

GENERAL APPROACH

Integrated Management

The ~~Timaru District~~ Council and Canterbury Regional Council (CRC) have some overlapping responsibilities under the RMA, e.g. management of natural hazards, and water quality.¹ To avoid duplication of provisions and to achieve integrated management of natural and physical resources, it is important to maintain communication and liaise between the Council and the CRC Regional Council to ensure that resource management decisions are based on the best information available and carried out in an integrated manner.

The District Plan is also required to give effect to the Regional Policy Statement, and Council will have the opportunity to provide input into the content of the CRPS Regional Policy Statement when it is reviewed.

Integrated management was incorporated into the District Plan in a number of ways, including the establishment of the Plan Review Technical Working Group, which consisted of Council staff from various departments, a CRC Canterbury Regional Council planner, and a planner from Aoraki Environmental Consultancy Limited Ltd (AECL) representing Arowhenua Rūnaka. This working group ensured the integration of the CRPS Canterbury Regional Policy Statement and consistency with Canterbury Regional Plans, while avoiding duplication.

An assessment of relevant national and regional policy documents was also undertaken during the first phase of the District Plan ~~Review~~.

Consultation with adjoining ~~Territorial~~ Authorities was conducted throughout the District Plan Review to ensure the integrated management of cross boundaries issues.

District Plan Structure

The District Plan consists of five parts as follows:

Part 1 – Introduction and General Provisions

This part provides a location for information including a foreword, contents, purpose of the District ~~Plan~~, a description of the ~~District~~, and how the District ~~Plan~~ works. It includes definitions, glossaries, and a summary of national direction instruments to assist the user of the District Plan. It also provides context and process-related information in relation to mana whenua.

A range of definitions are used within the plan including from national legislation (such as the RMA), the National Planning Standards, and definitions developed by the Timaru District Council. Where the definition is:

- from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter;
- adopted into the Proposed Plan from another statute (ie, the RMA), reference to the section of that statute to which the definition originates (e.g. 'Plantation Forestry has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017') is specified at the beginning of the definition.²

¹ TDC [42.11]

² OWL [181.8, 181.12]

Definitions

The District Plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, it. The definitions replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified via the following means in the Definitions Chapter:

1. in some cases, a qualifier in the definition itself (i.e. "X" in relation to "Y" means...); and
2. in the e-plan, [dotted underline] with hyperlinking. In all other instances, words and phrases used in the District Plan are best defined using their ordinary dictionary meaning.

Advice Notes:

1. Where a word or phrase is defined in the Definitions Chapter, its definition includes any variations of the word or phrase that are plural or vice versa;
2. Where a word or phrase defined is adopted into the District Plan from another statute (i.e., the RMA), reference to that section of that statute to which the definition originates (e.g., 'Plantation Forestry' has the same meaning as in section 3 of the Resource Management 'National Environmental Standards for Commercial Forestry) Regulations 2017' is specified at the beginning of the definition;
3. Where a term or phrase originates from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions Chapter;
4. Other definitions on which each definition relies are identified in the definition by [dotted underline] with hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions; and
5. Please refer to:
 - a. The Abbreviations Chapter for abbreviations of terms referred to in this District Plan; and
 - b. The Glossary Chapter for an explanation of Māori terms and concepts relevant to the management of natural resources in the Timaru District.³

Part 2 – District-wide Matters

Strategic Directions

This section sets out the overarching directions for the sustainable management of growth, land use and development of the Timaru District. The section is arranged in two chapters: Strategic Directions and Urban Form and Development. The Strategic Directions:

- a. are strategically important for achieving integrated management and for ensuring the RMA's purpose is achieved;
- b. give effect to relevant higher order documents such as NPSs national policy statements and the CRPS Canterbury Regional Policy Statement; and
- c. provide a basis for how decisions relating to resource use will be made in the District over the life of the District Plan.

³ OWL [181.8, 181.12]

Focusing as it does on high level Strategic Directions, this section leaves the articulation of activity-specific and location-specific objectives and policies to the subsequent chapters of this District Plan.

