

1 General Provisions

1.1 Information requirements for resource consent applications

Information shall be provided as required under the 4th Schedule of the Resource Management Act 1991 and the following information shall be provided, where appropriate, to Council as part of any application for resource consent.

1.1.1 Written report

- (i) A certificate of title and details of any matters affecting title to the site. This includes copies of documents relating to any encumbrances, covenants, easements, leases or building line restrictions imposed on the land.
- (ii) For all applications for Marae, Wharenui and Housing Developments of a similar nature, and any other applications involving multiple-owned land, the status of the proponents and evidence that the landowners agree with the proposal.
- (iii) A description of the proposed activity. Where applicable this shall include:
 - (a) The hours of operation;
 - (b) Number of people employed and/or accommodated on the site;
 - (c) Type and frequency of vehicle movements to and from the site;
 - (d) A description of the carparking, loading and access provisions on the site;
 - (e) Type of materials stored on the site and the method of storage;
 - (f) The nature and use of any hazardous substances including their use manufacture, transportation, storage and disposal;
 - (g) The type, frequency and duration of any discharge of contaminants into the environment, including odour, dust, spray drift and any emission of noise;
 - (h) A description of proposed methods for the treatment and/or disposal of effluent, stormwater, and any other potential contaminant provided by the activity;
 - (i) Duration and nature of construction.
- (iv) The time-frame over which the development is likely to occur should also be described if staging of the works is proposed, an indication of the number and extent of the stages and duration of the work required for completion of each stage should also be provided.
- (v) A statement indicating all other resource consents which may be required from any consent authority in respect of the activity to which the application relates, and whether the applicant has applied for such consents.
- (vi) All applications for resource consent must include an assessment of effects on the environment.

Such an assessment shall be in accordance with the Fourth Schedule to the Act and should include an indication of the consultation undertaken. Any assessment of effects supplied must provide sufficient information for any person to understand the actual or potential effects (both beneficial or adverse) of that proposed activity on the environment, and the ways it is proposed to mitigate any adverse effects.

As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:

- The owner(s) and occupier(s) of the subject land;
 - Persons likely to be directly affected by the proposed activity;
 - The District and Regional Council;
 - Transit New Zealand;
 - The Department of Conservation;
 - The New Zealand Historic Places Trust;
 - Iwi authorities;
 - Community Health;
 - Fish & Game Council;
 - Environmental Futures;
 - Federated Farmers;
 - Royal Forest & Bird Society;
 - Te Aroha Earthwatch;
 - Other authorities or organisations as relevant.
- (vii) Any resource consent affecting a heritage item is to provide information appropriate to the nature of the proposal and the significance of the item involved. This assessment can include building reports, heritage inventories or conservation plans, historical information and photographs and should include diagrams and, important, photographs of the existing situation.
- (viii) All discretionary applications shall be accompanied by an engineering assessment and investigative evidence of the site which indicates that the site can be safely developed, and the measures to be adopted to avoid, flooding, forest fire hazard, land instability and ecotoxicity potential.

1.1.2 Plans

Any application for resource consent shall include plans (to scale) illustrating the proposal. The plans shall include:

- (i) A plan showing the location of the site, with road name, property number, legal description, north point and the name of the owner and applicant (if different from the owner).
- (ii) A site plan of the property at an appropriate scale adequate to show the level of detail relevant to the proposal. The site plan shall show:
 - (a) All legal boundaries of the property including all property dimensions and the area of the site;
 - (b) The extent and nature of any fill on the site, any areas of instability/earth movement and a description of any habitats, wetlands, watercourses or other significant topographical features on the site including any indigenous vegetation;
 - (c) The location (with distances to site boundaries) and dimensions of all existing and proposed buildings, additions or alterations;

- (d) The proposed use of each building;
 - (e) Original and proposed contours and ground levels, in relation to the Department of Survey and Land Information datum, or as appropriate in relation to a permanent datum established on the site, at a level of detail to enable assessment of compliance with building height, building height in relation to boundary, and vehicle access gradient rules;
 - (f) Floor levels of all buildings expressed in terms of the Department of Survey and Land Information datum, or in relation to a permanent datum established on the site;
 - (g) The position of any easement over the site;
 - (h) The location of water courses, and drainage and sewerage pipes, power and telecommunication lines within and adjacent to the site;
 - (i) The extent of proposed earthworks including filling, excavation and retaining walls dimensions horizontally and vertically;
 - (j) The existing and proposed location of parking and loading spaces, vehicle and pedestrian access, manoeuvring areas and proposed traffic circulation within the site. Including, information to enable assessment of any access issues including the location of vehicle crossings and details of adjoining roads and any changes thereto that affect or are affected by access to the site;
 - (k) Dimensioned areas of proposed landscape treatment together with all existing and proposed sealed areas;
 - (l) The locations and dimensions of any heritage resource listed in Schedules 1, 2 and 3;
 - (m) The location and dimensions of any known archaeological site;
 - (n) For multiple residential units, the location and dimensions of the building platform, parking, private recreational areas, and common areas.
- (iii) For all applications for Marae, Wharenui and Housing developments a plan showing:
- (a) The complete development and general stages of construction including the location of dwellings, marae and garages/carports; and
 - (b) Places, objects, buildings and trees that are protected under the provisions of the District Plan.
- (iv) A floor plan of each building at a scale of not less than 1:100, or as appropriate, showing:
- (a) The present or proposed future use of all parts of the building including basements, parking, lift towers, storage or service areas.
- Where several floors are of the same area and use, a standard floor plan may be shown.
- (v) Elevations of each building at a scale of not less than 1:100 showing:
- (a) External appearance of buildings including doors and windows;
 - (b) Building height, and height in relation to boundary, illustrating degree of compliance or non-compliance;
 - (c) Original ground levels along boundaries in relation to datum used at 1 metre intervals.

- (vi) Landscape plans at a scale of 1:100 (1:200 if the site is larger than 1500m²) and shall show the following:
 - (a) The areas within the site to be landscaped;
 - (b) The exact nature of the proposal including the intensity of the use taking into consideration height, yards, coverage and size of the site;
 - (c) The identification and location of any existing tree or groups of trees (to the area occupied by their driplines) and whether these are to be retained;
 - (d) Any trees that are protected in Schedules of the District Plan and the measures for the retention of these trees;
 - (e) The plant species to be used within the landscaped areas, including plant numbers, planting size and spacing, as well as the height and spread at maturity;
 - (f) Areas that are to be grassed;
 - (g) The outline of buildings, car parks and vehicle accessways.

Unless otherwise stated, when assessing a landscape plan, Council will have regard to the following assessment criteria:

- (a) Whether existing landscape features are integrated into the new development;
- (b) Whether the layout and design are of a high standard, and provide a visual environment that is interesting and in scale with the proposed development;
- (c) Size of trees to be planted at the time of planting and at maturity;
- (d) The timing of implementation of the landscape plan and the maintenance of approved planting;
- (e) Whether the type and the location of planting promotes public safety.

1.2 Development suitability

1.2.1 Activity status criteria

- (i) Except as otherwise stated:
 - (a) The controls and performance standards within Part B shall be met by all Permitted Activities and considered as a guide for all other activities;
 - (b) Any Permitted Activity, which fails to comply with any of these controls and performance standards, shall be deemed to be a Restricted Discretionary Activity for the area of non-compliance;
 - (c) Any Controlled Activity, (managed by specific standards and terms listed in Rule 1.3), which does not meet all the provisions for Controlled Activities shall be deemed a Restricted Discretionary Activity for the particular non-compliance.
- (ii) It is not intended that Council's discretion on Discretionary Activities be limited to the controls, performance standards and criteria that are listed in Part B.
- (iii) Any activity not listed in the Activity Table (Section 2) shall be deemed to be non-complying.

1.2.2 Development suitability

(i) Compliance

All activities in all zones shall comply with the following conditions, performance standards and terms.

Every allotment created by subdivision exclusive of those for works and network utilities shall comply with the following conditions, performance standards and terms.

(ii)

(A) Building site

Each lot must contain a rectangular area of land for building purposes measuring no less than 10 metres on one side and 15 metres on the other that is free of impediments to buildings such as: drainage lines, building line restrictions, easements, bulk and location requirements, protected registered significant features or other items or topographical impediments;

(B) Future urbanisation (dwellings within the Residential zone)

The location of the dwelling shall not compromise the future servicing and development of the site for residential purposes.

(iii) On-Site effluent and stormwater treatment and disposal

Where each lot or development lies within Councils reticulated area, they shall be served by a Council reticulation, treatment and disposal system, or if this is not practicable, then treatment and disposal shall be contained within the property boundaries, subject to the necessary consents being obtained.

