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Section 1: Introduction

1.1 What is the District Plan?

The Ashburton District Plan (“the Plan”) assists the Ashburton District Council (“the Council”) in carrying out its functions in order to achieve the purpose of the Resource Management Act (“the Act”). The purpose of the Act is to provide for the sustainable management of natural and physical resources.

The Ashburton District Plan sets a framework for development and the management of resources in the District. It establishes objectives and policies for managing the environmental effects of development, it defines the various zones (residential, rural, business, open space, etc), and the rules for what activities are permitted to occur in each zone. In this way the District Plan has a very strong influence over all activities that occur in the District.

District Plans are a statutory document and Section 73 of the Act requires each District Council to have a District Plan. The District Plan is a legally enforceable document. The Council is obligated to enforce the provisions of the Plan and the RMA provides penalties for breaches of the rules.

The Operative District Plan contains the policy and rules established by the Council and the outcomes of the public notification and submission process. In this way it is representative of both the Council and the community’s aspirations for the District.

The Act requires the District Plan to give effect to the objectives and policies of the Regional Policy Statement of the Canterbury Regional Council and to implement or not be inconsistent with a range of other documents.

1.2 Obligation to Comply

No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (S. 9 and 10 of the Act). In the context of the Act such use includes the use of the surface of lakes and rivers (S 10A).

No person may subdivide land in the District unless expressly allowed by a rule in the District Plan or resource consent (S 11).

1.3 Existing Use Rights

Sections 10 and 10A of the Act provide for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following:

- the use was lawfully established (including by designation) before the rule became operative or the proposed Plan was notified; and

- the effects of the use are the same or similar in character, intensity and scale to those which existed before the Plan became operative or the proposed Plan was notified or the designation was removed; and
- if the activity involves the use of the surface of water in lakes and rivers, the person carrying out the activity applies for a resource consent within 6 months of the rule in the Plan becoming operative.

Existing use rights do not apply if:

- the use of land has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application; or
- reconstruction, alteration or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

1.4 Relationship with Other Plans and Policy Documents

In preparing the District Plan, the Council must consider a range of other plans and policy documents of relevance to the District.

The District Plan must give effect to the strategies of/provisions within:

- any National Policy Statement (S 55 and 75(3));
- the New Zealand Coastal Policy Statement (S 75(3));
- any Regional Policy Statement (S 75(3)).

The District Plan must not be inconsistent with:

- any water conservation order (S 75(4)); and
- any regional plan (S 75(4)).

The Council will undertake Plan Changes, if necessary, where these plans or policy documents are prepared or altered subsequent to this District Plan.

Financial and Development contributions (except for reserves) will be taken under the Long Term Plan (LTP). The LTP explains what works the Council intends to undertake over a 10 year period; with greater detail provided for the first three years of the Plan's life, and sets out how they will be paid for. Any subdivision approved through the planning process will be subject to development contributions for servicing to assist in paying for extensions to pipelines and/or upgrades to treatment plants. Contributions are taken under the LTP as this is the document that states what works the developer is contributing to and sets out how contributions are calculated. The Council has chosen to continue taking reserve contributions under the District Plan, whether this is the payment of monies or contribution of land. The District Plan sets out the policy framework for this to occur, including consideration of the quality of reserves, where this is provided as land, and the method by which reserve contributions will be calculated.

1.5 The Life of the District Plan

Previously under section 79 of the Act, the Council was required to commence a *full review* of its District Plan no later than 10 years after the Plan became operative.

However, under the provisions of the Resource Management (Streamlining and Simplifying) Amendment Act 2009, the Council is not required to review any provision that has been reviewed, or changed during the 10 years since the Plan was made operative. It is anticipated that there will be several Council and privately initiated plan changes over the next 10 years, due to possible resource management issues arising in the District and changes in policy direction. This will allow the Council to undertake what is known as a 'rolling' review, as parts of the Plan can be reviewed and changed in stages.