These provisions have been informed by the GMS Timaru District 2045 Growth Management Strategy which addresses growth and development in the District and sets out a spatial framework for its management. They support achieving a District that has a sustainable lifestyle, a thriving and innovative economy and a strong identity.

District-Wide Matters

The remaining chapters of Part 2 contains objectives, policies and rules that apply across the District such as subdivision, transport, historic heritage and noise etc. District-Wide chapters often relate to values and risks such as Outstanding Natural Landscapes (ONLS) and High Flood Hazard Areas⁴, which are identified on the planning map as overlays. However, other District-Wide chapters relate to specific activities that are not spatially identified as overlays as they occur across the District.

Part 3 – Area-Specific Matters

Part 3 of the District Plan addresses matters that are area specific. For example, residential and commercial areas requires a different management approach as different outcomes are anticipated for those areas. The different types of area specific provisions are:

- **Zones:** A zone spatially identifies and manages an area with common environmental characteristics or where certain environmental outcomes are sought, by bundling compatible activities together and controlling those that are incompatible. All land in the District is part of a 'zone' on the planning maps;
- **Precincts (multi-zone):** A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s) (e.g. for example, PREC37 – Washdyke Industrial Expansion Precinct in the General Industrial Zone);
- **Development Areas:** A development area spatially identifies and manages areas that are provided for future development. Additional provisions apply to these areas to enable integrated and coordinated development; and
- **Designations:** Designations are used to show land that has been designated for a particular purpose by a Requiring Authority. Designations are generally associated with a public work, project, or a network utility operation. Designations supersede District Plan provisions.

Part 4 – Appendices and Maps

Part 4 of the District Plan contains planning maps, schedules and technical information.

Rule Numbering and Coding

The National Planning Standards require numbering in the District Plan to take an alphanumeric approach therefore chapters have been given shortened descriptors, for example, the code for the Energy and Infrastructure Chapter is 'EI' and the Town Centre Zone is 'TCZ'. Codes are referenced at the beginning of the relevant chapter and through the District Plan as required.

You will notice that the codes are referenced at the beginning of each chapter to which it relates on the left hand navigation panel, as well as at the beginning of any Objective, Policy, Rule, Standards (for example, e.g., EI-O, EI-P, EI-R, EI-S).

The first column of the 'Objectives' 'Policies' and 'Rules' tables located in the 'Part 2 - District-Wide Matters' and 'Part 3 – Area-Specific Matters' chapters will contain the code to indicate to which chapter the provision relates.

⁴ Clause 10(2)(b) – relating to Kāinga Ora [229.39]

Within Part 2 (excluding the Strategic Direction Chapter, which only contain objectives) and Part 3 of the District Plan, each chapter may contain objectives, policies, rules, and rule requirements to address resource management issues:

Term	Abbreviation	Interpretation
Objectives	O	Are goals, or end states to be strived for. They are expressed as broad statements of what is to be achieved.
Policies	P	Are the broad strategies to achieve the objectives. They give direction, and represent a general course of action to be taken.
Rules	R	<p>Implement the policies — they identify activities you can do as of right (permitted activities) and those activities for which resource consent must be obtained prior to being undertaken.</p> <p>Rules often are subject to rule requirements, which are specific requirements within the rule table that have to be met to comply with the rule. Rule requirements for permitted activities are abbreviated as PER-1; for controlled activities as CON-1; for restricted discretionary activities as RDIS-1; for discretionary activities as DIS-1. The rule requirements are numbered and therefore the second rule requirement is displayed as PER-2, CON-2 etc.</p>
Standards	S	Identify thresholds for effects of an activity that must either be achieved or must not be exceeded for the activity to be deemed to have a permitted status.

Activity Status

The District Plan addresses land use and subdivision activities. An activity may be managed by the Part 3 - Area-Specific provisions as well as the Part 2 - District-Wide provisions.

No person is allowed to undertake any activity in a manner that contravenes a rule in the District Plan or a ~~NES National Environmental Standard~~ unless the activity is:

- expressly allowed by a resource consent; or
- is an existing use allowed by section 10, 10A or 10B of the RMA; or
- is an emergency work carried out in accordance with section 330 of the RMA. Notification must be sent to the local authority and a retrospective resource consent is required following the undertaken of the emergency work.

