

ENVIRONMENTAL STANDARDS

Part 5

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5.1 General Development Rules

5.1.1 INTRODUCTION TO PART 5

Part 5 of the Plan contains environmental standards (rules) which are applicable throughout the Tararua District. Standards for subdivision, infrastructure (transportation and utility services), amenity and heritage resources are specified in sections 5.2 to 5.5. This section, 5.1, contains general standards which apply to subdivision and development in the District. In order to determine which standards are applicable to a proposed subdivision or development, reference should be made to all the sections in Part 5.

5.1.2 EFFLUENT DISPOSAL

5.1.2.1 Introduction

The existence of a reticulated sewerage system has been one of the primary factors used to determine the location of the boundaries of Urban (Residential, Commercial, Industrial and Settlement) Management areas in the District. Reticulated sewerage systems are available in the four main towns of the District (Dannevirke, Woodville, Pahiatua and Eketahuna) and in three out of the four settlements which have been classified as "Settlement Management Area" (Norsewood, Ormondville and Pongaroa). Akitio has also been classified as a "Settlement Management Area" although it has a reticulated water supply but no reticulated sewerage system.

In these "urban" areas of the District, the reticulated systems generally have capacity to allow additional connections to them and subdivision is generally the most appropriate time for assessing the ability of the system to cope with additional connections. Actual connection from any particular lot to the system must be made at the time of development. Where there is no public reticulated sewerage system available (i.e. in rural areas of the District and some parts of urban areas), all existing and future development must be capable of satisfactorily treating and disposing of sewage on-site, or through small-scale community based schemes.

Standards are imposed to ensure that the quality of natural water (groundwater and surface water) is maintained and protected from contamination from effluent discharges, and to prevent human health risks and avoid problems of smell nuisance. The purpose of the standards is to ensure that sufficient area is available on-site to provide for buildings, a septic tank (or alternative treatment system) and effluent fields. Other legislation provides for the actual design and construction of the effluent disposal system. In addition to the standards in the District Plan, the requirements of any relevant Tararua District bylaw, the Building Act 1991, the Health Act 1956 and any relevant regional plans shall also be met.

The Manawatu-Wanganui Regional Council's "Proposed Manawatu Catchment Water Quality Regional Plan" also contains rules relating to discharges to land from septic tanks and other effluent disposal standards. The rules aim to ensure that field soakage areas are of sufficient size (having regard to soil types) to ensure that suitable treatment can take place in the field soakage area and in the soil immediately surrounding that area, prior to entering groundwater systems.

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Developers need to have regard to the requirements of the relevant Regional Council in relation to effluent disposal matters.

In relation to non-domestic effluent disposal systems such as treatment plants, oxidation ponds and other systems, care needs to be taken in the siting of facilities and effluent disposal fields to avoid unreasonable smell nuisance or any health risk for the occupants of neighbouring properties and dwellings.

The standards below aim to avoid such potential effects.

5.1.2.2 Standards

Note: the word "development" (as used in the standards below) is defined in Part 6 of this Plan (Interpretation) as *“any subdivision or any proposed activity to be undertaken on land, whether or not a resource consent is required”*. The word “developer” has a corresponding meaning (i.e. it includes persons undertaking subdivisions)

- (a) Where developments are within an area serviced by a sewerage system:
 - (i) the developer shall provide a connection from the sewer main to the lot boundary (except as provided for in (b) below); and
 - (ii) all new developments must be connected to the system.
- (b) Where an allotment is to be subdivided from a larger lot which is located within, and surrounded by, an established urban area (i.e. “infill” subdivision), proof shall be provided at the time of applying for subdivision consent that the allotment can be connected to the reticulated sewerage system, but it shall not be necessary to provide such connection until such time as the allotment is to be built upon.
- (c) Where developments are proposed in an area which is not serviced by a sewerage system:
 - (i) there shall be an area of land (within each certificate of title) large enough for the disposal and treatment of sewage and domestic effluent in an environmentally acceptable manner, having regard to the proposed use of the land, and the size, shape and soil characteristics of the land (refer to (ii) and (iii) below). A drainage easement over adjacent land shall be an acceptable means of compliance with this standard where there is insufficient area of land within the Certificate of Title concerned.

For the purposes of this standard, on-site effluent disposal is "environmentally acceptable" where it does not (or will not), either on its own or cumulatively, lead to adverse environmental or health effects either within or beyond the boundaries of the site (including ground or surface water contamination, odours, surface run-off from land).