~~Each lot shall comply with the requirements of the Waikato Regional Council (WRC), or requirements of the Matamata-Piako District Council (MPDC) that meet the WRC standard concerning septic effluent and water disposal, or be connected to a MPDC approved reticulation, treatment and disposal systems.~~

Any disposal or treatment areas located off-site, other than to MPDC owned systems, shall be protected by easements as appropriate.

Council may require a detailed stormwater plan to ensure that there are no adverse stormwater effects off-site. The applicant shall liaise with the WRC with regard to discharge consents and shall advise Council of any additional consents required. .

~~Any necessary consents shall be obtained from the Waikato Regional Council. The applicant shall liaise with the WRC with regard to discharge consents and shall advise Council of any additional consents required.~~

Where stock trucks are associated with the activity, the applicant shall ensure that all such trucks are fitted with effluent holding tanks and that waste, storage and disposal facilities are provided.

Advice note: The use of a conventional septic tank is not permitted on sites less than 2500m².

(iv) Roading and access

See Section 9: Transportation.

(v) Water

All sites shall be able to be provided with a reliable supply of water sufficient to

meet the needs of any proposed development of the site. The requirements of the Development Manual shall be deemed compliance in accordance with Section 6-Subdivision, Section 8- Works and Network Utilities.

(vi) Suitability for development

Council may require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the activities anticipated in the zone, or the development proposed, and/or the conditions under which development will be appropriate including:

- (a) Each building area as described in (ii) above is free from flooding or inundation, erosion, subsidence and thermal ground;
- (b) Slope stability, foundations of structures, major earthworks including access tracks and roads;
- (c) Ground water table levels;
- (d) Earthquake faultlines or other seismic hazard;
- (e) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site.

(f) The matters within the Development Manual.

The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.

Council may refuse to approve a subdivision or resource consent or in approving the proposal, impose appropriate conditions to avoid high probabilities of accelerated erosion, land slip, flooding or subsidence, or increased adverse effects resulting from contaminants on the site.

See also Section 11: Natural Hazards.

(vii) Protection of scheduled significant items

Council shall require the legal protection in perpetuity of any scheduled significant item or feature with the exception of Scheduled Item 213 of Schedule 3, as a condition of resource consent. Scheduled significant items are listed in Schedules 1, 2 and 3.

- (a) Council shall require that legal boundaries are located in a position that does not impair or destroy the integrity of the scheduled significant item;
- (b) Suitably qualified persons shall, be engaged, if necessary, to determine the boundaries or significance of such items;
- (c) Any such required protective measures shall be taken into account when addressing the Development Contribution for reserves that would otherwise apply. See Section 7: Development Contributions.

(viii) Protection of other items

Council may require, as a condition of subdivision or resource consent, the legal protection in perpetuity of a significant feature that is found to exist on the property or the sustainable management of vegetation resources of indigenous or landscape value.

Provided that this rule shall not apply to Scheduled Item 213 of Schedule 3 and where approval has otherwise been given for use of archaeological sites from the

Historic Places Trust. Evaluation shall be undertaken in accordance with the criteria in Appendix I. The feature/area must be fully described and intrinsic value ranked alongside other similar features. Any protective measures shall be taken into account when assessing the financial contribution for reserves that would otherwise apply. See Development Contributions: Section 7.

Council may require that legal boundaries are located in a position that does not impair or destroy the integrity of the significant feature found to exist on the property.

- (ix) Protection of riparian areas. See Performance Standards: Section 5.1.1.
- (x) Existing buildings to comply

All subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created.

Provided that subdivision around activities created as a result of the grant of a land use consent shall take into consideration the needs and requirements of the particular land use granted consent and Council shall consider the location of existing and proposed buildings relative to new boundaries.

- (xi) Consent notices

Consent Notices pursuant to Section 221 of the Resource Management Act, or such other legal instrument as may be considered appropriate in the circumstances, shall be registered on the Certificate of Title created to ensure ongoing compliance with the conditions of subdivision consent. Such conditions may include, but are not limited to, the ongoing protection or maintenance of a significant site or landscape, conservation planting or landscaped area.

The consent notice or instrument shall include:

- The condition of resource consent;
- The accepted means of compliance;
- The term of the agreement (if applicable); and
- A plan of the area to which the condition relates.

Objectives/Policies		
2.4.2	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1
3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2	P1, P2, P3
3.3.2.2	O1	P1, P2
3.4.2.1	O1, O2, O3	P1, P2, P3

Explanation

The development suitability rules are, unless stated otherwise, the primary conditions under which development may occur. Before Council grants consents to any subdivision consent application it must be certain that the resultant allotments may be developed in accordance with the provisions of the zone in which they are located. In addition all activities must occur in a manner that is in accord with the matters of Part II of the Act.

In general, existing buildings have shown the extent to which the development has affected the environment. However consideration must be given to the way new allotment boundaries may restrict the use and development of the new properties created.

The District Plan pre-states the anticipated environmental result of development and subdivision. Neither must be allowed to compromise these anticipated results.

Consent Notices are a legal instrument that may be imposed at the time of subdivision to ensure that the conditions of consent are complied with. Other instruments include restrictive covenants that may be imposed under Section 108 of the Act.

1.3 Standards and terms for controlled activity resource consent applications

In addition to the Information requirements (Section 1.1), Development Suitability Criteria (Section 1.2), Development Controls (Section 3), Activity Related Standards (Section 4), Performance Standards (Section 5) and Development Contributions (Section 7), Council shall apply the following standards and terms when assessing controlled activities. These sections shall be used as a guide when imposing conditions of consent. If a controlled activity does not meet the requirements of this Section and Sections 3, 4 and 5, the activity shall become a restricted discretionary activity in respect of the specific area(s) of non-compliance. If a controlled activity does not meet the requirements of Sections 6 to 12, the activity shall become a discretionary activity; except if the Connectivity Performance Standard (Rule 6.2.1(iv)) is breached, in which case the activity shall become restricted discretionary, with Council's discretion restricted to the need to ensure strategic road and pedestrian connections and linkages when sites are developed.

1.3.1 Harvesting of plantation forests

- (i) The applicant shall provide sufficient detail for Council to process the application including:
 - (a) Where an application may have an adverse effect on roading in the District and which may require expenditure by Council, it should preferably be made two years prior to the proposed exercise or commencement of the consent.

Advice note: Where such applications are made less than two years prior to the proposed commencement, the commencement date and any conditions of consent relating to any roading may be affected.

- (b) An estimate of the volume of wood to be harvested;
 - (c) The expected programme of work for harvesting;
 - (d) The roads proposed to be used;
 - (e) Specific traffic management proposals to mitigate the effects of logging trucks in rural areas;
 - (f) The potential impact on archaeological sites;
 - (g) The extent to which the application meets rule 5.1.1 (riparian planting and retirement);
 - (h) The extent to which the proposal meets the provisions of section 9 of the plan (access, parking and loading);
 - (i) The matters to be considered by Council in clause (iii) below;
 - (j) Consideration of 3.1.2.1 Landscape Character O2 and P2 and Section 13 Other Methods.
- (ii) The Council may impose a financial contribution in accordance with Section 7 – Development Contributions.

- (iii) In determining what conditions are appropriate to apply to harvesting activities Council shall consider the following matters:
- (a) Compliance with rule 5.1.1 (Riparian planting and retirement) Activities undertaken under rule 4.1.2 are excluded from this rule, as this rule provides for riparian management specifically for the Kaitiaki zone. Note Item 213 in Schedule 3 excludes understorey and re-growth of vegetation in a plantation forest;
 - (b) Use of management techniques as recommended in the Forest Industry Training Best Practice Guidelines and the New Zealand Forest Code of Practice (LIRO);
 - (c) Any adverse effects on indigenous biological diversity;
 - (d) Compliance with 1.3.1(i) and (ii) above;
 - (e) The methods for revegetating the site, (including the methods and programmes for revegetating the site);
 - (f) The measures to mitigate the impact of harvesting on any kiwi present, (including provision for the management of dogs, ongoing pest management, the control of burning and other mitigating factors);
 - (g) Whether any scheduled significant items or features require further legal protection.

Note: This rule does not apply to Scheduled Item 213 of Schedule 3.

- (h) The criteria in 1.4.12 – (Kaitiaki (Conservation) zone) relevant to the application;
- (i) The criteria in 1.4.16 – (Activities Involving Items in Schedules 1, 2 and 3), relevant to the application;
- (j) The criteria in 1.4.21(a) (b) and (c) – (Activities in Natural Hazard Areas), relevant to the application;
- (k) Visual effects and whether harvesting can practicably be carried out in a way, which mitigates effects on natural character.

Advice note: Council shall consider the progress made with the NZHPT procedures as they relate to archaeological sites.