1.6 How the District Plan and Maps Work

The District is divided spatially into zones. This technique recognises that different areas of the District will have different resources, character and levels of amenity and that the community will seek different environmental results for each area. The zones provide opportunities for future development in keeping with the character and amenity sought for these different areas. Any particular activity must comply with the rules applicable to the zone in which it is situated, as well as general district rules covering a range of matters such as subdivision, heritage values and transport.

The Planning Maps identify the zones, and the location of features such as heritage items, protected trees, areas of significant nature conservation value, geoconservation sites, designated sites and scheduled activities.

Roads in the District Plan are zoned according to the zoning either side of the road to provide certainty for anyone proposing works in the road. In cases where the zones differ either side of the road, the zone boundary runs down the centre of the road.

Where a road adjoins an Open Space zone and the underlying zoning is Open Space A or B, utilities within the road shall not be subject to rules for the Open Space zone, and the utilities rules shall prevail.

The District Plan contains 17 sections covering the whole District:

- Section 1: Introduction to the District Plan
- Section 2: Takata Whenua
- Section 3: Rural Zones
- Section 4: Residential Zones
- Section 5: Business Zones
- Section 6: Open Space Zones
- Section 7: Aquatic Park Zone
- Section 8: Scheduled Activities
- Section 9: Subdivision
- Section 10: Transport

- Section 11: Noise
- Section 12: Heritage Values and Protected Trees
- Section 13: Signs
- Section 14: Utilities, Energy and Designations
- Section 15: Relocated Buildings and Temporary Activities
- Section 16: Hazardous Substances
- Section 17: Definitions

Each District Plan section identifies and discusses the issues that have been identified by the Council as relevant to that zone or topic. This is followed by a series of objectives and policies.

The objectives set out the state or situation that the District Plan aims to achieve or maintain for a particular zone or resource. The policies are the course of action being followed through the District Plan to achieve the objectives.

The District Plan also specifies the environmental results anticipated to be achieved by the implementation of the objectives and policies.

To achieve the policies, each section contains a set of rules which prohibit, regulate or allow activities. Within the context of this District Plan, “activity” includes the use and subdivision of land including the construction and use of buildings and structures as well as activities occurring on the surface of water. Activities are classified in the Plan as being permitted; controlled; restricted discretionary; discretionary; non-complying; or prohibited:

Permitted activities: are allowed by the Plan without resource consent, providing they comply with the relevant site and zone standards for the zone and all general rules.

Controlled activities: require resource consent. They also have to comply with all site and zone standards. The Council must grant its consent to a controlled activity, but may impose conditions relating to those matters which are controlled.

Restricted Discretionary activities: require resource consent and are subject to standards and provisions specified in the Plan. As with controlled activities, the Council can only assess the matters of non-compliance. The difference is that the Council may grant or refuse consent and, if granting consent, may impose conditions.

Discretionary activities: require resource consent, and are subject to standards and provisions specified in the Plan. The Council may grant or refuse consent to a discretionary activity and, if granting consent, may impose conditions.

Non-complying activities: require resource consent and are those which cannot comply with a zone standard in the District Plan or are specified as non-complying because the Plan has anticipated that they would normally be inappropriate.

Non-complying proposals require especially careful justification as to why they should be approved. They are likely to cost more, take longer and have a greater chance of not being approved.

Prohibited activities: are those which a rule in the Plan expressly prohibits in the District or a particular zone. No application may be made for such activities and no resource consent can be granted. If Council receives an application for a prohibited activity, it will be returned to the applicants without consideration.

These activities are controlled through a two tier system of rules in most of the zones (Site Standards and Zone Standards):

Site Standards: are specified in relation to the effects of a proposal which can impact on the use of the particular site and adjacent areas. These Site Standards have been created after full consideration of the effects of activities on the surrounding environment. They are important in achieving a satisfactory environmental standard in the immediate vicinity of an activity. While these standards are important, they are not always fundamental to the integrity of an area and so are set in a way that if development does not comply with one or more site standards, the Council can consider whether the matter of non-compliance is acceptable through resource consent for a restricted discretionary activity. This enables the Council to consider the implications of non-compliance on the use and enjoyment of the site being developed and on the surrounding environment.

