C1. General rules

C1.1. General rules

(1) The rules in this chapter apply across the entire Plan except for the regional policy statement and where a rule specifically provides otherwise.

(2) No person may undertake any activity in a manner that contravenes a rule in the Plan unless the activity is expressly allowed by a national environmental standard or a resource consent or is an existing use allowed by section 10 or section 20A of the Resource Management Act 1991.

C1.2. Information requirements for resource consent applications

(1) Every application for resource consent must include all of the following:

(a) the information specified in Schedule 4 to the Resource Management Act 1991;

(b) an assessment of the environmental effects of the proposal in accordance with Schedule 4 to the Resource Management Act 1991;

(c) a certificate of title not more than three months old and including any documents listed or identified on that title relating to restrictions on the use of the site;

(d) plans or drawings accurately showing what is existing and what is proposed at a scale of at least 1:100 or 1:200 or otherwise to a scale that shows sufficient detail of the proposal to determine its effects; and

(e) any specific information required by any other provision in the Plan.

(2) The Council may, within 10 working days after an application is first lodged, determine that the application is incomplete if it does not include the required information and return it to the applicant.

(3) An application for resource consent for a proposal must be in relation to all matters for which consent is required for that proposal under the Plan or must clearly set out the reason why the application is not in relation to all such matters.

(4) Where an applicant for resource consent intends to give effect to the consent in stages, then the application must include details of the proposed staging and the conditions to be applied at each stage.

Note 1

Application forms and detailed guidance on making applications are available on the Council's website and at Council offices.

C1.3. Deferral pending application for additional consents

(1) Where any other resource consent will also be required in respect of the proposal to which an application relates, the Council may determine not to proceed with

the notification or hearing of that application and defer the processing of the application until an application is made for the other resource consent.

C1.4. Applications on sites with multiple zones, overlays or precincts or on parts of sites

(1) Where a proposal will take place:

(a) in two or more zones; or

(b) where two or more overlays apply to it; or

(c) on a site which is partially affected by an overlay or a precinct;

then the proposal must comply with the overlay, zone and precinct rules applying to the particular part of the site in which the relevant part of the proposal is located.

(2) Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay, zone, or precinct applies.

C1.5. Applications for more than one activity

(1) Where a proposal:

(a) consists of more than one activity specified in the Plan; and

(b) involves more than one type of resource consent or requires more than one resource consent; and

(c) the effects of the activities overlap;

the activities may be considered together.

(2) Where different activities within a proposal are subject to different parts (regional, coastal or district) of the Plan, each activity will be assessed in terms of the objectives and policies which are relevant to that activity.

(3) Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

C1.6. Overall activity status

(1) The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.

(2) Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.

(3) The activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity.

(4) Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.

PC 120 (see Modifications)

[new text to be inserted]

C1.7. Activities not provided for

(1) Any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule.

C1.8. Assessment of restricted discretionary, discretionary and non-complying activities

(1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.

(2) When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

(3) The absence of any specific reference to positive effects in the objectives, policies, matters of discretion or assessment criteria does not mean that any positive effects of allowing an activity are not relevant to the consideration of an application for resource consent for that activity.

C1.9. Infringements of standards

(1) Every activity that is classed as a permitted, controlled and restricted discretionary activity must comply with all the standards applying to that activity.

(2) An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.

(3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:

(a) any objective or policy which is relevant to the standard;

(b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;

(c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;

(d) any special or unusual characteristic of the site which is relevant to the standard;

(e) the effects of the infringement of the standard; and

(f) where more than one standard will be infringed, the effects of all infringements considered together.

C1.10. Activities to be read in conjunction with activity table headings

(1) Each activity listed in an activity table must be read, interpreted and applied in conjunction with the relevant heading or sub-heading of the part of the activity table in which it is listed.

C1.11. Numerical limits

(1) Where any rule specifies a numerical limit using the words “up to” or “greater than”, those words must be read to mean:

(a) the words “up to” in relation to a number include that number; and

(b) the words “greater than” in relation to a number do not include that number.

C1.12. Fractional amounts

(1) Where the calculation of any number, area or volume required by a rule results in a fractional amount:

(a) any fraction that is less than one-half will be disregarded and the amount of the number, area or volume will be rounded down; and

(b) any fraction of one-half or more will be counted as one and the amount of the number, area or volume will be rounded up.

(2) If there are different activities within a single proposal and more than one activity requires, for the same purpose, the calculation of a number, area or volume, then all such activities must be taken together prior to any calculation and rounding.

C1.13. Notification

(1) An application for resource consent for a controlled activity will be considered without public or limited notification or the need to obtain written approval from affected parties unless:

(a) otherwise specified by a rule applying to the particular activity; or

(b) the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

(2) An application for resource consent for a restricted discretionary, discretionary or non-complying activity is subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991, unless otherwise specified by a rule applying to the particular activity.

(3) When deciding:

(a) whether an activity will have or is likely to have adverse effects on the environment that are more than minor for the purposes of section 95D of the Resource Management Act 1991; and

(b) whether any person is affected in relation to an activity for the purposes of section 95E of the Resource Management Act 1991;

the Council will have regard to the standards for any permitted activity on the same site as part of the context of the assessment of effects on the environment.

(4) When deciding whether any person is affected in relation to an activity for the purposes of section 95E of the Resource Management Act 1991, the Council will give specific consideration to the following entities with responsibility for any natural or physical resources which may be affected by the activity, including:

(a) in relation to infrastructure, the network utility operator which operates that infrastructure;

(b) in relation to historic heritage, Heritage New Zealand Pouhere Taonga;

(c) in relation to natural resources and the coastal environment, the Minister of Conservation;

(d) in relation to maunga, the Tūpuna Maunga Authority;

(e) in relation to sites of significance or value to Mana Whenua, the iwi authority in whose rohe the proposal is located; and

(f) in relation to an overlay to manage reverse sensitivity effects, the operator of the activity which is protected by the overlay from such effects.