Objectives/Policies		
3.1.2.1	O1, O2	
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6
3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2	P1, P2, P3
3.8.2.1	O1, O2, O3, O4, O5, O6	P1, P2, P3, P4, P5
3.9.2.1	O1	P1

Explanation

The Kaitiaki (Conservation) zone in the Kaimai Ranges is identified on the planning maps and includes:

- All that land held in public reserve including former State Forest;
- Areas identified by previous Hauraki Catchment Commission reports as being subject to soil conservation measures;
- Generally all land down to the bush line at the base of the Ranges, Pastoral country is generally excluded.

The Piako County District Scheme 1974 identified that some of the lands (classed as VII(e) and VIII(e) as well as some class VI(e) lands on high plateaus were recommended by the former Hauraki Catchment Board as "Watershed Protection Forest" as part of the Waihou Valley Scheme. Those areas identified were at that time predominantly in native bush or scrub or other steep hill country. Those areas identified were included in the District Scheme as Native Bush or Forest Conservation Zone which determined that it was essential that the forest cover be maintained to ensure proper control of water run-off and a minimum of soil erosion, or to preserve their scenic quality. The zone along with the definition of protection forest precluded the

milling, thinning or destruction of these areas and required that in the event of destruction that it be allowed to regenerate or be replanted. It was also deemed essential that grazing of the area be prohibited and noxious animals be kept under control so as to prevent damage to the forest.

In addition to this a separate "Protective Afforestation" zone was introduced into the Piako County District Scheme. The goal was to protect river watersheds and safeguard areas from erosion, and at the same time to encourage afforestation where it would assist with the prevention of erosion and control of water run-off. This zone recognised that while those areas were susceptible to erosion in the absence of proper management programmes, they were still capable of being utilised. Afforestation and timber extraction, if correctly and sensibly controlled and managed, was permitted to be undertaken subject to erosion and water run-off and good management.

Council's policy at this time was to allow afforestation and subsequent timber extraction within this zone, but prior to any approval Council required the preparation of a Comprehensive Forest Development Plan (CFDF). The approval by both the Council and Hauraki Catchment Board of the CFDP was required.

The Piako County District Scheme, which became operative in 1985 enlarged the "Native Bush" or "Conservation" zone and included the Protection Afforestation zone within it. Areas in this zone were identified as being liable to erosion if not properly managed. The Scheme also stated that most of these lands should be maintained in permanent forest cover to control water run-off and erosion and to preserve scenic quality but the Scheme also recognised that some of the land was capable of use as forestry "if the afforestation of these areas and any eventual harvesting of timber is carefully managed." Protection forestry was identified as being the management of forests principally for soil conservation and regulation of water, and included harvesting operations that were compatible with the principal management objective.

Management activities of the NZ Forest Service which did not conflict with the objective of the zone including preservation of the ground or maintenance planting designed to re-establish such cover subject to management plans approved by the Council were permitted. Commercial forestry was not permitted.

The provisions of this plan have recognised that the harvesting of those former forest service areas that are already established, regardless of their status and whoever manages the land, should be able to be undertaken provided that the criteria for harvest and subsequent revegetation as outlined are met.

1.3.2 Dwellings in the Rural zone

- (i) Dwellings on existing Certificates of Title less than 4.2 ha in area.

The applicant shall prove that the Certificate of Title was in existence prior to November 1996.

- (ii) Dwellings, accessory to an approved dwelling, directly associated with farming or production forestry.

The applicants shall show that the accessory dwelling is directly associated with farming or production forestry.

Advice note: See Also Section 1.2.2

Objectives/Policies		
3.3.2.1		P1, P2, P3
3.3.2.1	O1	P1, P2, P3

1.3.3 Dwellings in the Residential zone

- (i) Future urbanisation

The location of the dwelling shall not compromise the future servicing and development of the site for residential purposes.

Objectives/Policies		
2.4.1	O1	P1
2.4.2	O1	P1
3.9.2.1	O1, O2	P1, P2

1.3.4 Subdivision

- (i) Development suitability

In assessing controlled activity subdivision consent applications Council shall have particular regard to the Development Suitability Criteria (Section 1.2) and the Subdivision rules (Section 6).

(ii) Development Contributions

As a condition of consent for any controlled activity subdivision consent Council may require the payment of a Development Contribution to avoid remedy or mitigate any adverse off-site effects generated by the subdivision. See Section 7: Development Contributions.

Objectives/Policies		
See objectives and policies in Section 1.2		
3.9.2.1	O1, O2	P1, P2

1.3.5 Activities in natural hazard areas

Council reserves control over the following matters for controlled activity resource consent applications and may impose controls in respect of each:

- (i) The location of buildings, storage areas and fences in relation to forests;
- (ii) The location of production or plantation or conservation and stands of vegetation;
- (iii) The location and the times of operation of open fires, refuse fires, chimneys and flues;
- (iv) The storage of flammable chemicals or materials and fire fighting water supplies;
- (v) Access to the site for emergency vehicles;
- (vi) Any activity on-site that may adversely affect the natural drainage of peatlands held as public reserve or Scheduled in this Plan for protection.

Objectives/Policies		
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1

1.3.6 Activities provided for in a Development Concept Plan

(i) General

- (a) Any activity shall be located in general accordance with the Development Concept Plan;
- (b) Any proposed activity shall be assessed as to the extent to which the activity complies with the Development Controls and Performance Standards of the District Plan;
- (c) Conditions may be imposed with regard to compliance with the Performance Standards and Development Controls and the matters assessed under this Rule.

(ii) Visual

- (a) The visual effects of buildings, structures, access and manoeuvring areas and earthworks, landscaping or other activities will be assessed in terms of the likely effect on or of:

- The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
 - Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
 - The mitigating effects of any proposed landscaping.
- (b) In making an assessment of visual impact regard shall be had to:
- The scale of the facility or building;
 - Height, cross sectional area, colour and texture of structures and buildings;
 - Distance of structures to site boundaries, the degree of compatibility with surrounding properties;
 - Proposed planting, fencing and other landscaping treatments;
 - Proposed signs;
 - Civil aviation height, colour and design requirements;
 - The intensity of lighting when viewed from a distance should not be out of character with the environment in which the installation is situated;
 - Lights should be directed and positioned as far as practicable so as to prevent spill or light adversely affecting the use and enjoyment of adjoining properties;
 - The opportunity for co-siting the facilities.
- (c) Subject to the master landscape plan and planting programme, in assessing any proposed landscaping regard shall be had to:
- Whether existing landscape features are integrated into the new development;
 - Whether the layout and design are of a high standard, and provide a visual environment that is interesting and in scale with the proposed development;
 - The size of trees to be planted at the time of planting and at maturity;
 - The timing of implementation of the landscape plan and the maintenance of approved planting;
 - Whether the type and the location of planting promotes public safety;
 - The Preliminary Visual and Landscape Study, October 1992, Volume I.

1.3.7 Use of land for effluent disposal of non-human waste from industrial activities

Any effluent disposal system (including disposal onto land by way of spray irrigation) associated with the disposal of non-human waste shall comply with the following:

- (i) Yards
- 10 metres from a road boundary;

- 150 metres from dwellings;
- 300 metres from a school, marae, hall, public reserve, or Residential zone.
- (ii) No spraying shall occur from a public road or place.
- (iii) Access
 - Section 9.1.2(x) shall apply; and
 - Any mud or materials deposited on the roadway shall be removed immediately.
- (iv) Noise
 - Section 5.2.5 shall apply.

1.3.8 Overhead power lines

- (i) The visual effects shall be considered in the light of 1.4.1;
- (ii) The management of risk as in 1.4.9.

1.3.9 Temporary military training

- (i) The building envelope rules of the respective zone shall apply.

Objectives/Policies		
2.4.1	O1	P1
2.4.5	O1	P1
3.1.2.1	O1	P1
3.5.2.1	O1, O2	P1, P2, P3, P4, P5
3.5.2.2	O1, O2	P1, P2, P3, P4, P5, P6
3.5.2.3	O1, O2, O3, O4, O5, O6	P1, P2, P3, P4, P5
3.5.2.4	O1, O2	P1, P2, P3, P4, P5
3.7.2.1	O1	P1, P2, P3, P4

1.4 Assessment criteria for restricted discretionary, discretionary and non-complying resource consent applications

In considering discretionary and non-complying activities, Council shall have regard to any or all of the following matters, as appropriate, as well as the Performance Standards (Section 5), and Development Contributions (Section 7), and the Other Methods in Section 13 and shall have regard to the Development Manual. These matters do not restrict Council's discretionary power.

1.4.1 Visual

- (i) The visual effects of an activity or work will be assessed in terms of the likely effect on:
 - (a) The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
 - (b) Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
 - (c) The mitigating effects of any proposed Landscaping.

