies to the sustainable management of privately owned forests. The Regional Council also has a considerable array of controls which are referred to in (vii) below.
- vi. Use of Rules in the District Plan:** Rules may allow, restrict and regulate activities. Refer to 2.5 for more details on how they are applicable in the plan.
- vii. Regional Council Planning Documents:** The West Coast Regional Council has a regional policy statement as well as a number of regional plans which contain rules regulating activities which affect [land](#) use activities. These plans address Regional Council functions in such matters as the control of the use of land for the purpose of soil conservation and water quality, and coastal management and discharges to land, air or water. Grey District sees little point in duplicating these types of rules as it will only lead to confusion, delay and added expense for councils and the public alike. All of the

five plans have been publicly notified and therefore have statutory effect. The regional documents are set out below:

- West Coast Regional Policy Statement

While not containing any rules the policy statement sets the framework for the integrated management of natural and physical resources of the West Coast region, addressing issues relating to heritage, Maori values, soil, water, natural habitats, the coastal environment, natural hazards, wastes, air quality, network [utilities](#), energy and minerals.”

- Soil Conservation and Erosion Control Plan.

This plan has rules controlling activities such as disturbance of land surface and earthworks, including vegetation clearance and works in proximity to waterbodies.

- Regional Air Quality Plan.

This plan has rules controlling discharges to air and includes odour, dust and industrial emissions.

- Control of the Discharge of Contaminants to Land.

This plan has rules controlling discharges to land and includes stormwater, effluent, leachate, farm wastes etc.

- Regional Coastal Plan.

This plan has rules controlling discharges from land, structures, deposition and excavation etc, as they affect the Coastal marine area.

Activities such as forestry, mining, [factory farming](#), coastal works and [land development](#) are all affected by the above plans, and may require consent from the Regional Council as well as any consents from the District Council.

viii. Designations: These generally provide for existing or future public works. Refer to 2.8.3.

ix. Conditions of Resource Consents: [Council](#) can impose conditions on resource consents, including financial contributions, to avoid, remedy or mitigate adverse effects.

x. Enforcement and Abatement Notices: [Council](#) and in some cases, other parties, can initiate an enforcement or abatement notice if the [Act](#) or a rule is contravened or if any activity is likely to have an adverse effect on the environment.

xi. Monitoring: Monitoring enables [Council](#) to review significant resource management issues in the district and the appropriateness of their methods to deal with such issues.

Finally, Part 3 includes anticipated environmental results setting out the consequences of implementing the Plan’s objectives, policies and methods and how those results will be monitored.

2.5 PART 4 - ENVIRONMENTAL AREA - ISSUES, OBJECTIVES AND POLICIES (INCLUDES RULES)

Part 4 contains five environmental areas as follows:

i. Residential:

Greymouth, Karoro, Paroa, Runanga, Cobden, Blackball, Kaiata, [Kaiata Park](#), Mitchells, Iveagh Bay, Moana, Dobson, Punakaiki, Boddytown, Sumner Road, and Blaketown.

ii. Township:

Camerons, Nelson Creek, Ahaura, Ngahere, Stillwater, Taylorville, Gladstone, Rapahoe, Barrytown, Totara Flat, and Blackball.

iii. Rural-Residential:

Golden Sands, parts of Dobson, [Kaiata Park](#), Blackball and Paroa.

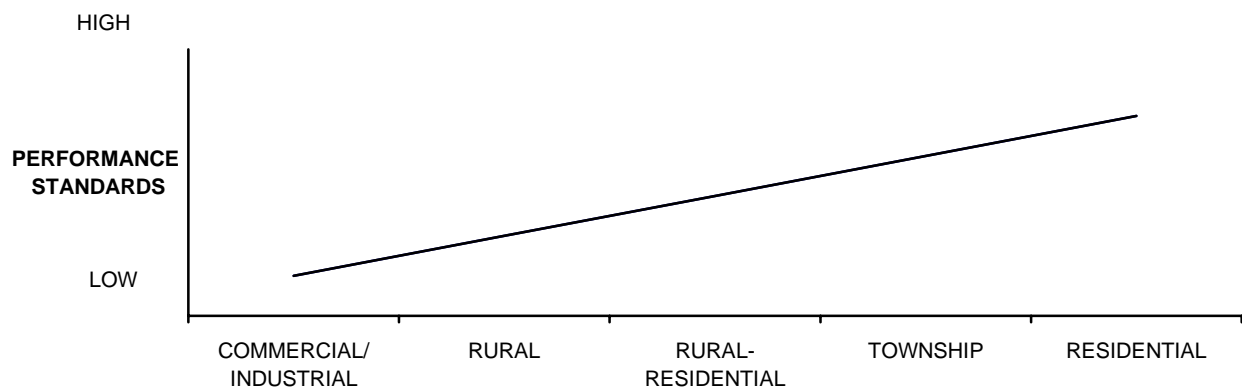
iv. Commercial/Industrial:

Stillwater, Greymouth, Cobden, Runanga, Rapahoe, Blaketown, Karoro, Paroa, Gladstone, Kaiata, [Kaiata Park](#), Dobson, Ngahere, Moana, and Mitchells.

v. Rural:

All that area not previously mentioned.