A resource consent is a consent granted by a consent authority which allows a person to carry out a certain activity, for instance, land use activities or subdivision.

Under the RMA, activities are classified as being ~~P~~ermitted, ~~C~~ontrolled, ~~R~~estricted ~~D~~iscretionary, ~~D~~iscretionary, ~~N~~on-complying or ~~P~~rohibited.

The activity status is a category that determines whether consent is required and what will be considered when the Council decides whether a consent application can be approved. Table 1 below explains how different activities are to be considered:

Table 1 — Activity ~~s~~tatuses under the RMA

Activity Status	Resource Consent Required?	What Can Council consider?
Permitted activities (PER)	No	N/A
Controlled activities (CON)	Yes <u>Resource consent</u> must be granted.	Matters specified in the relevant rules, may impose conditions.
Restricted discretionary activities (RDIS)	Yes <u>Resource consent</u> may be granted or declined	Matters over which discretion has been reserved as specified in the relevant rules, may impose conditions if granted.
Discretionary activities (DIS)	Yes <u>Resource consent</u> may be granted or declined	Any relevant matters within Council’s jurisdiction, may impose conditions if granted.
Non-complying activities (NC)	Yes <u>Resource consent</u> may be granted or declined	Any relevant matters within Council’s jurisdiction. Resource consent may only be granted, and conditions imposed, if: 1. the adverse effects of the activity are minor; or 2. the activity is not contrary to the objectives and policies of the <u>District Plan</u> .
Prohibited activities (PR)	No <u>The activity is not allowed</u> to should not occur in any circumstances.	No application may be made for a prohibited activity and no resource consent can be granted. If Council receives an application for a prohibited activity, it will be returned to the applicant without consideration.

How to ~~i~~dentify an ~~a~~Activity ~~s~~tatus

For certain activities, resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise in the District Plan, resource consent is required under each of those rules.

~~Certain rules in the~~ There are a number of places in the District Plan where rules in one chapter apply 'instead of' the rules in other chapters. ~~Energy and Infrastructure Chapter and Temporary Activity Chapter take precedence or prevail over the rules in other chapters the Zone Chapter. In these instances, the intension is that these rules apply 'instead of the rules in other chapters. Where T~~This applies, it is made clear specified in the "Notes" to the rules section of each relevant chapter. Details of such instances are listed in Table 2 below:⁵

Table 2 – Status of Rules in the District Plan

<u>Chapter</u>	<u>Status of rules</u>
<u>Energy and Infrastructure Chapter</u>	<ul style="list-style-type: none"> ● <u>Rules in Sections A to F:</u> <ul style="list-style-type: none"> a. <u>prevail over zone rules (with the exception of the rules in the Port Zone applying to port activities); and</u> b. <u>apply in addition to rules in other chapters.</u> ● <u>Rules in Section G:</u> <ul style="list-style-type: none"> a. <u>apply in addition to rules in other chapters.</u>
<u>Transport Chapter</u>	<ul style="list-style-type: none"> ● <u>Prevail over zone rules (as specified in Rule Note); and</u> ● <u>Apply in addition to rules in other chapters.</u>
<u>Activities on the Surface of Water Chapter</u>	
<u>Coastal Environment Chapter</u>	
<u>Temporary Activities Chapter</u>	<ul style="list-style-type: none"> ● <u>Prevail over zone rules where the rule is more lenient in the TEMP chapter; and</u> ● <u>Apply in addition to rules in other chapters.</u>
<u>Future Development Area Chapter</u>	<ul style="list-style-type: none"> ● <u>Prevail over General Rural Zone rules in any instance of conflict; and</u> ● <u>Apply in addition to rules in other chapters.</u>
<u>Other district-wide chapters not listed</u>	<ul style="list-style-type: none"> ● <u>Apply in addition to rules in other chapters.</u>
<u>Zone chapters</u>	<ul style="list-style-type: none"> ● <u>As specified above; and</u> ● <u>Apply in addition to rules in other chapters.</u>

⁵ Panel Decision Report Part 1 Section 4.3

~~How the rules in one chapter shall be interpreted with other chapters are explained in the Note located under the Rules section of the chapter. Activities that are not listed in the Part 2 - District-Wide chapters are generally permitted in that chapter, unless otherwise stated in the rule Note. However, other chapters may require consent for the activity.~~

The figure [Figure 1](#) below is an example of the Rule Note.