- (ii) With regard to activities in the Kaitiaki (Conservation) zone:
- (a) Whether the siting, design and external appearance of any building dominates the skyline when viewed from any formed public road, accessway or public open space;
 - (b) Where the application involves a building on or near a ridgeline the Council will consider whether:
 - The highest point of any building is below that of the natural landform at the watershed of the ridge line immediately adjacent to it; or
 - The highest point of any building is below that of any existing vegetation, or proposed planting, which provides a vegetative screen between the site of the proposed building and the watershed of the ridge immediately adjacent to that site.
 - (c) Whether existing bush and vegetation will be retained where practicable, and sufficient landscape planting is provided for screening and as a backdrop where necessary, to ensure that buildings blend with the natural character of the landscape;
 - (d) Whether any earthworks necessary for the creation of a building platform, and access, will cause minimal disturbance to the landform and character of the site, and whether any such areas will be appropriately landscaped as soon as practicable having regard to the season;
 - (e) Whether driveways, private ways and turning areas will be constructed in such a manner as to require minimal disturbance to existing landform or vegetation;
 - (f) In addition to (a) – (e) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Okauia 1 Block being Part DP7148, Okauia 4B Block, Lot 1 DPS 24315 Blocks IV and VIII Tapapa SD as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated;
 - (g) In addition to (a) – (e) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Section 126, Block II Tapapa East Survey District (CT SA5B/22) as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (iii) In making an assessment of visual impact regard shall be had to:
- (a) The scale of the facility or building;
 - (b) Height, cross sectional area, colour and texture of structures and buildings;
 - (c) Distance of structures to site boundaries, the degree of compatibility with surrounding properties;
 - (d) Site location in terms of the general locality, topography, geographical features, adjoining land use, i.e. landscape character, rural houses;
 - (e) Proposed planting, fencing and other landscaping treatments;
 - (f) Proposed signs;
 - (g) Civil aviation height, colour and design requirements;
 - (h) The intensity of lighting when viewed from a distance should not be out of character with the environment in which the installation is situated;

- (i) Lights should be directed and positioned as far as practicable so as to prevent spill or light adversely affecting the use and enjoyment of adjoining properties;
 - (j) The opportunity for co-siting the facilities;
 - (k) Increased movement resulting from the activity.
- (iv) In assessing any proposed landscaping regard shall be had to:
- (a) Whether existing landscape features are integrated into the new development;
 - (b) Whether the layout and design are of a high standard, and provide a visual environment that is interesting and in scale with the proposed development;
 - (c) Size and type of trees to be planted at the time of planting and at maturity having considered:
 - The character of the building or activity on-site;
 - The character of adjacent properties;
 - The scale of any parking areas to be screened;
 - Potential shadowing in winter of adjacent residential or rural properties or public reserves;
 - Underground and overground services;
 - Suitability of the species to the location;
 - Suitability of the maintenance plan and watering programme to the species.
 - (d) The timing of implementation of the landscape plan and the maintenance of approved planting;
 - (e) Whether the type and the location of planting promotes public safety;
 - (f) Whether the Landscape Plan is certified by an appropriately qualified person as consisting of hardy plants suited to the location and capable of achieving the appropriate screening or enhancement purposes desired in the circumstances;
 - (g) The Preliminary Visual and Landscape Study, October 1992 (Volume I).

Objectives/Policies		
2.4.2	O1	P1
3.1.2.1	O1	P1
3.5.2.1	O1, O2	P1, P2, P3, P4, P5
3.5.2.2	O1, O2	P1, P2, P3, P4, P5, P6
3.5.2.4	O1, O2	P1, P2, P3, P4, P5

1.4.2 Noise effects

- (i) The Council shall ensure that existing activities are not adversely affected by the proposal. In determining appropriate noise levels, Council shall have regard to the noise environment of the locality in which it is proposed to site the facility and the practicality of reducing noise from the utility components;
- (ii) With regard to airports, Council shall have regard to New Zealand Standard 6805:1992 and New Zealand Standard 6807 with regard to Helicopter noise;

- (iii) Council shall also have regard to the "Guidelines for the Management of Road Traffic Noise - State highway Improvements" by Transit New Zealand;
- (iv) With regard to dwellings located within 50 metres of a state highway and 25 metres of any other road within the Rural zone, Council shall have regard to the environmental outcome prescribed for dwellings in Rule 5.2.1. Applicants should note that in some circumstances an acoustic design report may be required to enable the impact of noise on the dwelling to be fully assessed.

Objectives/Policies		
3.4.2	O1	P1
3.5.2.3	O1, O2, O3, O4	P1, P2, P3, P4

1.4.3 Stormwater and effluent effects

The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council's stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after consideration of the Building Code and the sensitivity of the receiving environment to discharges.

The matters identified in Section 6.2.1 and Section 6.2.10 shall also be considered.

Objectives/Policies		
2.4.2	O1	P1
3.3.2.1	O1	P1, P2, P3

1.4.4 Traffic and access

- (i) Traffic volumes, traffic mix relative to the existing and future traffic patterns, speed environment, access, parking and loading on-site;
- (ii) Hours of operation relative to the existing and future neighbourhood amenity;
- (iii) Construction traffic volumes, traffic mix, hours of operation;
- (iv) The operational requirements of the activity (e.g. wherever more than one access facilitates the safe and efficient movement of vehicles to and from the site);
- (v) The extent to which potential adverse effects of the activity on traffic safety and efficiency will be avoided, remedied or mitigated by implementing traffic management measures such as:
 - Flush medians or solid medians;
 - Deceleration and acceleration lanes on state highways;
 - The careful design and location of access points on to roads, particularly state highways.
- (vi) The effects of the activity having regard to the LTSA Guidelines for Service Stations (to the extent that these are relevant to other high traffic generating uses);
- (vii) In respect to Part B 9.1.1(v) (restricting vehicle access to specified shopping frontages) whether there will be no significant loss of pedestrian amenity if a vehicular access is provided and, having regard to the particular location and the nature of the activity, the overall objectives for the zone will not be compromised.

(viii) The matters identified in Section 6.2.1 and Section 6.2.10 shall also be considered.

Objectives/Policies		
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2.4.2	O1	P1
3.8.2	O1, O2, O3, O4, O5, O6, O7	P1, P2, P3, P4, P5, P6, P7, P8, P9

1.4.5 Parking and loading

(i) Alternative means of providing parking and loading

(a) Joint provision of parking and loading for several activities

Where several activities are established on any site, or on several sites in any area, the Council may permit the developers of such activities to provide joint off-street parking and loading areas for their common use. The number of parking spaces required shall be the sum of the requirements for each activity.

Where it can be shown that the parking or loading demand of one or more of the activities occurs at a different time from that of the remaining activities, the Council may waive the parking or loading requirement through a resource consent application for one or more of the activities.

The Council may allow a developer to enter into an agreement to use an existing parking or loading area as a joint area where the demand for parking or loading of vehicles occurs at a different time from that of the existing activities, or where the Council considers that there is sufficient capacity to accommodate the additional vehicles.

In every case Council shall require written documentation of the agreement or arrangement entered into.

The Council reserves the right, with notice, to re-impose the individual requirements should circumstances change with respect to the right of any developer, owner or occupier to use the joint parking or loading area,

Or

(b) Cash in lieu

Council may accept cash-in-lieu of parking and the monies received shall equate to the value of Council land nearby (being 25m² per carpark) and the formation costs of the required carparks. Council shall provide such off-site parking within 5 years of receipt of such cash-in-lieu provision.

An account shall be kept at Council's Offices of the number of spaces funded by developments in the vicinity of the carpark. This information must be referred to prior to Council accepting a financial contribution. See also Development Contributions: Section 7.

Or

(c) On-street parking

Where on-site parking is required for commercial development but Council considers that it is not reasonable or practical now or in the future to make that provision on-site, Council may approve on-street parking immediately adjacent to the property.

The Council may require a set back of the footpath to accommodate such parking and may require the full cost to be borne by the applicant.

For clarity such alternative parking provision shall only be permitted on the same side of the street as the proposed activity.

Or

(d) Additional land

The Council may approve parking provided on suitably zoned land sufficiently close to that site (but not on any road or service lane) to ensure the ready use of such parking areas by visitors and employees of the activity. Council shall require legal evidence of the parking site being tied to the activity.

Whichever option is pursued, the matters identified in Section 6.2.1 and 6.2.10 shall be considered.

Objectives/Policies		
2.4.2	O1	P1
3.8.2	O2, O3, O4, O5	P2

Explanation

When considering applications for activities that do not meet the performance standards required with respect to access on-site parking and loading, Council shall consider alternatives that may be appropriate to the site specific circumstances of the proposal.

