

General Approach

District Plan framework

The National Planning Standards (November 2019) contain standards that set out the required structure, format, spatial layers, and mapping requirements for a District Plan, as well as definitions. The Waitaki District Plan has been prepared to give effect to the National Planning Standards.

The District Plan should be read in full; it contains five interconnected parts as summarized below.

Part 1 – Introduction and General Provisions

This part of the District Plan contains the chapters that explain the District Plan's context, how it works, provides definitions, abbreviations, and a glossary to assist in the interpretation. The chapters also provide context and process related information in relation to mana whenua and resource management.

Part 2 – District wide matters

This part of the Plan is in two parts: Strategic Direction and District Wide Matters.

Strategic Direction – The strategic objectives set the overarching direction for the District Plan and help to implement national direction and higher order documents such as national policy statements and regional policy statements, the WDC's Ōamaru, Weston and Kakanui Spatial Plan and other key WDC strategies. They reflect the intended outcomes to be achieved through the implementation of the District Plan. The strategic objectives will be particularly relevant for any future plan changes and significant resource consent applications in the District.

District-Wide Matters – These chapters relate to specific areas or activities that take place throughout our District. Specific areas that have distinctive value, risk or other factors that may require management, which are also known as Overlays, are identified spatially. A list of all overlays can be found at the end of this chapter. Other district-wide matters apply generally across the District, such as subdivision, noise and earthworks etc. and are not separately covered in Part 3 of the Plan 'Area Specific Matters'.

Part 3 – Area specific matters

This part of the Plan is in two parts: Zones and Designations.

- a) **Zones** – A zone spatially identifies and manages an area with common qualities and characteristics and/or where particular environmental outcomes are sought after. All land in the District is identified as part of a 'zone' on the Planning Maps, with rules that specifically address zone-based activities and effects. These zones generally seek to enable similar and compatible activities or effects to be located in appropriate areas together whilst managing those that are not compatible. Zone chapters do not contain rules and standards that apply generally across the Waitaki District, these are in Part 2.

Some of the zones include precincts, which will have separate specific objectives, policies and/or rules that will apply to them. A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy and rule approach anticipated in the underlying zone(s).

- b) Designations – This part contains the designations that have been included in the District Plan under section 168, section 168A or clause 4 of Schedule 1 of the Resource Management Act. Designations authorise the use of land by requiring authorities for a particular project or public work. The District Plan rules don't apply to a project, public work, or work undertaken by a requiring authority that is in accordance with the Designation purpose. However, if the designated land is used for a purpose that is not the designated purpose, then the provisions of the District Plan do apply. Other people may not, without prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project, or work. Please note: the Designations Chapter has not been released with the Draft District Plan and will be released when the Proposed District Plan is notified.

Part 4 – Appendices and schedules

The appendices and schedules contain the technical information and data such as schedules of specific areas (overlays managed under the district-wide matters chapters). For example, SCHED6 – Significant Natural Areas lists those areas of the District that have been identified as Significant Natural Areas and includes a description of each area's characteristics and values.

Part 5 – Maps

Planning Maps spatially define zones, areas, overlays and features referred to within the District Plan chapters.

Format of chapters in Parts 2 and 3

Each of the chapters in Parts 2 and 3 follow the same format:

1. Introduction
2. Objectives
3. Policies
4. Rules (if applicable)
5. Standards (if applicable)

Each chapter in this District Plan has its own unique acronym which identifies the matter that is being covered. For example, Natural Hazards is NH and Earthworks is EW.

The introduction provides an overview of the topic covered by the chapter.

The objectives set out the outcome to be achieved for the topic. There may be several objectives that apply. Each objective has a specific number, for example NH-01 or EW-02.

The policies set out the direction to be taken to achieve the objectives. There may be a number of policies that apply. Each policy has a specific number, for example NH-P3.

The rules have the effect of regulations and set out the activity status for different activities that may be proposed. There will possibly be a number of rules that apply. Each rule has a specific number, for example EW-R4.

Rules may also refer to standards that need to be complied with. Again, there may be a number of standards that apply. Each standard has a specific number, for example NH-S5.

Guidance notes

The following provides additional guidance in determining which rules of the plan apply to your activity.

Cross-references to potentially relevant rules in other chapters are provided where this will assist users of the plan and/or are required by the National Planning Standards. However, the absence of cross-references does not limit the applicability of all relevant rules across Parts 2 and 3 for an activity.

Earthworks: Earthworks activities are generally subject to the provisions in the Earthworks (EW) Chapter in addition to any earthworks rules associated with overlays in other chapters. The Earthworks Chapter provisions do not apply to:

- a) earthworks undertaken to facilitate the provision of infrastructure, these are addressed under the Infrastructure Chapter (INF).
- b) earthworks that take place within a Site or Area of Significance to Māori (including Wāhi Tūpuna sites), these are addressed under the Sites and Areas of Significance to Māori Chapter.