Each of the management areas generally contain similar natural and physical resources which make each area distinct from one another. Essentially as you move between those areas the performance standards vary, i.e. from the more stringent residential standards to the more flexible Commercial/ Industrial standards. This could generally be represented in graphic form as:



As with Part 3, each Environmental Area contains significant resource management issues, objectives and policies, implementation methods, anticipated environmental results and monitoring techniques. The management areas also contain the district plan rules referred to in the methods. The rules implement both District wide objectives and policies and also the Area wide objectives and policies (**this emphasises the need to take into account all sections of the plan so that the plan is read as a whole**).

The Rules are set out in columns as follows and should be read across:

i. Item:

This describes the item or activity that is subject to control. In every environmental area, activities not regulated by a rule are allowed without a resource consent. Each item should be assessed to ensure that all potential effects are addressed in an integrated manner.

ii. Permitted Activities:

If the item or activity complies with the conditions or standards specified then it is a permitted activity that does not require resource consent. Unless specifically stated, an activity must comply with all of the items listed to qualify as a permitted activity.

iii. Controlled Activities:

A resource consent is required for this activity. Provided the activity complies with the standards the application will be processed as a controlled activity in which council must grant consent subject to the imposition of conditions. The matters that council will exercise control over are listed.

iv. Discretionary Activities:

A resource consent is required for this activity. A discretionary activity will normally arise when an activity fails to meet the conditions for a permitted activity or controlled activity.

v. Assessment Criteria:

Assessment criteria do not form part of the rules but are matters for consideration by applicants and council when assessing a resource consent. While they provide some guidelines Council will not necessarily be limited to the matters stated and will have regard to all of the matters set out under Section 104 of the Act.

vi. Explanation:

This provides an explanation of the rules.

Note:

- i. There are not any “non-complying” or “prohibited activities” in the District Plan.
- ii. The Environmental Area Rules refer the reader onto Appendices 1-6 in respect of Utilities, Signs, Hazardous Substances, Transport, Subdivision and Heritage Rules.

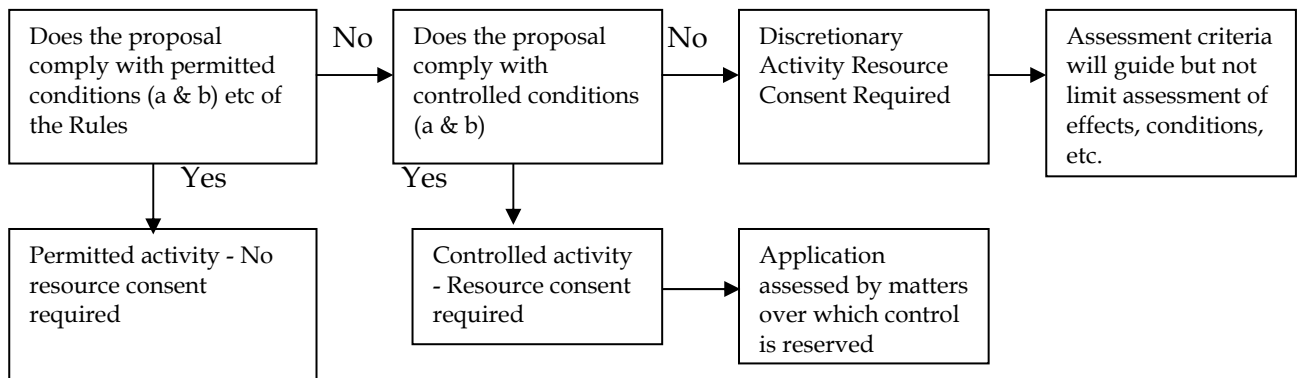
To establish the status of a proposed activity the following should be carried out:

Identify the site of the proposed activity on the Planning Maps, and note which environmental area the site is located in.

Refer to the relevant environmental area rules and examine the lists of permitted, controlled and discretionary activities for the environmental area.

If an activity is a controlled or discretionary activity apply for resource consent (refer 2.8.1).

This is illustrated below.



2.6 PART 5 - APPENDICES, SCHEDULES AND DEFINITIONS

Part 5 contains the Appendices which relate to the [utilities](#), [signs](#), [hazardous substances](#), transport, subdivision and heritage rules and the definitions.

2.7 PART 6 – PLANNING MAPS:

Part 6 contains the Planning Maps which are in a separate volume.

2.8 OTHER MATTERS:

There are a number of other matters which are also relevant in using the plan. These are:

2.8.1 RESOURCE CONSENTS:

As indicated in 2.5, a resource consent is required if an activity is a controlled or a discretionary activity.

Two types of resource consents are issued under this plan – “[land](#) use” and “subdivision”. Resource Consents may also be required from the West Coast Regional Council who issue discharge permits (discharge of contaminants onto and into [land](#), water and air); water permits (taking, using damming or diverting of water), coastal permits (use or occupation of the coastal marine area), and [land](#) use consents (use of [land](#) and beds of lakes and rivers) (Refer to 2.4(vii)).