1.4.6 Social and heritage effects

- (i) The likely impact of construction, operation and maintenance activities including those in residential and rural areas, marae, public reserves and identified significant features (Particularly the function of community and recreational facilities in the vicinity of the proposed facility). See Appendix 1: Evaluation Criteria;
- (ii) The impact on the adjacent site's management including public and private airfields;
- (iii) The Iwi's opinion if Maori land titles are being alienated;
- (iv) The degree to which the proposal complies with a Reserves Management Plan prepared under the Reserves Act 1977 or any other empowering legislation.

Objectives/Policies		
2.4.2	O1	P1
3.1.2.3	O1	P1, P4, P5, P6

1.4.7 Wind effects

The effects of the structures on the micro wind climate of the neighbourhood particularly adjacent to residential, marae and recreational facilities.

Objectives/Policies		
3.2.2.3	O1	P1, P2

1.4.8 Odour effects and air emissions

The effect of, and the probability of, offensive odours and particulate matter from the operation of facilities and in particular the operation of sewage treatment and disposal facilities and solid waste management disposal sites.

Objectives/Policies		
2.4.2	O1	P1
3.5.2.3	O1, O2, O3, O4, O5, O6	P1, P2, P3, P4, P5

1.4.9 Risk management

- (i) Council shall have regard to the degree of risk associated with the following (Council may require further information to enable a full assessment of the proposal):
- (a) The use of hazardous substances in the facility and proof that the NZ Fire Service and the Regional Council have been advised;
 - (b) The technology used in the provision of the service e.g. high voltage electricity, radio-active material, electro magnetic fields;
 - (c) Risk of rupture, breakage, collapse, failure, movement etc of components of the facility as it relates to the design and maintenance of the facility and the effect of natural hazards on the facility;
 - (d) The measures inherent in the proposal which will avoid, remedy or mitigate the potential for that effect to occur.
- (ii) Where the application relates to the use, management, development or rehabilitation of a contaminated site the applicant shall advise on the risks of undertaking the proposed activity in relation to the contaminants identified on the site.

Objectives/Policies		
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1

1.4.10 Biological effects

The existence on-site or adjacent to the site of outstanding, significant or intrinsically valuable ecosystems or flora or fauna. See Appendix 1 for the Evaluation Criteria.

- (a) Whether all existing indigenous vegetation will be retained but not including the understorey, and regrowth of failed lawful plantings of a plantation forest except where removal is unavoidable for the reasons outlined below:
- To create a building platform;
 - For access and parking.
- Any works should minimise disturbance to the landform/character and vegetation.
- (b) Whether there is sufficient time and expertise to record and document the heritage resource before the proposal occurs;
- (c) Consideration of the provisions of any relevant Management Plans;
- (d) Where the evaluation criteria in Appendix 1 show any significant natural feature, tree or stand of trees, building, object, geological feature or waahi tapu worthy of protection then that item should be included in the relevant schedule;

Objectives/Policies		
3.1.2.2	O1	P1, P2, P3, P4

1.4.11 Rural zone

Discretionary or non-complying activity resource consent applications on Class I, II and III soils within the Rural zone must show that the good quality soil is not degraded,

compromised or lost from the land resource. This rule applies to a title where 90% of the soils are Class I, II and III. This rule does not apply to 6.1.1 (3) (c) and (5), (6) and (7).

Objectives/Policies		
3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2	P1, P2, P3

1.4.12 Kaitiaki (Conservation) zone

- (i) The nature and extent of the proposed work and the degree to which it may disturb natural landforms, landscapes, features and vegetation, or create soil instability, or lead to adverse effects to natural habitats, watercourses and wetlands.
- (ii) Any proposal for use and development shall as far as practicable, be located, designed, constructed or placed to complement the character of the environment in which it is located.
- (iii) Use and development shall be considered inappropriate where it would modify, damage or destroy any regionally or nationally or internationally rare, threatened or endangered indigenous fauna or habitat of such fauna, plant or plant community, or any significant indigenous vegetation which contributes to the recognised values of the area.
- (iv) The location and extent of any archaeological cultural and historic sites within any area subject to the application and how they will be affected by the proposal.
- (v) The likely impact of the proposal on natural landforms in terms of visual appearance, and the potential for subsidence or erosion (including stream banks).
- (vi) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation, sedimentation, or a reduction of water quality in natural watercourses and groundwater that leads to adverse effects on identified natural habitats and ecosystems or detracts from the natural character of the environment.
- (vii) All existing indigenous vegetation shall be retained except where removal is unavoidable for the following reasons:
 - (a) To create a building platform;
 - (b) For access and parking;
 - (c) For the purposes of the proposed activity.
- (viii) Native vegetation removal and all earthworks must not adversely affect the sustainability of natural habitats and ecosystems.
- (ix) Details of an appropriate rehabilitation programme or other mitigation measures for the area to be subject to the proposed activities.
- (x) The time period over which the work will take place.
- (xi) The provisions of any relevant management plan or conservation plan.
- (xii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Okauia 1 Block being Part DP7148, Okauia 4B Block, Lot 1 DPS 24315 Blocks IV and VIII Tapapa SD as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (xiii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Section 126, Block II Tapapa East

Survey District (CT SA5B/22) as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.

- (xiv) And the standards and terms of 1.4.29(i).

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4

1.4.13 Mining or quarrying

In addition to the general assessment criteria for discretionary and non-complying activity resource consent applications, Council shall have regard to:

- (i) Management plan

Whether there is an adequate management plan for the site and the extent to which it describes the activity, and details appropriate methods to be used to avoid, remedy or mitigate adverse affects, of:

- Stripping and stockpiling top soil and overburden;
- Stormwater and wastewater disposal;
- Dust;
- The transport, storage and use of hazardous substances including explosives;
- Traffic;
- Access;
- Noise;
- Rehabilitation.

Council should have regard to whether the working of the mine, quarry or pit shall be programmed into stages and the working area shall be restricted to one stage at a time.

- Blast noise and vibration. See Rule 4.9.1.

- (ii) Rehabilitation

- (a) The means and extent to which top soil is proposed to be retained for future rehabilitation of the land;
- (b) The means and extent of restoration proposed of the soil profile and of all excavations and land disturbances to a natural, vegetated landscape;
- (c) The programme, species and timing proposed for rehabilitation planting;
- (d) Closure programme including removal of plant, buildings and waste on completion of works or expiry of consent.

- (iii) Separation

- (a) Whether a minimum of 300m separation is provided for between the working areas (including stockpiling areas) and the site boundary for mitigation of noise, dust and other nuisances;
- (b) Whether a lesser distance can mitigate all such adverse effects.

Objectives/Policies

3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2	P1, P2, P3
3.5.2.3	O1, O2, O3	P1, P2, P3, P4, P5

Explanation

These rules are implementing the Objectives and Policies concerning Sustainable Primary Production, Landscape and Amenity. The District has in the past experienced the adverse effects created by mining and quarrying and is thereby very aware of the need to ensure operators are committed to a realistic site management system and rehabilitation of mining and quarrying sites.

1.4.14 Commercial stockyards, saleyards and holding paddocks

In addition to the general assessment criteria for discretionary and non-complying activity resource consent applications, the following shall apply for Commercial Stockyards, Saleyards and Holding Paddocks.

(i) Separation

Council shall have regard to whether a minimum of 500 metres separation can be provided from a Residential or Business zone to mitigate the potential adverse effects of odour, noise and other nuisances can be provided or whether a lesser distance can mitigate all adverse effects and whether a minimum of 30 metres can be provided from ancillary buildings to such zones.

Objectives/Policies		
2.4.2	O1	P1
3.5.2.3	O1, O2, O6	P1, P3, P4, P5
3.8.2	O1	P1, P2

Explanation

The concentration of animals into stockyards and saleyards can result in adverse effects including concentrations of effluent aerosols and odour as well as excessive noise and traffic congestion for the term of the sale. Council's rules are based on Objectives 3.5.2.3, O1, O2 and O6 of the Amenity section as well as Objective 3.8.2, O1 concerning the maintenance of safe and efficient roading networks.

It is recognised that the separation distances will require larger sites and thereby incur costs on operators. The WRC's rules on discharge permits will ensure that contaminants are adequately collected, treated and disposed of. The issues of stormwater, effluent aerosols and odour will be controlled through District Council rules. Distance can abate noise levels to a degree and such a measure is implemented in conjunction with the noise standards of Section 5 Performance Standards.

Sale times attract large numbers of vehicles as well as a significant proportion of stock trucks. The provisions of Section 9 concerning safe and effective accessways and on-site parking, loading and manoeuvring are also relevant to this activity.

The rule in relation to separation distances from the Residential or Business zones has not been extended to rural dwellings because it is perceived that such a rule would be unduly onerous on the development of stockyards and saleyards.

