# General Approach

The Resource Management Act has general requirements for the contents of a District Plan. The National Planning Standards set out in more detail the required structure, format, spatial layers, and mapping requirements for a District Plan, as well as some standard definitions. This District Plan has been prepared to give effect to the National Planning Standards as of November 2019.

Reading this District Plan in full will help ensure that you do not miss relevant provisions or other material. If you have used district plans from other councils, or the preceding City of Lower Hutt District Plan (operative 2003/2004), you should be aware that this Plan may operate differently in some ways to what you are used to.

## Structure of the plan

The District Plan contains five inter-related parts:

**Part 1: Introduction and General Provisions**

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

**Part 2: District-Wide Matters**

This part of the plan contains chapters that relate to specific activities or resource management issues that are relevant throughout the city or are relevant in defined areas that do not align with land use zones. Specific areas that have distinctive value, risk or other factors that might require management, which are also referred to as overlays, are identified spatially. Other district-wide matters apply everywhere in the district, although the details may differ according to overlays, zones, or other spatial layers.

You should note the district-wide strategic directions, which underpin objectives and policies across the plan. These often provide guidance when multiple chapters of the District Plan are relevant and competing goals may need to be weighted.

**Part 3: Area Specific Matters**

There are two sub-parts of this part: Zones and Designations.

Zones implement the plan's strategic direction about providing areas of land suited to particular land uses. Zones gather together activities that are compatible with each other and separate activities that are incompatible, and provide different approaches that suit the different situations each zone is applied to. Each zone spatially identifies one or more areas with a common planned outcome. All the land in the district is in a zone, and in only one zone. This includes land in conservation areas and in legal road (the zoning of land used as road can be viewed in the plan maps).

Designations are added in the District Plan under Part 8 of the Resource Management Act by requiring authorities. Designations authorise and protect the use of land for particular projects or public works.

**Part 4: Appendices, Schedules, and Maps**

The appendices and schedules contain technical information and data, such as schedules of specific areas identified by overlays. For example, SCHED1 — Notable Trees, which lists notable trees and includes a description of each tree and its notable values. Schedules also include information on which chapters include objectives, policies, rules and standards that apply to the locations identified by the schedule.

The appendices in Part 4 provide information that assist with the application of a range of chapters of the Plan. Where an appendix is relevant for the application of a single chapter, the appendix is located within that chapter.

The District Plan maps define the extent of zones, precincts, overlays, features, and other areas referred to within the Plan. The maps are available on the council's online viewer or can be downloaded as geospatial data from data.govt.nz.

The Council's viewer may also shown other information for context but that is not part of the District Plan. For example, as at the time this plan was notified, aerial imagery, roads, the territorial authority boundaries, and the boundary of the

coastal marine area are shown on this viewer. These may change from time to time to ensure they are useful to plan users.

## Format of chapters in Part 2 and Part 3

Each of the chapters in Part 2 and Part 3 follows a common format:
- Introduction
- Objectives
- Policies
- Rules (if any)
- Standards (if any)
- Tables, figures, appendices (if any)

Each chapter has a unique abbreviation which identifies the topic allowing for shorter references to provisions. For example, the City Centre Zone is CCZ, and the Subdivision chapter is SUB.

The introduction provides an overview of the resource management issues for the topic, a summary of the plan's approach, and some guidance on using the chapter.

The objectives set out the outcome to be achieved for the topic. There may be several objectives that apply to a situation. Each objective is numbered, for example CCZ-O1.

The policies set out the plan's approach to managing issues. There may be several policies that apply to a situation. Each policy is numbered, for example CCZ-P1.

The rules have the effect of regulations and set out the activity status for different potential activities you may wish to undertake. Rules can also set out:
- Matters to be controlled for a Controlled activity.
- Matters to be considered for a Restricted discretionary activity.
- Requirements for information to be submitted with resource consent applications.
- Conditions or standards that are relevant to which activity status applies to an activity or what matters are considered or controlled.
- Information on whether notification of a resource consent application under that rule is precluded or required.