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the Plan. Where rules in this chapter are more lenient than the rules in [Part 3 - Area Specific Matters - Zone Chapters](#), rules in this chapter take precedence. Unless otherwise specified in this chapter the provisions of [Part 2 - District-wide Matters Chapters](#) still apply to activities provided for in this chapter and therefore resource consent may be required by the rules in Part 2. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in [Part 1, HPW - How the Plan Works](#).

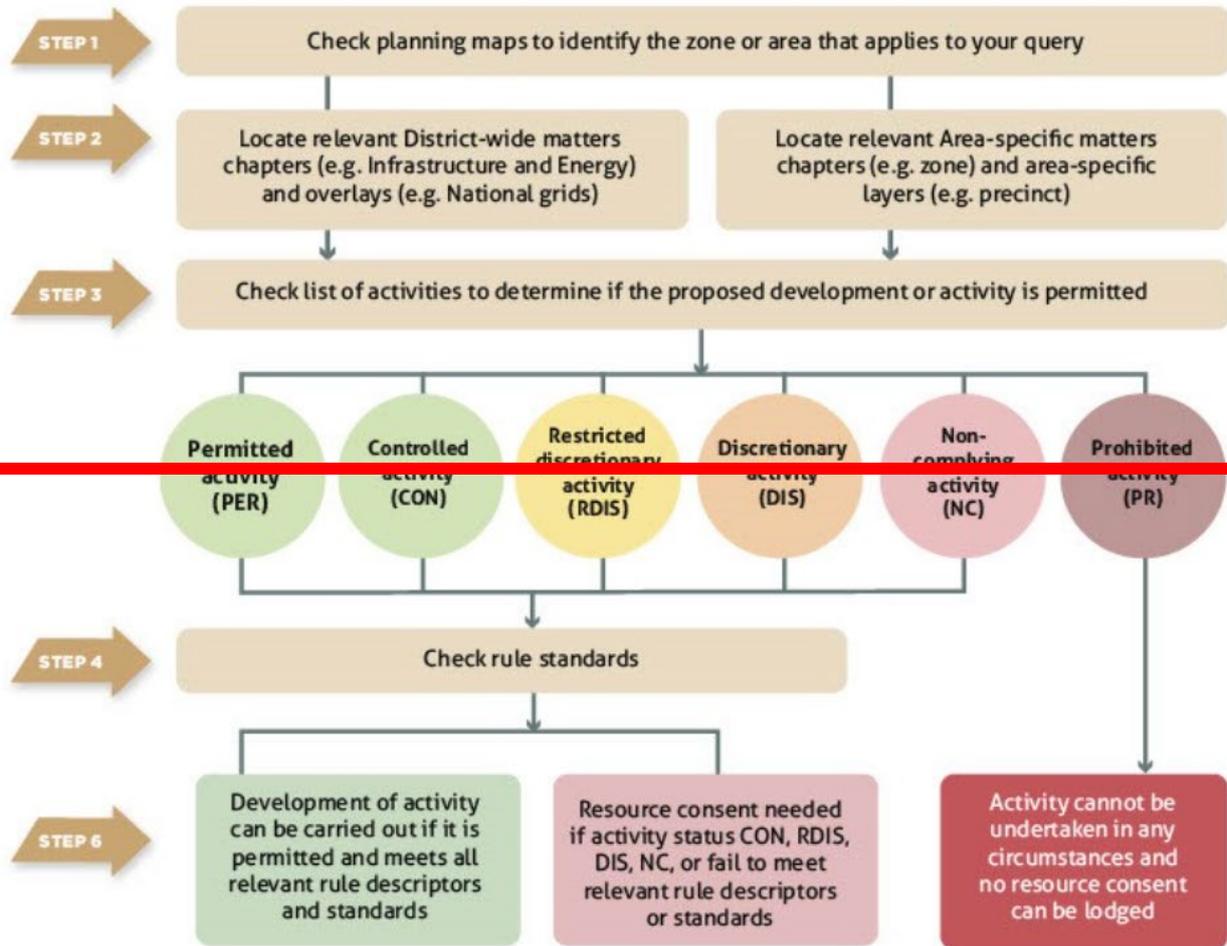
Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the Plan. Where rules in this chapter are more lenient than the rules in [Part 3, Area Specific Matters - Zone Chapters](#), rules in this chapter will apply instead. Unless otherwise specified in this chapter, the provisions of [Part 2 - District-wide Matters Chapters](#) still apply to activities provided for in this chapter and therefore resource consent may be required by the rules in Part 2. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in [Part 1, HPW - How the Plan Works](#).