- (ii) the information required in respect of subdivision applications is specified in section 7.3.3 of this Plan.
- (iii) the information required as part of any resource consent or building consent application (as applicable) shall include a report from a registered engineer with experience in soil mechanics, geotechnical and/or

wastewater engineering as appropriate and, if necessary, records of test data. The report shall include:

- a detailed soil and, if necessary, geotechnical assessment;
 - identification of relevant topographic and drainage features;
 - an assessment as to any actual or potential effects of effluent disposal on existing water bores and surface and ground water in the vicinity;
 - an assessment of the likely volumes of effluent to be treated; and
 - certification as to an appropriate on-site disposal system which would ensure that any adverse environmental effects are avoided.
- (iv) the Council may waive the requirement for particular information (e.g. the engineer's report) where it is satisfied that such information is not necessary in the circumstances;
- (v) where a building or other structure is proposed and the above requirements have previously been met in relation to the subdivision of the land, full details of the proposed effluent disposal system shall be provided at the building consent stage, but the requirements for permeation tests and a report from a suitably qualified expert shall be deemed to have been already met.
- (d) In relation to any development in an area which is not serviced and where non-domestic effluent is or will be produced, the following requirements are additional to those in (c) above:
- (i) any treatment plant, ponds or effluent disposal systems (including land used for disposal by way of spray or trickle irrigation) shall be a minimum of 50 metres from the boundary of the site. It shall also be 200 metres from any of the following on an adjacent property:
 - dwelling;
 - visitor accommodation; or
 - community facility.
 - (ii) where any effluent or manure (liquids, solids or slurry) is taken across a property boundary or along public roads, it shall be enclosed in containers or pipes so as to avoid a nuisance arising;
 - (iii) the disposal of effluent from pig farms shall be carried out in accordance with the Code of Practice for Pig Farming (NZ Pork Industry Board, August 1993, 2nd edition).

5.1.2.3 Non-compliance with standards

Where proposed activities do not meet the standards specified in section 5.1.2.2 above, they shall be deemed to be discretionary activities, requiring a resource consent.

5.1.2.4 Criteria for assessment

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In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.1.2.3 above for a discretionary activity:

- (a) whether there is adequate provision for the effective disposal of sewage without risk to public health or the environment;
- (b) whether the development or subdivision would create adverse effects (including cumulative effects) on groundwater quality.
- (c) whether the proposed design of the effluent disposal system can meet the maximum potential demand arising from the likely development;
- (d) whether the topography, prevailing weather conditions or existing land uses are such that standards may be reduced without creating any significant nuisance or adverse environmental effects.
- (e) whether the sewerage system is designed, located and constructed to allow relatively easy operation, cleaning, inspection and maintenance.

5.1.3 WATER SUPPLY

5.1.3.1 Introduction

The provision of an adequate and potable (drinkable) water supply is required for public health reasons and for domestic, commercial and industrial consumption. A water supply (not necessarily potable) is also necessary for fire fighting purposes. Where an urban or rural water supply system is not available, alternative methods of water supply are necessary, such as rainwater storage, bores or a combination of methods. In addition to the standards in the District Plan, the requirements of any relevant Tararua District bylaw, the Building Act 1991, the Health Act 1956 and any relevant regional plans shall also be met.

5.1.3.2 Standards

Note: the word "development" (as used in the standards below) is defined in Part 6 of this Plan (Interpretation) as *“any subdivision or any proposed activity to be undertaken on land, whether or not a resource consent is required”*. The word “developer” has a corresponding meaning (i.e. it includes persons undertaking subdivisions)

- (a) Where developments are within a Residential, Commercial, Industrial or Settlement Management Area which is serviced by an urban water supply system:
 - (i) the developer shall provide a connection from the water main to the lot boundary (except as provided for in (b) below); and
 - (ii) all new developments must be connected to the system.

- (b) Where an allotment is to be subdivided from a larger lot which is located within, and surrounded by, an established urban area (i.e. “infill” subdivision), proof shall be provided at the time of applying for subdivision consent that the allotment can be connected to the reticulated water supply system, but it shall not be necessary to provide such connection until such time as the allotment is to be built upon.
- (c) Where developments are proposed in an area which is not serviced by an urban water supply system:
 - (i) in relation to subdivisions, all land proposed to be held in one certificate of title shall be able to be provided with a satisfactory water supply suitable for domestic consumption, livestock consumption, and firefighting purposes, as appropriate to the circumstances.
 - (ii) In relation to building developments, all developments shall be able to be provided with a satisfactory water supply as appropriate to the circumstances. Evidence of a satisfactory water supply shall be provided at the building consent stage.

