

7.9. Other General Rules

7.9.1. General Duty to Comply

- 7.9.1.1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.
- 7.9.1.2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.

7.9.2. Stormwater Disposal

- 7.9.2.1. Stormwater run-off from buildings shall be directed to the road channel, or to a watercourse within the property, or to an approved drain for that purpose.

7.9.3. Planting

- 7.9.3.1. No tree or vegetation shall be planted in a position which will restrict the driver's visibility to or from any road intersection or any private access intersection with the state highway, or an arterial road, or restrict the drivers view of "official signs" or adversely affect the visibility of drivers at rail level crossings.
- 7.9.3.2. No tree, plantation, shelterbelt or vegetation shall be planted or be permitted to grow in a position that could result in the shading of the road pavement of any state highway or arterial route between 10.00am and 2.00pm on the shortest day of the year.

7.9.4. Glare and light spill

- 7.9.4.1. All exterior lighting shall be designed, installed and maintained so that:
 - 7.9.4.1.1. Light emitted does not cause a distraction or glare which could create a traffic hazard on any road, or interfere with the correct operation of navigational aids;
 - 7.9.4.1.2. There is no adverse effect on residents or activities adjacent to the area being illuminated.
- 7.9.4.2. Any activity shall ensure that no greater than a 10 lux spill (horizontal or vertical) of light shall enter any adjoining property, measured 2.0 metres inside the boundary of the adjoining site.

7.9.4.3. Scenically Sensitive Commercial Zone

7.9.4.3.1. Lights will be hooded/shrouded so as to direct light spill downwards;

7.9.4.3.2. The lights will be mounted 900mm above ground (except where placed above doorway entrances) and will be located above areas of low reflectivity. Typically this means locations within landscaped areas or above gravelled paths. In all cases, lights will be sited a minimum of 300mm from any hard standing or paved areas.

7.9.5. Rifle Range Protection

Activities within the Rifle Range Protection Area (shown on Planning Maps B7 and B10) are either permitted, discretionary or prohibited as outlined below.

7.9.5.1. Permitted Activities (within the Westport Rifle Range Protection Area)

7.9.5.1.1. Agricultural activities.

7.9.5.1.2. Recreational firearms target shooting.

7.9.5.1.3. Temporary military training activities in accordance with Rule 6.2.20.

7.9.5.1.4. Works, including non-residential building, that are reasonably necessary for the operation of the Westport Rifle Range or the carrying out of another permitted activity.

7.9.5.1.5. The erection of signs where this would be permitted under the “All Zone” or the “Rural Zone” rules in Part 7.7.

7.9.5.2. Discretionary Activities (within the Westport Rifle Range Protection Area)

7.9.5.2.1. The erection of signs where this would be a discretionary activity under the “Rural Zone” rules in Part 7.7.

7.9.5.3. Prohibited Activities (within the Westport Rifle Range Protection Area)

7.9.5.3.1. Erection of buildings not permitted by 7.9.5.1.4.

7.9.5.3.2. Any activity other than those outlined in 7.9.5.1. and 7.9.5.2 .

7.9.6. Esplanade Strips and Esplanade Reserves

7.9.6.1. Rules

- 7.9.6.1.1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.
- 7.9.6.1.2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 7.9.6.1.1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.
- 7.9.6.1.3. An esplanade strip required under 7.9.6.1.1. or 7.9.6.1.2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in 7.9.6.3. below.

7.9.6.2. Explanation/Reasons

- 7.9.6.2.1. Esplanade reserves and strips are defined in the Act. Esplanade reserves are required on the creation of new lots under 4ha as detailed in Section 230 of the Act. Esplanade strips are required on the creation of new lots of 4ha and over on land adjoining the Coastal Marine Area, rivers or lakes by the general rule 7.9.6.1. An instrument creating an esplanade strip will be created in accordance with Section 232 of the Act.
- 7.9.6.2.2. The matters in 7.9.6.3. below are the matters which will be considered in assessing applications for subdivision consent where a reduction or waiver of an esplanade reserve or esplanade strip is sought, in addition to any other matters the Council considers relevant. The subdivision consent may relate to a controlled, discretionary, non-complying or innominate activity.
- 7.9.6.2.3. Esplanade reserves and esplanade strips may be required as financial contributions for land use consents in accordance with 8.4.1.15.

7.9.6.3. General Matters for Assessment

- 7.9.6.3.1. The extent to which the area has low conservation values of the type listed in Section 229 of the Act.
- 7.9.6.3.2. The extent to which the reserve or strip is needed to allow the continuation of reserves, and whether this can be achieved at a reduced width.
- 7.9.6.3.3. The extent to which reduced width will impact on the value of the reserve or strip for conservation or access purposes.
- 7.9.6.3.4. Whether there are topographical features which make a 20m width impractical.
- 7.9.6.3.5. The extent to which provision for protection of conservation values and public access to and along the edge of the relevant water body has been made elsewhere, for example, through easements, covenants or other reserves.
- 7.9.6.3.6. Whether the creation of an esplanade reserve is not in the best interests of public safety or security for the landowners and/or neighbours.
- 7.9.6.3.7. Where the values sought to be protected by an esplanade reserve can be adequately protected by an instrument creating an esplanade strip, the requirement for an esplanade reserve may be waived and an esplanade strip required instead.

7.9.7. Historical/ Cultural Buildings and Sites

7.9.7.1. Permitted Activities:

- 7.9.7.1.1. No changes of use or subdivision of any historic/cultural item(s) listed in Part 14, which would adversely affect the heritage resource or detract from the values the item(s) are listed for will be allowed.

7.9.7.2. Discretionary Activities:

- 7.9.7.2.1. No destruction of any historic/cultural item listed in Part 14.

7.9.8. Notable Trees

7.9.8.1. Permitted Activities:

7.9.8.1.1. No modification or destruction of any notable tree listed in Part 15 is permitted.

7.9.8.2. Discretionary Activities:

7.9.8.2.1. No destruction of any notable tree listed in Part 15, unless the work is clearly required to prevent obvious and imminent danger to the public.