Figure 1 – Example of Rule Note

The [Figure-\[Figure 2\]\(#\)](#) below explains how to identify the activity status of a proposed activity.

Steps to Identify Activity Status



Steps to Identify Activity Status

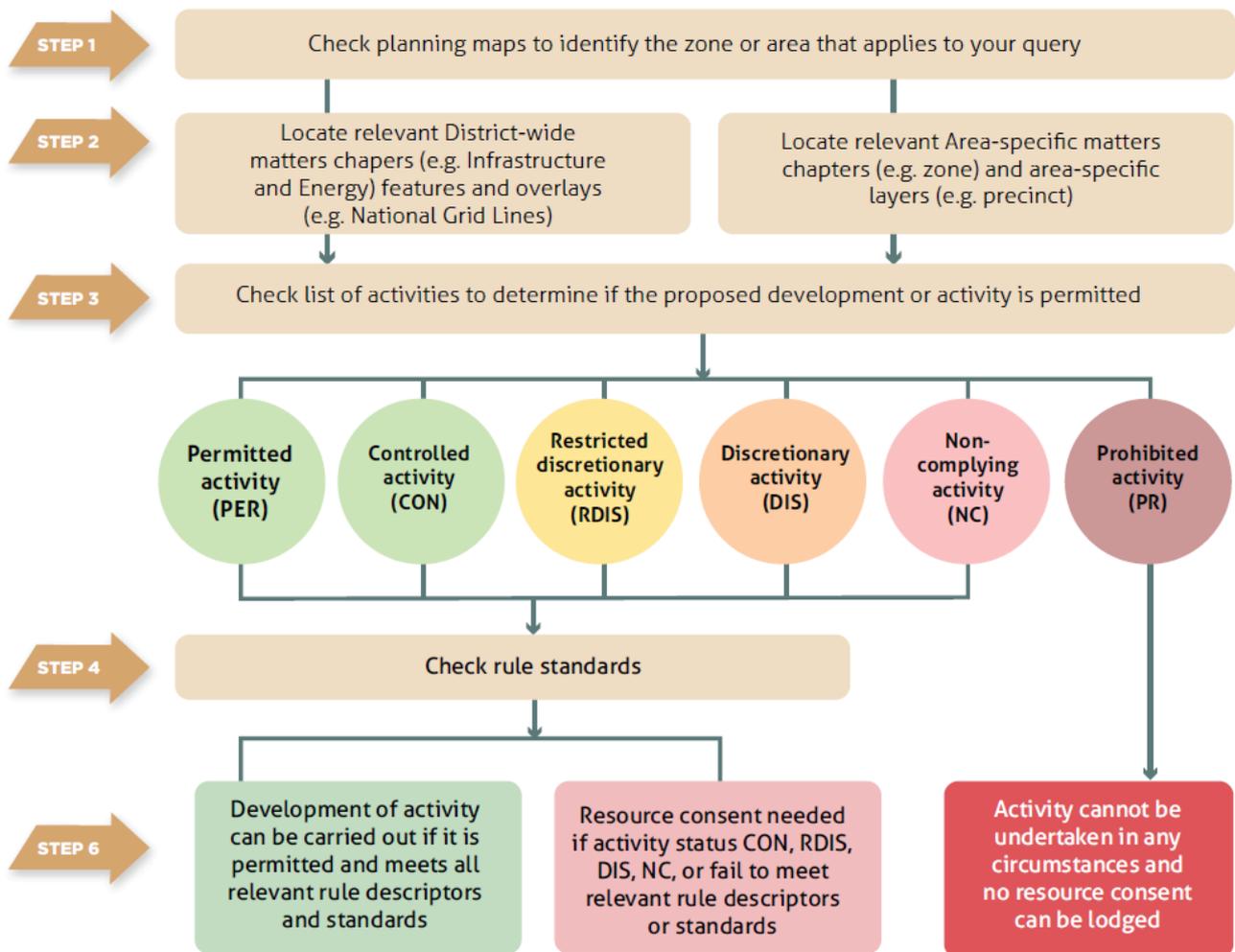


Figure 2 — Steps to Identify an Activity Status⁶

As illustrated earlier, a property search on the planning map will bring up the zones, overlays, precincts, areas, controls and/or features that apply to the property. It will also bring up all the District Plan chapters including relevant rules that are applicable to this property. These rules will help you to identify the activity status for your proposed activity. The diagram Figure 3 below illustrates how to read a Rule.

⁶ Step 2 in Figure 2 is to be amended from 'National grids' to 'National Grid Yard' – Transpower [159.3]