5.1.3.3 Non-compliance with standards

Where proposed activities do not meet the standards specified in section 5.1.3.2 above, the activity shall be deemed to be discretionary activity, requiring a resource consent.

5.1.4 STORMWATER DRAINAGE

5.1.4.1 Introduction

The adequate control and disposal of stormwater is important to ensure that people and communities are protected from the nuisance and, in some cases, social and economic disruption that stormwater run-off and flooding can cause. In urban areas, the higher proportion of impermeable surfaces means that adequate provision for stormwater drainage is particularly important. Stormwater needs to be disposed so that it does not become contaminated by other effluent (e.g. septic tank), chemicals, oils or pesticides. It also needs to be disposed of in a manner which causes minimal, if any, detriment to the environment. Therefore, the quality, as well as the quantity, of stormwater needs to be considered. There are a number of means available to control and dispose of stormwater including on-site soakage, roadside channels, soakage into reserves, or open areas, piping to existing streams or water bodies and connecting to established stormwater systems. Connections to sewerage systems are not permitted. The appropriate technique to use for stormwater drainage depends on the circumstances of each situation but it must avoid flooding downstream, and siltation, erosion or instability to any land. In addition to the standards in the District Plan, the requirements of any relevant Tararua District bylaw, the Building Act 1991, the Health Act 1956 and any relevant regional plans shall also be met.

5.1.4.2 Standards

- (a) Each new lot or development shall be able to be provided with a means of stormwater drainage which avoids flooding downstream or on adjacent

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properties, and does not cause any other adverse environmental effects such as increased siltation, erosion or instability of any land or watercourses.

- (b) In Residential, Commercial or Industrial Management Areas, all stormwater shall be disposed of in accordance with Part 4 of the Code of Practice for Urban Land Subdivision (NZS 4404:1981).

5.1.4.3 Non-compliance with standards

Where proposed activities do not meet the standards specified in section 5.1.4.2 above, the activity shall be deemed to be discretionary activity, requiring a resource consent.

5.1.5 LAND DISTURBANCE AND EXCAVATION

5.1.5.1 Introduction

Section 9(4) of the Resource Management Act 1991 includes the following "uses" in relation to land:

- (b) any excavation, drilling, tunnelling or other disturbance of the land.
- (d) any deposit of any substance in, on or under the land.

Many land use activities involve excavations and placement of deposits in the form of fill on land. In most circumstances, such activities are considered to constitute part of the main land use activity. Farming, for example, may involve activities such as digging offal holes, putting metal on races, constructing tracks, digging private drains, establishing silage pits, land cultivation and minor land shaping, obtaining small amounts of gravel/sand for farm use, and so on. In the Rural Management Area, where farming is a permitted activity, these associated activities are also permitted. Nevertheless, resource consents from the Regional Council may be necessary in some circumstances.

On occasions it is necessary to dispose of surplus cut material from road works. Such material normally comprises clean topsoil/subsoil and is often valued by farmers to fill gullies and depressions and so on. This is a permitted activity in the District Plan, although reference should be made to the relevant Regional Council to see whether a resource consent from that Council is necessary.

It should be noted that Regional Councils have responsibility for controlling the effects of activities in the beds of rivers (e.g. gravel extraction from rivers) and also for land disturbance activities on steep country and other land that is particularly vulnerable to erosion, including wind erosion. Potential users of land in these circumstances should consult with the relevant Regional Council to determine whether a resource consent is required.

In urban areas, the management of excavations and fills on land is generally handled through either:

- the Building Act 1991, in terms of which site works (including earthworks) require approval by Council as part of the building consent; or

- the land subdivision procedures under the Resource Management Act 1991 and this Plan, particularly in terms of conditions of consent relating to filling, compaction, unstable or erosion prone land.

Some excavation and land disturbance activities are not just minor works associated with the principal land use activity, but are commercial activities in their own right. These may be of a larger scale and with potentially greater adverse effects, such as noise, dust, traffic and visual effects. A distinction is made in the Plan between, on the one hand, minor excavations where fill is used on the same property, and on the other, when minerals, soil or fill is imported from, or exported to, another property for commercial sale and use. The latter is a discretionary activity. Mining and quarrying (including prospecting, exploration, excavation and processing) are not permitted activities in any Management Area and are, therefore, deemed to be discretionary activities. This enables the Council to assess the proposed work programme and the potential adverse effects of the works, and to set appropriate conditions to protect the amenities of the area.

One of the potential effects of earthworks and excavation is the disturbance or destruction of archaeological sites. It should be noted that the standards below are subject to compliance with the heritage provisions in section 5.5 of this Plan.