Hazardous substances: Objectives, policies and rules relating to hazardous substances and major hazard facilities are located in the Hazardous Substances (HAZS) Chapter. This includes any relevant activities within any overlays.

Hydroelectricity Inundation Hazard Areas: Occupied buildings in the Hydroelectricity Inundation Hazard Areas are subject to Rule WPS-R2 in the Waitaki Power Scheme Chapter, in addition to any zone rules.

Infrastructure: Infrastructure activities are only subject to the objectives, policies, rules and standards in the Infrastructure Chapter and the Strategic Direction objectives, unless:

- the activity is a renewable electricity generation activity addressed in the Energy Chapter; or
- the activity is associated with the nationally significant Waitaki Power Scheme addressed in the Waitaki Power Scheme Chapter; or
- a rule specifically states otherwise.

National Grid Network: Buildings, structure and activities within the National Grid Network, including the National Grid Yard and Electricity Distribution Yard, are subject to the relevant objectives, policies and rules of Part B of the Infrastructure (INF) Chapter in addition to any zone based provisions, and any other relevant district-wide provisions under Parts 2 or 3 of the Plan.

Natural Hazards: The Coastal Environment Chapter contains provisions relating to coastal hazards. The Subdivision Chapter contains provisions relating to subdivision, including in natural hazard overlays.

Noise sensitive activities: All noise sensitive activities (including in transport corridors and within the Ōmārama airport noise boundary) are subject to the relevant objectives, policies and rules of the Noise (NOISE) Chapter in addition to any zone based provisions, and any other relevant district-wide provisions under Parts 2 or 3 of the Plan.

Renewable energy: Renewable energy infrastructure activities are only subject to the objectives, policies, rules and standards in the Renewable Energy Chapter and the Strategic Direction objectives.

Riparian margins: Activities within riparian margins are subject to the relevant objectives, policies and rules of the Natural Character (NATC) Chapter in addition to any zone based provisions, and any other relevant district-wide provisions under Parts 2 or 3 of the Plan. Earthworks within a riparian margin are addressed in the Earthworks (EW) Chapter.

Residential zones: The objectives RESZ-O1 to RESZ-O4 and policies RESZ-P1 to RESZ-P8 apply to all Residential Zones. Specific objectives, policies and rules that apply to the General Residential Zone and Medium Density Residential Zone are set out under their respective chapters.

Rural zones: The objectives RURZ-O1 to RURZ-O5 and policies RURZ-P1 to RURZ-P11 apply to all Rural Zones. Specific objectives, policies and rules that apply to the General Rural Zone, Rural Lifestyle Zone and the Settlement Zone are set out under their respective chapters.

Signs: Signs are generally subject to the provisions in the Signs (SIGN) chapter in addition to any signs rules associated with overlays as follows:

- a) Policy guidance, rules, and standards for signage within the Ōamaru Historic Area is located within Historic Heritage Part B: Ōamaru Historic Area .
- b) Signs attached to Heritage Items are subject to Rule HH-R8 and HH-R13 in the Historic Heritage Chapter. Signs within the setting of a Heritage Item are subject to Rule HH-R5 in the Historic Heritage chapter.
- c) Signs that are illuminated, whether internally or externally, are subject to the Light chapter.

Wildfire: Buildings with habitable rooms in all zones are subject to rule NH-R13 which requires setbacks from potential wildfire hazard areas. An advice note is placed in each zone chapter to refer to this rule.

Classes of activities

The activities managed by this District Plan reflect Waitaki District Council’s functions under Section 31 of the Resource Management Act.

The District Plan is required to address resource management issues by setting out objectives for the Waitaki District, policies to implement these objectives, and rules to implement the policies. The Resource Management Act provides for a range of classes of activity, which is outlined in Table 1 – Activity Status. These activity classes apply to Land Use and Subdivision consents.

Most chapters in Part 2 and Part 3 have rules. These rules will generally include requirements or standards that need to be met for that activity status to apply. If you don’t comply with a particular rule requirement or standard, the activity will default to a different status. This can be determined by reading the rule. If your proposed activity isn’t stated as a permitted activity, then you will need a resource consent. Even if what you are doing is permitted under one rule, you will still need to check all the other relevant rules that apply to what you are proposing.