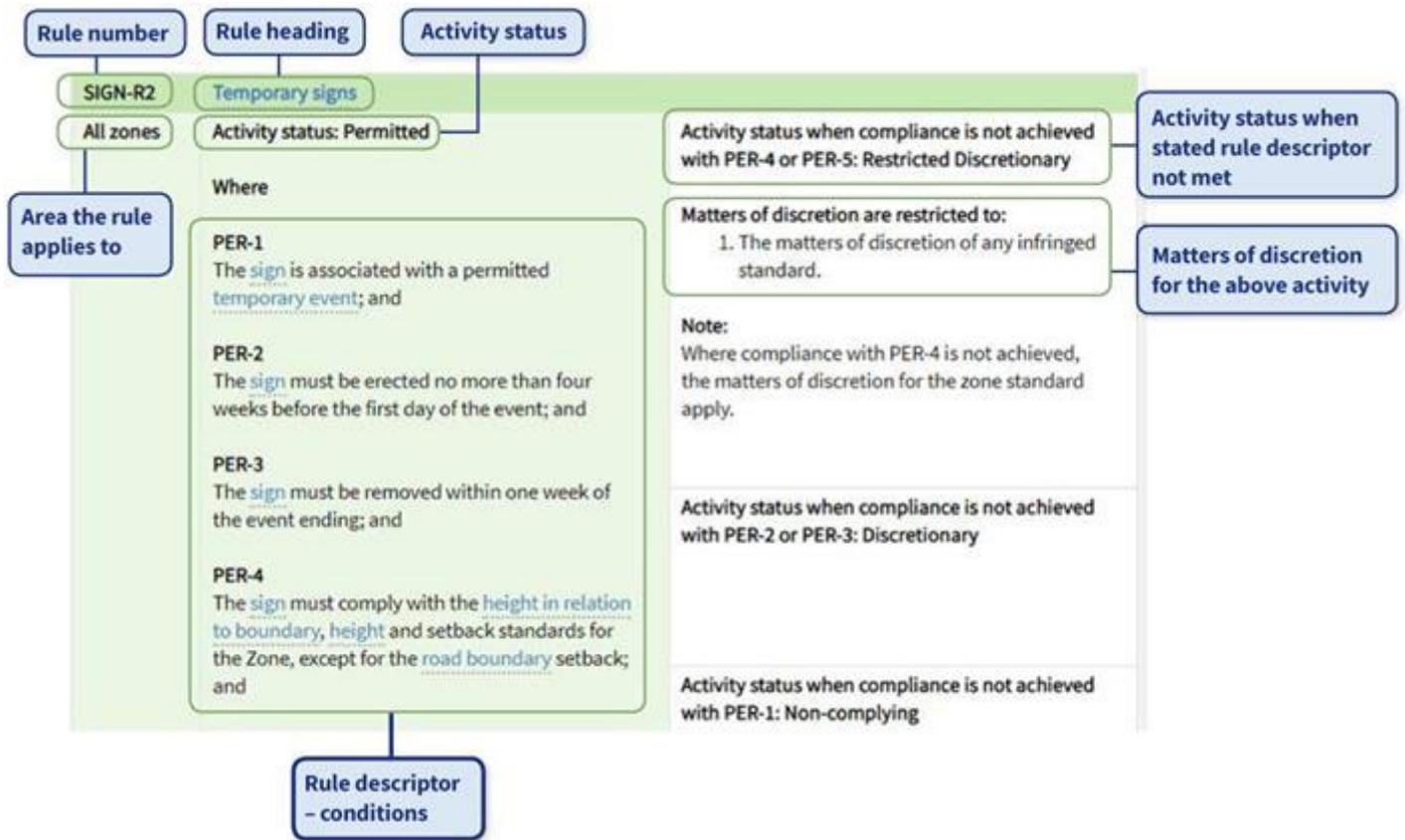


Figure 3 — Interpretation of Rule Table

A traffic light colour coding has been used in the rules:

- if the activity status of an activity starts as a **P**ermitted activity or **C**ontrolled activity, the rule will be shaded in green;
- if the activity status of an activity starts as a **R**estricted **D**iscretionary activity, the rule will be shaded in yellow;
- if the activity status of an activity starts as a **D**iscretionary activity, the rule will be shaded in orange;
- if the activity status of an activity starts as a **N**on-complying activity, the rule will be shaded in pink; and
- if the activity is a **P**rohibited activity, the rule will be shaded in brown.

Where an activity is subject to multiple rules of the District Plan which have different activity statuses, unless expressly stated otherwise in the District Plan, the most restrictive activity status applies.

Example: Identifying an Activity Status

For example, to rebuild a building on Stafford Street. The site is located in the City Centre Zone, ~~PREG2~~ ~~the Southern Centre Precinct~~ and the Historic Heritage Area Overlay. A total of 400m² square metres of earthworks is required for the rebuild. Table 2 below illustrates the activity status for this activity – assuming no other rules apply to this activity.

Table 2 — Activity status to rebuild a building on Stafford Street

Activity	Area-specific Matters Rules		District-wide Matters Rules	
	City Centre Zone	PREG2 Southern Centre	Historic Heritage Area Overlay	Earthworks Chapter

		Retail core Precinct		