Each rule is numbered, for example CCZ-R1.

For zone chapters, rules are divided into three sections — Buildings and Structures, Land Use Activities, and General Rules. The Resource Management Act sets out that any activity not covered by a rule is not restricted by the plan. However, the plan is designed so that at least one Buildings and Structures or Land Use Activity rule will always apply, through use of catch-all rules. In some cases, this catch-all status will be permitted, or permitted with conditions and standards. In other cases, this catch-all status will be an activity status requiring resource consent. Catch-all rules are those that include the text "not otherwise provided for", for example, a catch-all rule may be titled "all activities not otherwise provided for".

Standards do not directly apply — they have effect only because, and in the way that, they are referred to in rules. Compliance or non-compliance with standards usually affects the activity status of a rule, but in some cases, it may add additional matters of discretion or control, or affect notification requirements and preclusions. Some standards may also in themselves set out matters of control or discretion, information requirements, or notification preclusions. These have the effect set out in the rules that refer to them.

Tables, figures, appendices, and schedules set detailed information that is relevant for the application of rules and standards that refer to them.

Standards, tables, figures, and appendices are numbered, for example TEMP-S1, LIGHT-Table1, CCZ-Figure1, WIND-App1.

## Classes of activities

The activities managed by this District Plan reflect Hutt City Council's functions under section 31 of the Resource Management Act. No person may undertake any activity in a way that contravenes a plan rule unless authorised by a resource consent or is an existing use under the Act.

The plan is designed so that every activity comes under at least one rule, as every activity will take place in a zone, and

every zone has a catch-all rule that applies if no other rule applies. In some cases, an activity may only be covered by rules in Part 2: District-Wide Matters.

The RMA provides for a range of classes of activity, outlined in the table below. These activity classes apply both to land use and subdivision consents.

| Abbreviation and colour code | Activity Status | Is resource consent required? | What can council consider? |
|---|---|---|---|
| PER | Permitted | No. The activity can be undertaken 'as of right' if it complies with any conditions and any applicable effects standards. | N/A |
| CON | Controlled | Yes. Consent must be granted. Conditions may be imposed on the consent. | The matters over which consent is reserved, set out in the rule and the General Approach chapter. |
| RDIS | Restricted discretionary | Yes. Consent may be granted or declined. Conditions may be imposed on the consent. | The matters over which discretion is restricted to, set out in the rule and the General Approach chapter. |
| DIS | Discretionary | Yes. Consent may be granted or declined. Conditions may be imposed on the consent. | Any relevant matter. |
| NC | Non-complying | Yes. Consent may be granted or declined. Conditions may be imposed on the consent. | Any relevant matter. Consent can only be granted if the consent authority is satisfied that:<br>1. The adverse effects of the activity on the environment will be minor, or<br>2. The activity will not be contrary to the objectives and policies of the relevant plan and any relevant proposed plan. |
| PR | Prohibited | N/A. Consent cannot be applied for or granted. The activity cannot be undertaken. | N/A. |

All of the chapters in Part 3 - Zones, and most of the chapters in Part 2, contain rules that establish the status of an activity. Rules will generally include conditions, requirements and standards that need to be met for that activity status to apply. If you do not comply with a particular rule condition, requirement or standard, the activity will change to a different activity status. You will be able to determine this by reading the rule. Unless what you are proposing is a permitted activity, you will need a resource consent.

Bear in mind that rules from multiple chapters may apply to an activity, and multiple rules within a chapter may apply. For example, your land use might fall within several different definitions, or have multiple components covered by different rules. You should read all relevant rules and determine which of them apply. An activity being permitted by one rule does not mean that no other rules apply. If an activity requires, resource consent under more than one rule, the most onerous activity status (furthest to the bottom of the table above) will apply.