The character and amenity values of the Rural zones includes the effects of pastoral farming and the consequential saleyard activities. Council considers that saleyards and stockyards are an integral part of rural life and that rural residents accept different amenity values to those persons in Residential and Business zones.

1.4.15 Intensive and litter poultry farming

In addition to the applicable Assessment Criteria elsewhere in Section 1.4 and the Performance Standards in Section 5:

i) Intensive farming

- (a) Council may consider the provisions of Codes of Practice produced by farming groups such as the Pork Industry Board (1993).
 - To determine the appropriate separation of buildings from adjacent buildings and Residential zones. A minimum separation of 500 metres is anticipated or 100 metres per 700m² of gross floor area whichever is the greater;

- To assess the ability of the operation to internalise objectionable odours having regard to any separation that may exist;
- To determine the appropriate measure for the disposal of solid and wastewater;
- To determine the appropriate level of landscaping.

ii) Litter poultry farming

In addition to the applicable Assessment Criteria elsewhere in Section 1.4 and the Performance Standards in Section 5, Council shall consider the measures to be implemented to avoid, remedy or mitigate adverse effects at or beyond the property boundaries having regard to the following:

- No less than 500 metres separation is provided to a Residential zone;
- No less than 250 metres separation is provided on site to the property boundary. Such measurement is to be from the perimeter of the proposed and/or existing sheds (external walls) exclusive of spray irrigation areas;
- Shed location and design, and the means of ventilation;
- A topographical plan and the provision of information as to the prevailing weather patterns particularly wind patterns;
- A Management Plan for the facility including:
 - Environmental objectives and targets, use of best practicable options, performance reviews, checklists.
 - Construction protocols.
 - Shed details including ventilation and litter management.
 - Waterway and feeding systems.
 - Harvest and cleanout, dead bird management.
 - Landscape planting and maintenance.
 - Wastewater and stormwater management.
 - Waste management and litter disposal.
 - Air quality and odour management.
 - Traffic noise and management.
 - Noise mitigation.
 - Hazardous goods, emergency and incident management.
 - Monitoring, maintenance, records and reporting.
 - Community liaison with adjoining neighbours.
 - Complaints systems and management including schedule of neighbouring properties and contact phone list.

Advice note: That Council has a commitment to ensuring a high quality of feed is supplied by the supplier to the grower in order to reduce odours associated with litter poultry farming. Materials/ingredients that are used in the feed should be those that reduce the potential of the feed to produce an objectionable odour. An agreement

between the Council and the supplier of the feed may be appropriate to specify feed content and quality.

iii) Encroachment of Separation Distance onto Adjacent Land

Council will consider the encroachment of the separation distance around Intensive and Litter Poultry Farms onto adjacent land holdings where that adjacent land owner and/or occupiers have voluntarily offered their written consent to the potential effects and where the applicant demonstrates that it has explained the implications of such consent and suggested that legal advice be obtained. Such consent may be recorded on the certificate of title in the form of a “No Complaints Covenant”.

Advice note: In assessing the possibility of adverse effects from odour, particulate matter, and wastewater discharges emanating from Intensive and Litter Poultry Farming, the Council shall concern itself with integrated land-use management and amenity impacts in terms of its functions under Section 31 of the Resource Management Act 1991, leaving regulation of the actual discharges to the Regional Council (as provided for under Section 30 of the Resource Management Act 1991).

Objectives/Policies		
2.4.2	O1	P1
3.5.2.3	O1, O2, O3, O4, O5	P1, P3, P4, P5

Explanation

The District has experienced the adverse effects of poultry farms, hatcheries and piggeries and the District Plan's rules are intended to avoid, remedy or mitigate these adverse effects.

The rules are intended to allow Council to implement guidelines that have been prepared by each agricultural sector which has in depth knowledge of the performance of the activity.

It is considered that the more restrictive discretionary activity process is necessary to ensure that each proposal is fully assessed and all adverse effects are appropriately managed.

1.4.16 Activities involving items in Schedules 1, 2 and 3

(i) General

- (a) Whether the proposal has adverse effects on the scheduled resource and the measures taken to avoid, remedy, or mitigate potential adverse effects;
- (b) The necessity for the proposed works or activity and any alternative methods and locations available to the applicant for carrying out the work or activities;
- (c) Whether the proposed activity detracts from the intrinsic value of the resource;
- (d) Whether the works or activity would wholly or partially nullify the effect of scheduling the resource;
- (e) Whether there is any change in circumstance that has resulted in a reduction of the value of the resource since it was scheduled in the plan;
- (f) Any proposal for use and development shall as far as practicable, be located, designed, constructed or placed to complement the character of the environment in which it is located;
- (g) Use and development shall be considered inappropriate where it would modify, damage or destroy any regionally or nationally or internationally rare, threatened or endangered indigenous fauna or habitat or such fauna, plant or plant community, or any significant indigenous vegetation which contributes to the recognised values of the area;

- (h) The likely impact of the proposal on natural landforms in terms of visual appearance, and the potential for subsidence or erosion (including stream banks);
- (i) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation, sedimentation, or a reduction of water quality in natural watercourses and groundwater that leads to adverse effects on scheduled natural habitats and ecosystems or detracts from the natural character of the environment.
- (ii) Trimming, maintenance, removal and the undertaking of any activity or works within the dripline of any scheduled or generally protected tree:
 - (a) The necessity for carrying out the works including whether the tree is:
 - Dead, dying, diseased, or has lost the original qualities for which it was originally scheduled,
 - Required to be removed from drainage systems, rivers or watercourses,
 - Interfering with network utilities or other public works,
 - Causing significant or unusual hardship.
 - (b) The extent of trimming, maintenance and the methods to be employed and whether this is in accordance with accepted arboricultural practice;
 - (c) Any alternative methods which may be available to protect the tree, including modification of development controls where this would encourage retention and enhancement of existing large trees on the site;
 - (d) Whether the tree can be relocated;
 - (e) Whether or not the proposed activities in the dripline of the tree are in the opinion of the Council likely to damage the tree or endanger its health;
 - (f) Extent to which the tree or areas of bush contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for birds and animals;
 - (g) Whether the proposed landscaping or revegetation can compensate for any loss envisaged.
- (iii) Any works or activities which will have an effect on any scheduled waahi tapu.
 - (a) Whether any consultation has occurred with tangata whenua and there is written confirmation from any affected parties that the activity avoids, remedies or mitigates adverse effects on tangata whenua taonga.
- (iv) In addition to the general matter in (i), the following matters shall apply for alteration, modification or demolition of a Scheduled building or object.
 - (a) Whether the building or object is classified in Group 1 or 2 and the reasons why it was scheduled;
 - (b) Whether the proposed alterations or modifications respect the original building and are not visually dominant;
 - (c) Whether the relationship of the building or object with the setting is maintained;
 - (d) Where a change of use is proposed, which is not a permitted activity within the zone, the economic viability of the project will be taken into account and whether the proposed activity encourages the protection and maintenance of the scheduled building or property;

- (e) When considering the application Council may invite an opinion from an architect specialising in building conservation and/or the New Zealand Historic Places Trust, except where that person or organisation has lodged a submission to the application. Where a building object or place is registered by the Historic Places Trust or subject to a heritage order or requirement or otherwise identified in the plan as having heritage value, the Trust is recognised as an affected party;
 - (f) Whether the consent sought avoids the least loss of material of heritage significance from the scheduled building or place.
- (v) Te Aroha area
- (a) Nature, form and extent of the development, alteration or change and its effect on the particular character of the character area;
 - (b) The use made of similar building materials and design in alterations or additions;
 - (c) Reasons why the work is necessary;
 - (d) Where demolition or removal of a building is proposed, demonstration that such action will not significantly affect the streetscape appearance of the character area and will not destroy its unified entity;
 - (e) The proposed activity will positively enhance the protection and maintenance of the building, in a manner in keeping with the particular character of the character area;
 - (f) The proposal will not have an adverse effect on the particular character or environment of the character area.

Objectives/Policies		
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

1.4.17 Surface of water

In addition to the general assessment criteria for discretionary or non-complying resource consent applications the following shall apply to resource consent applications relating to the Surface of Water:

- (i) The functional need for the activity or structure to locate on or over the surface of the river.
- (ii) Whether the activity or use can be accommodated by existing facilities or services.
- (iii) The impact of the activity or structure on the natural character, landscape quality and amenity of the river.
- (iv) Any disturbance that may be caused to residents in adjoining Residential or Rural zones, particularly noise impacts.
- (v) The impact of the structure on the ecology and hydrology of the river.
- (vi) The speed and size of any vessels to be used shall comply with the Water Recreation Regulations on the surface of waterways and any likelihood of bank erosion.
- (vii) The impact on public access over the surface of water.
- (viii) Any visual effects of buildings, within the waterway or from adjoining rural or Residential zones, particularly in respect of their size and scale.