An application for resource consent must be made in accordance with Section 88 of the [Act](#). Forms for [land](#) use and subdivision consent applications are available from the [Council](#) Offices. The application procedure is set out in Appendix 7.

Further information, pursuant to **Section 92** of the [Act](#), may be required from an applicant where it is considered necessary to better understand the nature of the activity or the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The [Council](#) may also commission a report, at the applicant’s expense, on any matters raised in relation to the application or on any environmental assessment of effects.

Section 94 of the [Act](#) provides opportunity for applications for resource and subdivision consents to be non-notified in certain circumstances, as set out in the [Act](#). A publicly notified application is open to public submission in accordance with **Section 96** of the [Act](#).

Decisions on resource consent applications are made pursuant to **Section 105** of the [Act](#). When making a decision those matters to be considered are set out in **Section 104** of the [Act](#).

When considering an application for subdivision consent the [Act](#) specified circumstances under which the [Council](#) **shall not** grant consent. These circumstances are set out in **Section 106** of the [Act](#).

The ability to impose conditions on resource consents is provided by **Section 108 and Section 220** of the [Act](#).

2.8.2 EXISTING USE RIGHTS:

Sections 10 and 10A of the [Act](#) provide for the existing and continued use of [land](#) and the surface of water in a manner which contravenes a rule in the Plan, subject to the following:

- The use was lawfully established (including by designation) before the Plan became operative; and

- The effects of the use are of the same or similar character, intensity and scale to those which existed before the Plan became operative or the designation was removed; and
- If the activity involves the use of the surface of water in lakes and rivers where previously no consent was required, the person carrying out the activity applies for a resource consent within 6 months of the Plan becoming operative.

Existing use rights to not apply if:

- The use of **land** (or the surface of water) has been discontinued for a continuous period of more than 12 months, unless the **Council** has granted an extension by way of application; or
- Reconstruction, alteration or extension of any **building** that contravenes a rule in the Plan increases its degree of non-compliance.

2.8.3 **DESIGNATIONS:**

A designation is a provision made in the Plan to give effect to a requirement made by a requiring authority. These requirements apply to a public work or a particular project or public **utility** operation. Every designation shall have the force of a rule as required under **Section 175** of the **Act**.

Any Minister of the Crown or local authority is automatically a requiring authority. Other network **utility** operators (as defined in **Section 166** of the **Act**) may apply to the Minister for the Environment for approval as a requiring authority. A requiring authority may give notice to the **Council** in respect of a requirement. Although the **Council** has called for such notices in preparing the Plan, the **Act** makes provision for similar procedures in relation to the operative plan. Such procedures require public notification with any person having the opportunity to lodge a submission in support or opposition to a requirement for designation. A minor alteration to an existing designation may not be required to be publicly notified if the consent of affected parties is obtained.

Designations are shown on the Planning Maps, with an indication of the requiring authority that has benefit of the designation. These designations limit the use of the **land**, overriding the provisions of the Plan and any resource consent, in favour of the designated purpose. No person, without the consent of the authority, shall do anything that hinders the designation. The underlying environmental area indicates the purposes for which the **land** may be used if not for the designated work.

The requiring authority must submit an outline plan of the work to **Council** prior to any construction commencing **Section 176A**. When processing an outline plan of works for the formation of legal **road**, **Council** shall have reasonable regard to the adverse effects from clearance of indigenous vegetation.

Designations are not the only means of providing for public works or public **utility** operations. The Plan contains general rules for public **utilities** not designated, providing for these in a manner similar to activities in general.

Unless otherwise specified in the designation, or the **Council** determines on application that substantial progress is being made, and is being made toward giving effect to the designation, a designation lapses on the expiry of 5 years from the date on which it is included in the District Plan.

Designations are listed in Appendix 10.

2.8.4 **HERITAGE PROTECTION ORDERS**

A heritage order is a provision in the Plan to give effect to a requirement made by a heritage protection authority (**Section 187**). Heritage protection authorities include the Minister of

Conservation, local authority and the New Zealand Historic Places Trust and have similar powers as requiring authorities. A heritage order is issued to protect features or places of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the Tangata Whenua, and such area of **land** surround these places as is necessary to protect and afford reasonable enjoyment of them. No person may undertake work in a manner contrary to the heritage order without the written consent of the relevant protection authority.

2.8.5 ENFORCEMENT:

The **Council** is required to uphold the Plan and use its powers under **Part XII** of the **Act** in requiring persons to cease or not commence any activity that is, or is likely to:

- Contravene the **Act**, any regulations, a rule in the Plan, or any resource consent; or
- Be noxious, dangerous, offensive, objectionable to such an extent that it is, has or is likely to have an adverse effect on the environment.

Any person in breach of the Plan is liable to prosecution. The **Act** provides substantial penalties, including fines of up to \$200,000 or 2 years imprisonment for certain offences (**Section 339**).