## Using the District Plan

The most common situation where you will need to read the District Plan is to find out if you need a resource consent for an activity, and if so, what needs to be done to prepare the resource consent application.

Follow the steps below to determine whether you need a resource consent and what activity status applies:

**Step 1**

Check the planning maps to identify which zone applies to your site, and whether any precincts, overlays, designations, or other spatial layers apply.

**Step 2**

Find the relevant chapters for your zone, and if any, overlays and designations.

**Step 3**

Find other district-wide chapters that apply to your activity.

**Step 4**

Find the rules that apply to your activity, and see whether you meet the conditions and standards that apply. For more information about identifying provisions, see the “Identifying provisions that area relevant to your activity” section, below.

**Step 5**

If any designations apply to your site, find the relevant designations. The District Plan rules do not apply to a public work, project or work undertaken by a requiring authority that is in accordance with the designation. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. In some cases, designations apply to land not owned by the requiring authority. People other than the requiring authority may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.

**Step 6**

Find any National Environmental Standards that apply to your activity. You can see which National Environmental Standards are in force and what activities they cover in the National Direction Instruments - National Environmental Standards chapter.

**Step 7**

Follow the instructions in each rule to find the activity status for your activity. If every rule is a permitted activity, you do not need a resource consent. Otherwise, you will need a resource consent, or, if your activity is a Prohibited Activity, you cannot undertake the activity at all. If you require resource consent under multiple rules, you should make one application covering all of them.

**Step 8**

See if any additional resource consents are needed from the regional council, or other city council permits are needed for your activity. Depending on the type of permit, you may need to obtain these before applying for resource consent, at the same time, or afterwards, and they may affect how you plan your activity.

Some common permits that arise with resource consent applications include:
- Alcohol licence,
- Building consent,
- Traffic management plan, and
- Permission for a vehicle crossing.

More information about these is available by contacting the council and on the council website.

## Identifying provisions that are relevant to your activity

**Part 2: District-Wide Matters**

Whether provisions in District-Wide Matters chapters apply to an activity is covered in the introduction to each relevant chapters. Some chapters apply to any activity covered by the chapter, in addition to provisions in the relevant zone. You

will need to consult these chapters if your activity includes anything covered by the chapter:
- Transport
- Three Waters
- Contaminated Land
- Hazardous Substances
- Natural Hazards (although most of this chapter is only relevant to activities within certain overlays)
- Public Access
- Subdivision
- Activities on the Surface of Water
- Earthworks
- Financial Contributions
- Light
- Noise
- Papakāinga
- Signs
- Wind

Other chapters only apply to overlays or other spatially identified areas. You will need to consult these chapters if your activity is within one of the chapter's overlays or other spatial areas:
- Historical Heritage
- Notable Trees
- Sites and Areas of Significance to Māori
- Natural Character
- Natural Features and Landscapes
- Coastal Environment
- Protection of Infrastructure

Finally, some chapters provide an all-in-one framework for specific activities that overrides provisions in zones. Other district-wide chapters will be relevant, but if covered by one of these chapters, you will not need to refer to the zone unless a district-wide chapter directs you to:
- Renewable Electricity Generation
- Infrastructure
- Temporary Activities

Where district-wide chapters have rules or standards that only apply within overlays, or that apply within particular zones, this is listed in the rule in the left-most column. For example:

| EXAMPLE-R1 | Example rule |
|---|---|
| **Rural Zones (except Sample Overlay)** | 1. **Activity status:** Permitted |
| **Open Space and Recreation Zones Sample Overlay** | 2. **Activity status:** Restricted discretionary |
| **Residential Zones (except Sample Overlay)** | 3. **Activity status:** Non-complying |

When using the e-plan filtered to a particular site, only the parts of the rule or standard relevant to that site will be shown.

In some cases rules may have multiple or more complicated conditions about where the rule applies. In these cases this will be shown in the body of the rule.