- (ix) Any adverse effects the buildings may cause on waterway and floodplain management and functions, including erosion.
- (x) Where appropriate the Evaluation Criteria for Significant Natural Features (Appendix 1) shall be considered.

Objectives/Policies		
3.6.2	O1	P1, P2, P3

1.4.18 Hazardous substances

The Hazardous Facility Screening Procedures (HFSP), shall be used to identify the appropriate level of scrutiny to process an application for a proposed hazardous facility.

The Hazardous Facility Screening Procedure (HFSP) shall be applied to all proposed new facilities using or storing hazardous substances.

In addition to the general assessment criteria for discretionary and non-complying activity resource consent applications the following shall apply for resource consent applications for hazardous facilities:

Where the HFSP has determined that a hazardous facility is a discretionary activity and will therefore require a resource consent, the consent application shall be accompanied by an assessment of environmental effects. This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development.

An application will be assessed having regard to the following matters:

- (i) Consistency with the objectives, policies and controls for the relevant zone;
- (ii) Risk assessment.

A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. As well as addressing more analytically the issues addressed in the HFSP, this assessment should place particular emphasis on those issues not addressed in detail by the HFSP, including:

- (a) Identification of potential hazards, failure modes and exposure pathways;
- (b) The separation distance to neighbouring activities, with emphasis on people-sensitive activities such as childcare facilities, schools, rest homes, hospitals, shopping centres and residential areas;
- (c) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;
- (d) The nature of the sub-soil and the site geology and possible exacerbated natural leaching;
- (e) The distance to environmental sensitive areas such as wildlife habitats or water catchments;
- (f) Assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or loss of control;
- (g) Identification of cumulative and/or synergistic effects;
- (h) Fire safety and fire water management;
- (i) Adherence to health and safety and/or environmental management systems;

- (j) Spill contingency and emergency planning, monitoring and maintenance schedules;
 - (k) Site drainage and offsite infrastructure, e.g. stormwater drainage system, sewer type and capacity;
 - (l) The transport of hazardous substances; and
 - (m) The disposal of wastes containing hazardous substances.
- (iii) Risk mitigation and management

Consideration will be given to the adoption of specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing hazardous substances, fire safety, monitoring and maintenance procedures, and appropriate site management systems.

- (iv) Alternatives

Where it is likely that an activity may result in significant adverse effects on the environment, a description of alternative locations or methods for undertaking the activity shall be submitted.

- (v) Traffic safety

It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the operation of the adjoining road network and that vehicles transporting hazardous substances will not utilise local roads in residential areas as a regular means of transport. Conditions may be imposed that require access along specified routes.

Objectives/Policies		
3.3.2.2	O1	P1, P2

1.4.19 Solid waste

Council shall have regard to the degree to which the operation applies waste reduction and/or waste minimisation techniques.

Objectives/Policies		
3.3.2.1	O1	P2
3.7.2.4	O1	P1

1.4.20 Subdivision

In addition to the general assessment criteria for discretionary and non-complying resource consent applications the following criteria shall be considered for discretionary subdivision consent applications.

- (i) Development suitability
The Development Suitability Criteria in Section 1.2.
- (ii) Urban Design
The New Zealand Urban Design Protocol and the National Guidelines for Crime Prevention Through Environmental Design principles for all subdivisions within the Residential, Business and Industrial Zones.

- (iii) Activities with resource consents
The area and frontage of the new lot created that may be appropriate to the approved activity.
- (iv) Bonus protection lots
Council shall assess the significance of the area being protected, in particular the following:
 - (a) With regard to native bush. See Appendix 1 for Evaluation Criteria for Significant Natural Features:
 - That the area of bush is at least 1 hectare in size;
 - Consists of a coherent well-developed canopy of native species;
 - Contains at least 25% of mature native trees;
 - Consists of a representative range of type native species;
 - Represents a significant or prominent landscape feature.
 - (b) With regard to areas of biological or scientific significance. See Appendix 1 for Evaluation Criteria for Significant Natural Features:
 - The habitat of rare and endangered species;
 - An area of recognised wildlife significance;
 - A significant or uncommon geological feature;
 - A freshwater wetland;
 - An uncommon indigenous vegetation community.
 - (c) The extent to which the subdivision affects the useability of the balance lot for rural activities in accordance with 1.4.11.
 - (d) The location and appropriateness of the protection lot, in particular the effect that a dwelling will have on the protected feature.
- (v) Bonus reconstituted lot.
The applicant shall confirm that the area requirements of Rule 6.1.3(vi) are met.
- (vi) The provisions of 1.4.11 if in a Rural zone.

Objectives/Policies		
See objectives and policies in Section 1.2		
3.1.2.2	O1	P1, P2, P3, P4

1.4.21 Activities in natural hazard areas

Council shall have regard to:

- (a) The existing and anticipated stormwater and debris flows and the necessity or otherwise of retention ponds or other stormwater control and/or mitigation devices to avoid, remedy or mitigate natural hazards;
- (b) Measures to be taken to mitigate any adverse effects of fire;
- (c) Whether the use of land is likely to accelerate, worsen or result in material damage to that land, any other land or structure;
- (d) Whether the development and use of land involves the storage of hazardous substances or the congregation of large numbers of people;

- (e) Any measures to be taken to avoid any adverse effects of ecotoxicity.

Objectives/Policies		
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1

Explanation

Criteria provided for discretionary activities place considerable emphasis on the need for specific technical investigation of impact and/or risk. This is because it is recognised that hazard (its scale, extent or nature) is often poorly understood and Council has decided to adopt a precautionary approach to hazard management.

1.4.22 Temporary activities

Council shall consider:

- (i) The duration of the activity;
- (ii) Scale of the activity;
- (iii) Access;
- (iv) Parking;
- (v) Noise;
- (vi) Waste disposal;
- (vii) Restoration.

Objectives/Policies		
3.5.2.3	O1, O2, O3, O6	P1, P2, P4

1.4.23 Development Contributions

As a condition of consent for any discretionary or non-complying activity Council may require the payment of a Development Contribution to avoid remedy or mitigate any adverse off-site effects generated by the activity. See Section 7: Development Contributions.

Objectives/Policies		
3.9.2.1	O1, O2	P1, P2

1.4.24 Discretionary activities on sites subject to a Development Concept Plan

- (i) Noise effects
 - (a) The Council shall ensure that existing activities are not adversely affected by the proposal. In determining appropriate noise levels, Council shall have regard to the noise environment of the locality in which it is proposed to site the facility, and the practicality of reducing noise from the utility components;
 - (b) Council shall have regard to Section 5.2 and the "Guidelines for the Management of Road Traffic Noise - State highway Improvements" by Transit New Zealand.
- (ii) Stormwater and effluent effects

The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of land, water or Council's stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after having regard to the Building Code and the sensitivity of the receiving environment to discharges. The requirements of the Development Manual shall be considered.

(iii) Traffic, parking, loading and access

Any application shall be assessed upon consideration of the following:

- (a) Traffic volumes, traffic mix relative to the existing and future traffic patterns, access, parking and loading on-site;
- (b) Hours of operation relative to the existing and future neighbourhood amenity;
- (c) Construction traffic volumes, traffic mix, hours of operation;
- (d) Design and location of access points onto roads particularly state highways.

The requirements of the Development Manual shall be considered in respect of the relevant matters outlined.

(iv) Social and heritage effects

The likely impact of construction operation and maintenance activities including those in residential and rural areas, marae, public reserves and identified significant features. (Particularly the function of community and recreational facilities in the vicinity of the proposed facility).

(v) Odour effects

- (a) Council shall consider the effect of the probability of offensive odours from the operation of facilities and in particular the operation of sewage treatment and disposal facilities and solid waste management disposal sites.

(vi) Solid waste

Any application shall undertake a solid waste audit to identify waste reduction and/or to conform with the Council's solid waste minimisation strategy.

(vii) Risk management

Any application shall advise on the risk associated with, but not restricted to:

- (a) The use of hazardous substances in the facility and proof that the New Zealand Fire Service and the WRC have been advised;
- (b) The technology used in the provision of the service, e.g. high voltage, electricity, radio-active material, electro magnetic radiation;
- (c) Risk of rupture, breakage, collapse, failure, movement etc of components of the facility as it relates to the design and maintenance of the facility and the effect of natural hazards on the facility;
- (d) The measures inherent in the proposal which will avoid, remedy or mitigate the potential for that effect to occur.

(viii) Biological effects

- (a) The existence on-site of outstanding significant or intrinsically valuable ecosystems or flora or fauna.