Zone Standards: are standards which are fundamental to the environmental quality or character which is sought to be attained for a zone or area. These standards often relate to matters which can have widespread or cumulative effects on the wider zone or area, such as noise and traffic generation. Because of their importance, all activities which fail to meet these standards are non-complying activities which face a rigorous test if they are to obtain resource consent.

1.7 Pre-Application Process

The Resource Management Amendment Act 2009, introduced changes to the timeframes for processing consent applications, which mean that the Council will be placing greater emphasis on the standard and completeness of the applications it receives. The Council encourages all persons intending to lodge a resource consent application, to first contact or meet with Council planning staff to discuss the proposal. Such preliminary discussion can assist in identifying or clarifying the information and assessment necessary to support an application, help in determining desirable consultation with other parties, and facilitate efficiency in the subsequent processing of applications for consent.

1.8 Resource and Subdivision Consents

Resource consent from the Council is required by any person proposing to undertake an activity classified in the District Plan as Controlled, Restricted Discretionary, Discretionary or Non-Complying. The flow chart in Appendix 1-1 illustrates the process of determining the status of an activity.

An application for resource or subdivision consent must be made in accordance with Section 88 of the Act. Forms for land use and subdivision consent applications are available from the Council office or on the Council's website (www.ashburtondc.govt.nz), accompanied by an explanation of the information to be submitted with the application. This includes an Assessment of Effects on the Environment prepared in accordance with the Fourth Schedule of the Act.

The Act prescribes situations when applications need not be publicly notified. In many situations this requires the written approval of affected persons. The District Plan in the Rules Sections specifies those resource consents which need not be publicly notified and those which need not be limited notified. Section 104 sets out those matters to which the Council must have regard, in considering a resource consent application.

The District Plan also includes assessment matters which the Council will have regard to when considering applications for resource consent. Section 106 specifies circumstances whereby the Council shall not grant subdivision consent, this being for any land, structure on that land or subsequent use of the land subject to or likely to cause or accentuate material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

The Council may impose conditions on consent in accordance with Sections 108 and 220 of the Act, to manage certain aspects of the proposal to ensure it complies with the Act and the District Plan.

Under Section 127 of the Act, the holder of resource consent may apply to the Council for a change or cancellation of a condition of the consent.

Under Section 120 of the Act, an applicant, consent holder, or any person who made a submission on a notified application may appeal to the Environment Court against the whole or any part of a decision made by the Council. Any appeal needs to be lodged with the Environment Court within 15 working days of receiving the decision of the Council. The full procedure for appeals is set out under Section 121 of the Act.

1.8.1 Information required with applications for resource or subdivision consent

The provisions of the Fourth Schedule of the Act set out the general requirements for matters to be included in an assessment of the effects of a proposal on the environment, to be included with applications for resource and subdivision consents. An outline of the information required to be submitted with any application for resource consent is set out in Appendix 1-2.

1.9 Designations

A designation is a provision made in the District Plan to give effect to a requirement made by a requiring authority. Requirements apply to a public work or a particular project or utility operation. Designations limit the use of the land, overriding the provisions of the District Plan and any resource consent, in favour of the designated purpose. The underlying zone indicates the purposes for which the land may be used for, other than the designated work and only subject to the approval of the requiring authority.

Designations are not the only means of providing for public works or utility operations. The District Plan contains general rules for utilities not designated, providing for these in a manner similar to other general activities.

Section 166 of the Act defines those authorities who have power to become a requiring authority and provide for their works through designations in the District Plan. Any Minister of the Crown or local authority is automatically a requiring authority. Other network utility operators (as defined in Section 166 of the Act) may apply to the Minister for the Environment for approval as a requiring authority. A requiring authority may at any time, give notice to the Council in respect of a requirement.

Although the Council has called for such notices in preparing the District Plan, the Act makes provision for similar procedures throughout the life of the operative District Plan.

An outline of the information required to be submitted with any notice of requirement is set out in Appendix 1-3.