**Part 3: Area Specific Matters**

Rules in zone chapters only apply within the land in that zone. Where the plan manages interfaces between zones, this is done in district-wide matters chapters, or through provisions in zone chapters that specifically reference other zones.

Some zones have different approaches within identified areas, called precincts. A chapter will show provisions that apply within precincts, and show whether those provisions are in addition to the zone's normal provisions, or whether they replace provisions that would otherwise apply in the zone. Note that this will sometimes indirectly affect the function of zone rules, for example a precinct might provide for an activity that would otherwise fall within a catch-all rule in the zone outside that precinct.

Objectives and policies in zone chapters apply to all activities, but are generally implemented through rules in their own chapter, or policies and rules in other chapters that specifically refer to the zone in question. However, you may need to refer to other zones when a policy within the zone your activity takes place in calls for it, for example, if a policy refers to the planned amenity values of neighbouring zones, you would look at the objectives and policies of those neighbouring zones to determine what amenity values are planned.

Some activities may take place on multiple sites or on a site contained in multiple zones, also known as a “split-zoned” site. You should apply the provisions of the zone that each part of the activity is in, to that part of the activity — for example, if part of the activity is to construct a building, and that building is in the Mixed Use Zone, the rules of the Mixed Use Zone apply. If the carpark for the building is in the High Density Residential Zone, the rules of the High Density Residential Zone would apply to the carpark. If any part of an activity takes place in both zones, the rules of both zones will apply. For subdivision, the rules of each zone covering any part of any affected site will apply.

Some activities may take place on land that is not in a site (for example, within the road). All land has a zone in the plan and this is shown in the maps — the zoning of land underneath roads can be displayed.

In the event that this plan must be applied to land that has no zone identified in the District Plan maps (for example, land reclaimed from the sea after the plan was notified), the provisions of the Natural Open Space Zone apply.

**Filtering the e-plan**

In accordance with the National Planning Standards, the e-plan allows you to select a property and view the plan either in full, or filtered with only the provisions and chapters relevant to that site. While Hutt City Council has used its best efforts to implement this filtering, it does not guarantee that the filter will always show all relevant provisions in every situations, particularly objectives and policies that may be relevant.

## Notification

The Act allows district plans to require public notification, preclude public notification, or preclude limited notification. In this plan, requirements or preclusions are found in individual rules.

In some situations, a resource consent application may be required under multiple rules. In this case, notification is required if any rule requires it, and only precluded if every rule precludes it. You can check using the table below:

| Rules require public notification | Rules preclude public notification | Rules preclude limited notification | Test for notification |
|---|---|---|---|
| Any rule requires notification | - | - | Public notification required. |
| No rules require notification | No rules preclude public notification, or some but not all rules preclude public notification | - | Test in the Act applies. |
| No rules require notification | All rules preclude public notification | No rules preclude limited notification, or some but not all rules preclude limited notification | Except where the Act provides otherwise, public notification precluded. Limited notification based on test in the Act. |
| No rules require notification | All rules preclude public notification | All rules preclude limited notification | Except where the Act provides otherwise, both public and limited notification precluded. |

Where notification is neither required nor precluded by the plan, the test in the Act for notification applies.

## Information to be submitted with resource consent applications

When applying for resource consent, you will need to submit sufficient information to allow the application to be determined, including an assessment of environmental effects for the proposed activity. Minimum requirements are set out in Schedule 4 of the RMA. In addition, unless the council determines that it is not necessary, you must provide the following information:

- Address and legal description of the land.

