

PROPOSED SOUTH TARANAKI DISTRICT PLAN

LIST OF RULES THAT HAVE IMMEDIATE LEGAL EFFECT

The Resource Management Act Section 86B identifies the type of rules that have immediate legal effect from notification of the Proposed Plan. Section 86(3) states:

A rule in a Proposed Plan has immediate legal effect if the rule:

- (a) protects or relates to water, air, or soil (for soil conservation); or
- (b) protects areas of significant indigenous vegetation; or
- (c) protects areas of significant habitats of indigenous fauna; or
- (d) protects historic heritage; or
- (e) provides for or relates to aquaculture activities.

Rules that have immediate legal effect from notification are identified by grey shading in the Proposed South Taranaki District Plan and listed in the below table. The remaining rules in the Proposed Plan will not have legal effect until after the conclusion of the Proposed Plan hearings and the release of decisions on submissions by South Taranaki District Council. This is likely to occur mid-2016. The operative District Plan rules also apply until the proposed rules are operative (e.g. decisions released and any appeals resolved).

Rule/Standard	Activity	Activity Status
SECTION 3: RURAL ZONE		
3.1.1(t)	Activities on the surface of any waterbody	Permitted
3.1.3(h)	Within 50m of the natural waterbody of a river or stream listed for Natural Hazard values in Schedule 5, the construction or addition to any building.	Restricted Discretionary
3.1.3(i)	Within 30m of the natural waterbody of a river or stream listed in Schedule 5, the construction or addition to any building.	Restricted Discretionary
3.1.3(f) and 3.2.12.1	Performance standards for activities on the surface of waterbodies	Complies with Performance Standards – Permitted Does not comply – Restricted Discretionary

3.2.2 (1)	Building setbacks from river or stream listed in Schedule 5	Permitted
SECTION 9: SUBDIVISION AND DEVELOPMENT		
9.1.3(a)	Subdivision of land within the heritage setting of a heritage building or object, historic site or site of significance with tangata whenua listed in Schedule 1.	Restricted Discretionary
9.1.3(b)	Subdivision of land that contains a Significance Natural Area listed in Schedule 2 and not protected by legal covenant or other legal protection mechanism.	Restricted Discretionary
9.1.3(c)	Subdivision of land containing or adjoining a significant waterbody listed in Schedule 5.	Restricted Discretionary
9.1.3(d)	Subdivision of land that contains an archaeological site identified on the Planning Maps.	Restricted Discretionary
SECTION 12: HAZARDOUS SUBSTANCES		
12.3.2	Performance Standards for hazardous facilities in or near significant waterbodies (including regionally significant wetlands).	Complies with Performance Standards - Permitted Does not comply – Discretionary
12.3.3	Performance Standards for hazardous facilities within or adjacent to Significant Natural Areas.	Complies with Performance Standards - Permitted Does not comply – Discretionary
SECTION 15: HERITAGE PROTECTION		
Heritage Buildings and Objects		
15.1.1(a)	For buildings and objects listed in Schedule 1A: <ul style="list-style-type: none"> • Repair, redecoration and/or maintenance • Internal earthquake strengthening Earthworks within the heritage setting not exceeding 10m ³ per 12 month period.	Permitted
15.1.2(a)	External earthquake strengthening of building safety alterations for any category 2 building listed in Schedule 1A.	Controlled
15.1.3(a)	Internal alterations of a Category 2 building listed in Schedule 1A.	Restricted Discretionary
15.1.4(a)	For buildings or objects listed in Schedule 1A:	Discretionary

	<ul style="list-style-type: none"> Additions or external alterations Relocation Demolition New building or additions to existing buildings within the heritage setting <p>Earthworks in the heritage setting exceeding 10m³ per 12 month period.</p>	
15.1.4(c)	Any activity relating to a heritage building object or historic site not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity	Discretionary
15.1.6 (a)	Demolition or removal of a Category 1 building or object listed in Schedule 1A.	Prohibited
Historic Sites and Sites of Significance to Tangata Whenua		
15.1.1(b)	For historic sites or sites of significance to tangata whenua listed in Schedule 1B: <ul style="list-style-type: none"> Maintenance of existing lawns, gardens structures and buildings <p>Removal of vegetation</p>	Permitted
15.1.4(b)	For historic sites or sites of significance to tangata whenua listed in Schedule 1B: <ul style="list-style-type: none"> New buildings or the extension of the footprint of an existing building or structure. Earthworks. <p>Forestry planting or forestry harvesting.</p>	Discretionary
15.1.4(c)	Any activity relating to a heritage building object or historic site not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity	Discretionary
Notable Trees		
15.1.1(c)	For notable trees listed in Schedule 4: <ul style="list-style-type: none"> Trimming and maintenance <p>Removal or partial removal of a notable tree (required for emergency work or to avoid interference with existing buildings, structures, overhead wires or utility networks).</p>	Permitted
15.1.4(d)	Within the dripline of a notable tree listed in Schedule 4: <ul style="list-style-type: none"> Earthworks Laying of overhead or underground services <p>The construction of any building or structure</p>	Discretionary

15.1.4(e)	For notable trees listed in Schedule 4, felling, clearing, pollarding or any other work to a notable tree not specifically listed as a permitted activity.	Discretionary
SECTION 17: NATURAL ENVIRONMENT		
Coastal Protection Area		
17.1.1(a)(iii)	In the Coastal Protection Area, Species protect and conservation management work including indigenous vegetation restoration and re-planting work.	Permitted
17.1.1(a)(viii)	In the Coastal Protection Area, clearance of indigenous vegetation not exceeding 100m ² in area.	Permitted
17.1.4(a)(i)	In the Coastal Protection Area, clearance of indigenous vegetation over 100m ² in area.	Discretionary
<i>Significant Natural Areas</i>		
17.1.4(d)	Any clearance, modification, damage or destruction of indigenous vegetation in any Significant Natural Area.	Discretionary
Outstanding Natural Features/Landscapes		
17.1.3(b)	Within Lake Rotokare Outstanding Natural Feature/Landscape, the clearance of indigenous vegetation up to 100m ² .	Restricted Discretionary
17.1.5(b)(iii)	Within any Outstanding Natural Feature/Landscape (except Lake Rotokare, Whanganui National Park and Mount Taranaki) Clearance of indigenous vegetation over 100m ² in area.	Non-Complying
Indigenous Vegetation Clearance		
17.1.1(d)	For indigenous vegetation not listed as a Significant Natural Area in Schedule 2, the clearance, modification, damage or destruction of indigenous vegetation for the purposes set out in (i) – (x)	Permitted
17.1.4(e)	Clearance, modification, damage or destruction of indigenous vegetation where the area meets the criteria set out in (i) – (iii)	Discretionary
17.1.4(f)	Clearance, modification, damage or destruction of indigenous vegetation, where the indigenous vegetation forms part of a regionally significant wetland and meets the criteria set out in (i)-(ii).	Discretionary