1.4.25 Specified shopping frontages

Rule 3.4.6 may be waived or varied where any of the following circumstances apply:

- There will be no significant loss of pedestrian amenity if the verandah is not provided on the site in question;
- The operational requirements of the activity do not enable a verandah to be provided in a reasonably practical manner;
- Alternative provision has been made for pedestrian shelter or owing to the particular location and the nature of the activity, such provision is not necessary.

1.4.26 Signs in business and Industrial zone

Council shall consider:

- (a) Whether signs are obtrusively visible from any residential area or public open space;
- (b) Whether the area of the sign is in scale with the associated activities or building development and compatible with the visual amenity of the area in which it is situated;
- (c) Whether in respect to freestanding signs they have positive effects in identifying the activity and contributing to the vitality of the streetscape having regard to the nature of the activity and the traffic environment in which the site is located;
- (d) Whether larger signs are warranted for a vehicle oriented activity.

1.4.27 Reverse sensitivity

In assessing the likely impact of new dwellings and subdivision for dwellings within the reverse sensitivity areas for potential reverse sensitivity as referred to in rules 2.2.3.9 and 6.1.1.5, Council shall restrict its discretion for a restricted discretionary activity resource consent to the following matters and may impose conditions in respect of each:

- (i) Any reverse sensitivity effect which may arise from the proposed subdivision/residential development in respect of any lawfully existing activities ("relevant existing activity") in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the subdivision/residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
 - (a) The frequency of the relevant adverse effect;
 - (b) The duration of the relevant adverse effect and time of exposure;
 - (c) The character and intensity of the relevant adverse effect;
 - (d) The location of the relevant adverse effect;
 - (e) Previous experiences of people with the relevant adverse effect;
 - (f) Existing levels of sensitivity;
 - (g) Whether or not mitigation measures can be put in place;

- (h) The effects of the relevant established existing activity in its particular environment having regard to such factors as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable;
- (i) Whether mitigation of the reverse sensitivity effect by the applicant for the proposed subdivision/residential development is in all the circumstances reasonable whether by way of design, earthworks, planting or moving the proposal (either by increasing the separation from the relevant existing activity, or by changing the bearing from the relevant existing activity by moving a proposed house site within the lot).
- (ii) On receipt of the resource consent application the Council shall notify the owner/operator of the relevant existing activity which has triggered this rule, and the owner/operator shall advise within 10 working days if he/she wishes to enter into consultation as to whether the proposal will give rise to a reverse sensitivity effect.
- (iii) Following the opportunity for consultation, the Council shall proceed to deal with the application in the ordinary manner.

Advice note: For the guidance of Council, when assessing an application for such consent the Council will request the owner/operator of the relevant existing activity to provide an assessment of its effects to which the proposed dwelling or site will probably be subject. This assessment shall address criteria (a) to (i) above and, subject to any agreement between the applicant and the owner/operator, shall be provided at the cost of the owner/operator.

1.4.28 Strategic objectives and policies

Strategic objectives and policies may also be taken into account when considering resource consent applications for non-complying activities.

Objectives/Policies		
2.4.1	O1	P1
2.4.5	O1	P1
3.1.2.1	O1	P1
3.5.2.1	O1, O2	P1, P2, P3, P4, P5
3.5.2.2	O1, O2	P1, P2, P3, P4, P5, P6
3.5.2.3	O1, O2, O3, O4, O5, O6	P1, P2, P3, P4, P5
3.5.2.4	O1, O2	P1, P2, P3, P4, P5
3.7.2.1	O1	P1, P2, P3, P4

1.4.29 Logging of natural native forest

(i) Applicants must demonstrate that the proposal has minor adverse effects on sustaining the abundance or distribution of native fauna or vegetation species or is consistent with the objectives and policies of the Plan.

That the method of extracting timber will not promote weed invasion by forming new tracks or clearing vegetated tracks. Following harvesting, the applicant shall undertake an annual plant and animal eradication programme of the harvested site to a total of 10 years. Such a program will be applied to the following species:

Japanese Honeysuckle	(Lonicera Japonica)
Jasmine	(Jasmine Polyanthum)
Moth Creeper	(Araujia Cericifera)
Climbing Asparagus	(Asparagus Scandens)
Smilax	(Asparagus Asparagoides)
Elaeagnus	(Elaeagnus Xreflexa)

Madeira Vine	(Andredera Cordifolia)
Blue Morning Glory	(Ipomoea Indica)
Mile-a-minute	(Dipogon Lignosus)
German Ivy	(Senecio Mikanioides)
Ginger	(Hedychium Flavescens and H. Gardnerianum)
Wandering Willie	(Tragescantia Fluminensis)
Tuber Ladder Fern	(Nephrolepis Cordifolia)
Australian Monkey Apple Tree	(Acmena Smithii)
And trespassing stock, goats and possums	

Such a programme shall be complimentary to any regional programme and the results of it shall be reported to the District Council and regional Council on an annual basis.

Advice note: The Regional Council can assist with the identification of these species. Also refer to the National Surveillance of Plant Pests.

- (ii) Where a logging permit or forest management plan under the Forest Amendment Act and any subsequent amendments applies the area of native forest set aside in perpetuity from logging shall represent the mature vegetation type and species targeted for logging.
- (iii) Compliance with 1.3.1(i), (ii) and (iii) Harvesting of Plantation Forests.

1.4.30 Regular stock movement within a berm of a road

- (i) Road safety and maintenance

Each stock race route needs to allow for the safe use of the roading network. Any stock race must be considered in terms of a road safety audit carried out by Council so as to ensure the efficient and effective operation of the road. Such matters that will be considered will include the following:

- (a) Crossing a state highway, intersection, road, bridge or any other location where it is deemed to be dangerous to road users by Council;
- (b) The movement of stock during the hours of darkness;
- (c) Stock race maintenance such as fencing, clearing of noxious weeds, effluent disposal and potential damage to private property;
- (d) Potential effects on any utilities located in the road reserve are not affected by the stock race;
- (e) Any potential adverse effects on the roading network.
- (ii) The extent to which regular stock movement may adversely affect access to adjacent owners.

- (iii) Access

Whether an underpass should be installed so as to allow for the free movement of vehicles and stock so as to ensure future access is not impaired.

- (iv) Fencing

Three wire electric fence or similar to ensure road safety. This fencing shall be at a safe distance from the road carriageway as determined necessary.

- (v) Drainage

To ensure that Council's roadside drainage and any other drainage system is not adversely affected.

- (vi) Future public works

Whether the proposal will hinder the possibility of any future public work within the road reserve as a result of regular stock movement within the grass verge. Consent to use the road reserve may be revoked so Council can use the road reserve for other purposes such as shape correction and minor safety works.

- (vii) Review

The appropriateness of a review or a fixed term of the consent to protect future access of adjacent owners (it is expected that most consents issued under this rule would provide for a review and/or a fixed term).

1.5 Notified and non-notified consents

1.5.1 Decision on whether adverse affects on the environment will be minor

In deciding whether the adverse effect of the activity on the environment will be minor, Council may take into account the following:

- (i) Whether the activity generated an adverse effect off-site from discharges to land, water or air;
- (ii) Whether the proposed activity involves the use of hazardous substances and/or installations that are likely to have adverse effects;
- (iii) Whether the proposal is likely to have an adverse effect on the amenity of the neighbourhood;
- (iv) Whether the proposal affects the relationship of Maori and their culture and traditions with their ancestral lands, water, the protection of taonga, sites of cultural, spiritual and symbolic importance;
- (v) Whether the proposal requires an extension to Council services that are not in the current annual plan and whereby unprogrammed cost may be borne by the community;
- (vi) Whether the proposal generates adverse effects on the natural environment and ecosystems including:
 - (a) The area, structure, function, composition, resilience and regeneration capacity of the natural environment and ecosystems;
 - (b) The District's natural diversity, rarity and distinctiveness;
 - (c) Erosion and sedimentation.
- (vii) Whether the proposal adversely affects outstanding landscapes or natural features.
- (viii) [Whether the requirements of the Development Manual can be met.](#)

1.5.2 Determining who may be adversely affected by granting a resource consent

Where for the purposes of section 94 the Council is required to determine who may be adversely affected by the grant of a resource consent and from whom the applicant may be required by Council to obtain written approval, the Council shall consider:

- (a) Whether there is any adverse effect, including any minor effect, on any person or organisation;
- (b) Effects on persons or organisations who can be identified as having and interest or concern which differentiates them from the public generally.

Advice note: In accordance with section 94 all applications for Discretionary and Non-complying Resource Consent shall be notified unless the criteria in section 94(2) (a) and (b) are met to Council's satisfaction. In order to meet the test under section 94(2) (b) the Council must require the applicant to produce a written consent from every person who may be adversely affected unless the Council considers it unreasonable in the circumstances to require the obtaining of every such approval. Council can disregard only such adverse effects as will be de minimis.