- The record of title for any sites with a title, including relevant interests such as consent notices, covenants, and easements.
- The expected start and end dates and, if relevant, times of the activity.
- A locality plan, a site plan, and as needed, additional plans showing specific areas or topics (e.g. earthworks plan). For work not on a site or spanning multiple sites, the site plan should cover the area of the activity. Plans must have sufficient detail to clearly show:
  - Site area and dimensions,
  - Spot levels at boundary and spot levels or contours where excavation or fill is likely, and at other points to show compliance or non-compliance with plan requirements,
  - Positions, grades, and finishes of walkways, cycleways, driveways, and roads,
  - All drains and watercourses,
  - Existing trees and native vegetation, identifying any to be removed,
  - Land subject to any natural hazard including flooding and ponding,
  - Land subject to contamination,
  - Any historic heritage buildings and structures listed in SCHED1 or SCHED2, any sites and areas of significance to Māori listed in SCHED6, and any notable trees listed in SCHED3, on all sites of the activity and in the vicinity of the activity, and
  - Existing and proposed methods for controlling stormwater.
- Where the construction, alteration, addition, demolition, removal, or relocation of buildings and structures is proposed, additional plans, sections, elevations, and perspectives to show:
  - Location, design, materials, external appearance, and dimensions of buildings and structures, including dimensions in relation to boundaries, and
  - Floor plans of buildings.
- Where any of the of the following are proposed, the plans, elevations, cross-sections, and perspectives must also show:
  - Loading, unloading, and other servicing requirements, including vehicle type, handling methods, and expected time and duration for each operation,
  - Existing and proposed parking and manoeuvring areas,
  - Existing and proposed vehicle crossings,
  - Location and dimensions of yards, outdoor living spaces, and service areas,
  - Location, dimensions, and description of any landscaping required by the plan or proposed to offset or mitigate any effects,
  - Existing and proposed reticulated services,
  - Existing and proposed potable water and waste water systems, and
  - Any areas where earthworks are proposed including dimensions of cuts and fills and retaining, and methods for controlling dust and sediment.
- Where subdivision is proposed, the plans and application must also show:
  - All existing and proposed easements and covenants,
  - All existing and proposed building platforms,
  - Contours at intervals of no more than 3 metres,
  - Proposed pedestrian accessways, service lanes, private ways, cycleways, and walkways,
  - Land Use Capability classification of soils (in rural zones), and
  - Any geological or geomorphological characteristics that may give rise to soil erosion or land instability, including any active fault.
- All plans, elevations, cross-sections, and perspectives must also meet the following requirements:
  - All plans must be drawn to an identified scale with north indicated,
  - All elevations and cross-sections must be drawn to an identified scale with the ground level shown and oriented with up toward the top of the page,
  - Elevations must be labelled,
  - The position and direction of all cross-sections must be indicated on a plan,
  - The source and direction of all perspectives must be indicated on a plan, and
  - Levels must be in accordance with the New Zealand Vertical Datum 2016, or (where clearly marked as such) the Wellington Vertical Datum 1953, or be relative to an indicated site datum.
- Where the activity takes place partly outside Lower Hutt, which parts of the activity take place in and outside Lower Hutt.
- Where the activity takes place partly in the coastal marine area, which parts of the activity take place in and outside the coastal marine area.
- Where the activity takes place in multiple zones, which parts of the activity take place in which zone.
- The authors of any reports and plans, and, where a report relies on their expertise, their relevant qualifications and experience.
- The dates, times, and locations for any photographs.
- If any generative artificial intelligence tools were used in preparing the material provided, how those tools were used and what person is responsible for certifying their output.
- All plans, reports, and other materials must indicate the date and version and highlight changes (for plans) or show tracked changes (for text) from any previous version provided to the council for any reason.
- Any other information likely to be relevant to determining the consent.

Some rules in the plan require additional information to be provided. This is shown in the body of the rule.

## Legal effect of rules

This is a proposed plan, and not all rules have legal effect. In general, rules will only have legal effect once council makes a decision on submissions relating to the rule, and the time for making appeals has expired. Rules that are appealed will not take effect until the appeal is resolved.

However, the Act provides for some rules to take immediate legal effect. Rules that are currently in effect are shown with the gavel icon

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