1.10 Enforcement

Enforcement powers under Part 12 of the Act are available to be used by the Council to require persons to cease or not commence an activity, which is or is likely to:

- contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
- be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

1.11 Monitoring

The Council has responsibilities for gathering information, monitoring and maintaining records on resource management matters. These responsibilities will allow the Council to consider refinements of the content of the Plan as well as enabling the community to be informed about how the Plan's provisions are performing.

The monitoring process of the Council has three components:

- compliance with the provisions of the Plan and compliance with conditions of consents. In particular, the Council will monitor compliance with approved resource consents. Where appropriate, the consent conditions will be reviewed as provided for in Section 128 of the Act;
- the state of the environment;
- the suitability and effectiveness of the provisions of the Plan. If necessary the provisions of the Plan will be updated or improved by way of Plan Change procedures.

1.12 Cross Boundary and Regional Issues

A cross boundary or regional issue is one that is either:

- common to Ashburton District and one or more of the territorial authorities adjoining it; or
- relates to an issue within or derived from Ashburton District that is also of significance to another district; or
- a District issue or policy that affects or is affected by a regional policy; or
- a regional issue or policy that affects or is affected by a District issue or policy.

A cross boundary issue can therefore relate to either an activity that may have significant adverse effects that cross territorial boundaries, or to a plan policy that affects the policies of other territorial authorities or is affected by such policies.

Ashburton District adjoins Selwyn, Timaru, McKenzie and Westland Districts. While fully contained within the Canterbury Region, Ashburton District also adjoins the West Coast Region.

There is therefore potential for activities occurring within Ashburton District to have effects on adjoining areas, and vice versa. For example, activities proposed within the high country need to be carefully assessed and monitored for their impact within and beyond the District's boundaries. Furthermore, the development and implementation of District Plan policies also may have some impact or influence between districts or between the District and regions.

A number of cross boundary issues have been identified within the Ashburton District which have relevance to adjoining authorities. These issues include:

- The use of and investment in infrastructure and resources such as the Montalto and Highbank hydro power stations that provide opportunities not only to people and

communities within Ashburton District, but also to the region at large and adjoining authorities. Policies that affect the scope and range of such opportunities therefore impact outside the District.

- The District provides a link between districts and regions, for example, the safe and efficient functioning of the District's road, rail and telecommunication networks is important to adjoining authorities, to the region and to the country.
- Many natural resources in the District have significance beyond the District. For example, the District's landscapes and its water resources have importance to the country, region and to adjoining authorities.
- Activities for which plan changes or applications may be sought along or near common boundaries may impact across such boundaries.
- Mt Hutt ski-field is a district, regional and nationally significant ski-field. Any policies that affect the ski-field may potentially affect adjoining districts.
- The High Country contains regionally and nationally significant features such as wetlands and the sources of the braided Rakaia and Rangitata Rivers. The development of land, roads and utilities in the High Country could have a variety of effects on the environment that are felt beyond the boundaries of the Ashburton District.
- Arowhenua Runanga has associations with the Ashburton District, Timaru District and McKenzie District. Runanga interests do not follow jurisdictional boundaries and so certain issues will need to be addressed by all these Councils.
- The Rakaia and Rangitata Rivers form the boundaries between Ashburton District and Selwyn and Timaru Districts, respectively. Any activity undertaken within or on the banks of these rivers may affect the adjoining district.

1.12.1 Processes

Ashburton District Council will consult with adjoining authorities should it receive a resource consent application or private plan change it considers has the potential to create cross boundary issues. The Council will also work with the Canterbury Regional Council when joint district/regional consents are appropriate.