Table 1- Activity status

Activity Status	Requires a resource consent	Explanation
Permitted	No	The activity can be carried out without a resource consent so long as it complies with any requirements and permissions specified in the RMA, in any regulations, and in any applicable plans or proposed plans.
Controlled	Yes, and consent must be granted	WDC must grant consent, except for in specific circumstances under sections 104 and 106 of the RMA, and can only consider matters, or impose conditions, over which the District Plan or a national environmental standard has specifically reserved control. The activity may need to meet specific standards.
Restricted Discretionary	Yes, and consent may be granted or declined	WDC may or may not grant consent or put in place conditions but only on matters over which the District Plan has restricted its discretion. Matters of discretion are listed in the rule or standard. The activity may need to meet specific standards.
Discretionary	Yes, and consent may be granted or declined	WDC may or may not grant consent or impose conditions for a discretionary activity and may consider any relevant matter. The activity may need to meet specified standards.
Non-complying	Yes, and consent may be granted or declined	WDC may or may not grant consent or impose conditions for a non-complying activity and may consider any relevant matter. Applicants must demonstrate that effects of their proposal are no more than minor or that the proposal is not contrary to the objectives and policies of the District Plan and any relevant proposed plan before making a decision whether or not to grant consent.
Prohibited	No application possible	No resource consent can be applied for or granted for a prohibited activity. If you are wanting to undertake a prohibited activity, then you would need the status to be changed through a plan change process.

How the Waitaki District Plan works

Plan users should start by looking at our [District Planning Maps](#) – this will help identify if zones, precincts, overlays, features and/or designations apply to your property or area.

Once you have established what you need to know from the Planning Maps, you should also check if there are any national environmental standards that relate to your proposal. In most cases, national environmental standards contain regulations that override or apply in addition to rules in the District Plan, but there are some occasions where the District Plan can have more rigorous rules. If there is a conflict between District Plan rules and the national environmental standards, the most restrictive rule will apply. If the national environmental standards do not regulate an activity, then the District Plan rules will apply.

Next, you should refer to the relevant area specific (zones) rules and standards that are in Part 3 and the district-wide rules and standards in Part 2 that apply to your proposal. This will then ascertain whether you will require a resource consent, and if so, the activity status e.g.: permitted, restricted discretionary etc.

There may be several different chapters that you need to check, depending on the proposal.

If what you are proposing does not comply with several of the rules in different chapters, typically the resource consent applications required will be 'bundled' together and assessed against the most restrictive activity status that applies.

To find out more about how the District Plan works, please refer to the Ministry for the Environment's 'An Everyday Guide to the Resource Management Act' or the Waitaki District Council's website.

Information to be submitted with Resource Consents

Under the Resource Management Act 1991, the Waitaki District Council can consider resource consents for Land use and Subdivision. The Otago Regional Council and Environment Canterbury can consider Land Use Consents, Water Permits, Discharge Permits, Coastal Permits, Gravel Extraction Permits, Water Quality Consents, and Action Plan for Healthy Water Consents.

A resource consent from the Waitaki District Council is required by any person proposing to undertake an activity classified in the District Plan as:

- a controlled activity;
- a restricted discretionary activity;
- a discretionary activity; or
- a non-complying activity.

An application for resource consent must be made in accordance with Section 88 of the Resource Management Act. Forms for Land Use and Subdivision consent applications are available from the Waitaki District Council office or on our [website](#) - accompanied by an explanation of the information to be submitted with the application. This includes an assessment of effects on the environment prepared in accordance with the Schedule 4 of the Resource Management Act.

Section 95A-D of the Resource Management Act prescribes when applications need to be publicly notified. The District Plan in the rules sections specifies those resource consents which shall be non-notified, without the written approval being required of persons affected by the proposal.

Section 104 of the Resource Management Act 1991 sets out those matters to which WDC must have regard, in considering a resource consent application:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

- (a) any actual and potential effects on the environment of allowing the activity; and

- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The WDC will reach a decision on the application in accordance with Section 104 (A, B, C or D) of the Resource Management Act. The District Plan includes assessment matters which the WDC will have regard to when considering resource consents.

The WDC may impose conditions on consent in accordance with Section 108 and 220 of the Resource Management Act, in restricting or prohibiting certain aspects of the proposal to ensure it complies with the Resource Management Act and the District Plan.

List of overlays found in Draft District Plan chapters/maps

Waitaki Road Classification

National Grid Yard

National Grid Subdivision Corridor

National Grid Substation Buffer

Waitaki Power Scheme – core sites

Waitaki Operating easement

Hydroelectricity Inundation High Hazard Areas

Hydroelectricity Inundation Hazard Areas

Motorised and powered vessel exclusion areas

Historic Heritage Item

Historic Heritage Item Setting

Ōamaru Historic Area

Character Contributing Building

Notable Tree

Notable Tree Group

Outstanding Natural Features

Outstanding Natural Landscapes

Significant Natural Areas

Significant Natural Features

Rural Scenic Landscapes

Sites and Areas of Significance to Māori

Coastal Environment

Coastal Protection

Coastal Areas of Degraded Natural Character

Coastal Erosion Hazard

Tsunami Hazard

Coastal Inundation Hazard

Canterbury Flood Assessment

Otago Flood Assessment

Waitaki River Floodplain Assessment

Moeraki Land Instability

Alluvial Fan Awareness

Liquefaction Assessment

Surface Fault Rupture Hazard – Subdivision

Surface Fault Rupture Hazard – Activities and Buildings

Existing Mining Overlay

Potential Mining Overlay