Demolish the building	Controlled <i>subject to compliance with standards</i>	Permitted subject to compliance with standards	Discretionary	Permitted <i>subject to compliance with standards</i>
Construct a new building	Controlled <i>subject to compliance with standards</i>	Controlled subject to compliance with standards	Restricted Discretionary	Permitted <i>subject to compliance with standards</i>
Earthworks	n/a	n/a	n/a	Restricted Discretionary activity <i>regardless of compliance with standards</i>
Building use remain retailing	Permitted	Permitted	Permitted	Permitted

As illustrated above, resource consent is required:

- to demolish a building in the City Centre Zone;
- to demolish of a building in the Historic Heritage Area Overlay;
- to erect a new building in the City Centre Zone and ~~PREC2 – Southern Centre Precinct;~~ and
- **to erect a new building in the Historic Heritage Area Overlay; and**⁷
- for any earthworks in the Historic Heritage Area Overlay.

As the most restrictive activity status applies in determining an activity status, the overall activity status is **Discretionary Activity**.

All matters addressed in all rules that relate to the activity needs to be addressed in the resource consent application.

An application for resource consent for a proposal must address all rules under which resource consent is required for that proposal under the District Plan and all relevant matters (for example, e.g. matters of control/discretion). If the applicant considers any such matters are not applicable to the proposal, the application must clearly set out the reason why it is not applicable.

NOTE: The resource consent process is described on the Council website: www.timaru.govt.nz/services/planning/resource-consents

⁷ Technical correction, Minute 55