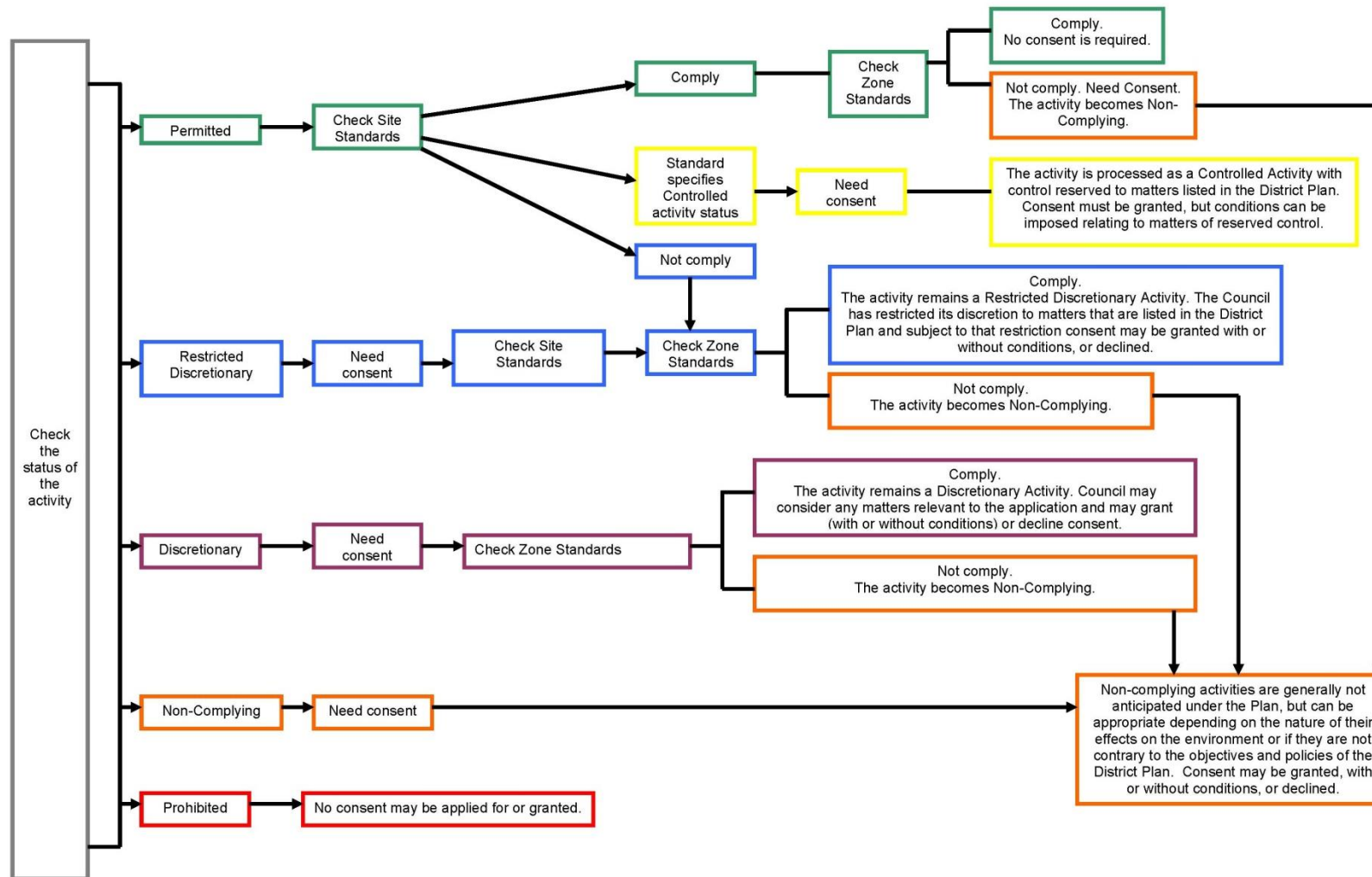
Note: Section 102 of the Act sets out the circumstances for joint hearings where an activity requires consent from two or more authorities.

The Council will work on identifying common issues and policy responses in respect of any consultation undertaken by other authorities as part of their plan reviews.

The Council will respond to requests by other authorities when issues of common importance arise from time-to-time. The Council may also undertake monitoring of activities with cross boundary effects and be involved in information transfer on cross boundary issues. The Council will endeavour to ensure co-ordination of activities on matters of joint concern.

Section 1 Appendices

Appendix 1-1: Activity Status Flow Chart



Appendix 1-2: Information Required With Applications for Resource or Subdivision Consent

The provisions of the Fourth Schedule of the Act set out the general requirements for matters to be included in an assessment of the effects of a proposal on the environment, to accompany applications for resource and subdivision consents.

Information should be provided in hard copy (minimum of two copies) but the applicant may choose to also submit electronic copies of maps, site plans and documents. If it is intended to provide electronic copies of files, please check with Council prior to providing the documents, to ensure the correct file format.

The following information shall be submitted with any application for resource consent:

Details

- Certificates of title for the subject site/s.
- A description of the site including existing uses, buildings, topography and vegetation, including information on the extent and nature of any fill on the site, any indication of natural hazards and a description of the existing natural environment (including areas of indigenous vegetation, habitats of indigenous animals, existence of threatened species and landscape features).
- A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the application has applied for such consents.
- A description of the activity for which consent is sought, including but not limited to:
 - the number of car parks to be provided and the provisions for access, loading and circulation;
 - the number of vehicle movements anticipated to or from the site, their frequency and timing, the number of heavy vehicles expected;
 - numbers of persons to be employed;
 - hours of operation;
 - any landscaping to be provided, including areas for planting, the location and types of trees to be planted, the location of any outdoor storage areas, and how these are to be screened from view;
 - any outdoor advertising signs proposed, including the dimensions, height, lettering and location (freestanding or on buildings) of any signage, or any illumination proposed;
 - in respect to any potential for noise generation, the type and power of any proposed machinery or equipment; its location on site or within buildings; the material of which the buildings are constructed; details of any proposed measures to reduce noise, including any insulating materials or structures; hours of operation; and the expected nature and frequency of noise events;

- in respect to any hazardous substances to be stored or used on site, the type and volume of those substances; proposed methods of containment, including in emergencies; the location on site or within buildings of any transfer, or storage points; transport arrangements on site; and routes and methods of transport to and from the site;
 - any earthworks, fill or excavation proposed, the type of fill, the volume and depth of fill and excavation, identification of those areas of the site subject to fill or excavation, the impact on utilities, or on any archaeological sites;
 - in respect to any potential for glare, the nature and location of any highly reflective surfaces; the location, nature and power of lighting on the site; and means of directing its spill;
 - the location of any protected trees on the site or adjoining sites, and whether they are to be removed, trimmed or subject to any building or earthworks in the vicinity of the tree.
- An assessment of any actual or potential effects that the activity may have on the environment (in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment) and the ways in which those adverse effects may be mitigated, including, but not limited to, the information set out below.
As relevant to the particular application, the following detailed information:
 - the effects of the proposal on any listed heritage items including plans and photographs showing existing interior or exterior original features, and plans of these features should any alterations proposed be carried out. A statement must also be provided as to whether any activity will effect the whole or part of a listed heritage item;
 - the effects on any nature conservation areas, including indigenous vegetation, habitats and ecosystems, ecologically sensitive areas, breeding populations of indigenous fauna, the margins of water bodies and/or, the coastal environment and/or wetlands;
 - the effects of the proposal on recreational values and facilities, existing recreation users and the experiences of other recreational users in the vicinity;
 - the effects of the proposal on landscape values and visual amenity, views, natural landscape patterns and natural vegetation patterns;
 - where natural hazards are identified, the proposed methods to avoid, remedy or mitigate the hazard;
 - the effects on any water bodies, particularly effects on ecological values, water quality and public access;
 - any effects on adjoining sites, for example shading caused by a building or blocking of views or dominance of buildings.
 - The results of any consultation undertaken with parties who may be affected by the proposal.

- Any effects on Maori cultural, spiritual or traditional values and the outcome of any consultation with Takata Whenua.

Drawings

- Any application for land use consent shall include a set of drawings illustrating the proposal. Two copies of each drawing are required.
- A drawing showing the location of the site, with road name, property number and north point.
- A site plan of the area affected by the proposal showing:
 - site boundary lengths and other dimensions in metres;
 - location with distances to site boundaries, of all existing buildings which are to remain on the site, and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandas);
 - proposed use of each building;
 - position of any easement over the site;
 - position, location and dimensions of every parking and loading space;
 - location of roads adjacent to the site and the formation status of the road and any footpath(s);
 - kerb lines adjacent to the site and the position of any street trees;
 - levels on the site boundaries and around any buildings except in cases where the site is less than 1000m², or has a uniform grade of less than 1 in 10, contours of the site;
 - proposed retaining walls, excavations and landfill;
 - existing trees and proposed landscaping (particularly where this is a requirement of the rules for the zone). Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - indigenous vegetation areas, water bodies and heritage items;
 - where relevant, recession line diagrams or models;
 - artificial watercourses and drainage and sewerage pipes within and adjacent to the site; and
 - the means proposed to deal with all stormwater and sanitary drainage.
- A floor plan of each building (at a scale of not less than 1:100) showing:
 - use of all parts of the building, including basements, parking, lift towers, storage or service areas;
 - room layout of the building, if this is known, and a clear identification of the use of different rooms or parts of a floor.

Where several floors are of the same area and use, a standard floor plan may be shown.

- Elevations of each building (at a scale not less than 1:100) showing:

- external appearance of the building including doors and windows;
 - number of floors and their proposed usage;
 - building heights and height in relation to any boundary;
 - materials and colours to be used on the exterior cladding, in sensitive locations and/or by the request of the Council.
- The location of any waahi tapu or waahi taoka.

Subdivision

- Every application for subdivision consent shall include a plan drawn to scale showing the following information:
 - the whole of the land held in physical continuity by the subdividing owner; a diagram may be shown if the land is too large to be drawn at the principal scale;
 - the location of all existing and proposed site boundaries;
 - the location, dimensions, and description of existing and proposed buildings in relation to existing and proposed boundaries;
 - the position of existing water, sewer, stormwater, electrical and telecommunication services;
 - the methods of servicing new allotments with water, sewer, stormwater, electrical and telecommunication facilities and evidence to demonstrate that those services can outfall or connect to existing reticulations;
 - the formation standards of the roads adjoining the subject land e.g. whether sealed, metalled or unformed, whether or not there is an existing kerb and channel and/or formed footpath;
 - whether or not any adjoining river has an average width of three metres or more;
 - the position of artificial watercourses;
 - the lot number for each site, boundary distances, site areas and in the case of rear sites, both net and total areas;
 - where reserves and/or roads are to vest in the Council, the location and areas of the proposed reserves and/or walkways and any tree planting proposed for the reserves and/or roads to vest in the Council;
 - the position of any listed heritage item;
 - the location of any waahi tapu or waahi taoka.

Conditions

Conditions are usually put on resource consents to ensure that the activity is carried out as stated in the application or as revised by the decision, and that adverse effects are mitigated or remedied. For example, on a large scale subdivision or construction project, a condition may be imposed requiring a Construction Management Plan to be produced that describes how effects such as noise, dust and runoff of sediment during large scale earthworks will be managed.

Appendix 1-3: Information Required With Notices of Requirement

Section 168 of the Act sets out what information is necessary to accompany any such notice of requirement. In addition, the District Plan may specify further information to be provided. The following additional information shall be submitted with a notice of a requirement:

- details of the Order in Council or empowering legislation which allows the applicant to be a requiring authority, including any specified terms or conditions attached to the Order in Council;
- a statement as to how the requirement meets Part II of the Act;
- a statement of the objectives this project or work is aiming to achieve;
- the degree to which the requirement meets the objectives and policies of the Plan;
- the relationship of the work to, or effect on, any relevant provisions of national, coastal and regional policy statements and regional plans;
- details of land ownership, acquisition and site clearance;
- the proposed sequence and timing of the work, clearly identifying any part which may not be commenced or completed within 5 years time;
- proposals for the use and maintenance of those parts of the land which will not be developed for 5 years or more, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime;
- identification of any other designation or heritage protection order applying to the site, whether it has been given effect to and the effect the requirement may have on the existing designation or protection order.