5.1.5.2 Standards

(a) **In all Management Areas:**

- (i) The land disturbance and excavation standards in this section are subject to compliance with the heritage provisions in section 5.5 of this Plan, in relation to any archaeological sites, and the natural hazards rules in section 5.1.7 of this Plan.
- (ii) Up to 30m³ of minerals or clean fill material may be excavated in any one year for transportation off the property where such works are not part of an approved subdivision or approved development;
- (iii) Up to 30m³ of clean fill comprising topsoil and subsoil may be placed on a property at depths generally not exceeding 1 metre, where such works are not part of an approved subdivision or approved development;
- (iv) Up to 100m³ of clean fill comprising topsoil, subsoil and/or demolition rubble may be placed on a property where such works are not part of an approved subdivision or approved development, and where the Council is informed before the activity is carried out. The detail to be provided is:
 - legal description and street address of property
 - nature and source of fill
 - location of fill on site (site plan to be included)
 - depth of fill
 - compaction of fill
- (v) Any infilling activity shall not exacerbate or increase the risk of natural hazards.

(b) **Additional standards in the Rural Management Area:**

- (i) For activities other than the development of farm tracks, forestry tracks, or forestry landings, up to 200 m³ of minerals, clean fill material, or soil may be

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excavated from and placed on land held in the same certificate of title in any one calendar year.

[Note: Farm tracks, forestry tracks and forestry landings may be developed without limitation on the volume of material that may be excavated or placed for this purpose, or the limitation of the material being excavated from and placed on land held in the same certificate of title.]

[Note: The activity may require resource consent from the Regional Council or be restricted by means of Regional Rules.]

- (ii) In any one calendar year, up to 200m³ of clean imported fill, comprising topsoil, subsoil and/or demolition rubble may be placed on land which is not part of an approved subdivision or approved development, provided the Council is informed before the activity is carried out. Information to be provided is:

- legal description and street address of the subject site
- nature and source of fill
- location of fill on site (site plan to be included)
- depth of fill
- compaction of fill
- any mitigation measures necessary to ensure that there are no adverse effects in watercourses or beyond the boundaries of the site.

The 200 m³ restriction on volume does not apply to surplus cut material from road works, which may be placed without restriction on volume. Such placement remains subject to informing the Council in the required manner before the activity is carried out.

[Note: The activity may require resource consent from the Regional Council or be restricted by means of Regional Rules.]

5.1.5.3 Non-compliance with standards

Where proposed activities do not meet the standards specified in section 5.1.5.2 above, the activity shall be deemed to be discretionary activity, requiring a resource consent.

5.1.5.4 Information requirements

In addition to the information requirements specified in section 7.3.2 of this Plan, a resource consent application for any mining or quarrying activity (including prospecting, exploration, excavation and processing) shall include an outline of the proposed works, including (where appropriate):

- (a) description of the area (including legal description and physical features);
- (b) objective of the activity;
- (c) methods/processes to be used (including any hazardous substances to be used);
- (d) timeframe for works;
- (e) an assessment of the effects of the activity on vegetation, livestock and wildlife habitats, topographical features, watercourses, air quality, waahi tapu, archaeological, historic or other significant sites, and on any nearby residential activities;
- (f) traffic movements and routes to be used;
- (g) rehabilitation programme;
- (h) details of other proposed mitigation measures;

5.1.5.5 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.1.5.3 for a discretionary activity (where applicable):

- (a) significance of actual and potential environmental effects;
- (b) extent (if any) to which there may be a detraction to, or adverse affect upon, the amenity of nearby residential activities, or other sensitive activities;
- (c) significance of any effects on drainage patterns;
- (d) effect on the sustainable management of the land;
- (e) significance of any effects of traffic movements on the safety and efficiency of the road network;
- (f) significance of any adverse visual impact;
- (g) extent to which there is any disturbance to any heritage feature or important natural feature;

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- (h) whether there will be adequate compaction of fill for likely future uses;
- (i) whether acceptable plans for rehabilitation of the area have been provided, including an implementation programme;
- (j) details of other mitigation measures proposed;
- (k) recommendations of the Regional Council or other relevant agency.

5.1.6 DEVELOPER CONTRIBUTIONS

5.1.6.1 Introduction

The Resource Management Act 1991 requires the Council to manage the effects of subdivision and development in a manner which promotes the sustainable management of the District's natural and physical resources. Contributions from subdividers and developers provide a means of offsetting, avoiding, remedying or mitigating the adverse effects of such activities.

Section 108 of the Act specifies that contributions can take any of the following forms:

- *money;*
- *land;*
- *works* (such as landscape treatment, restoration);
- *services* (such as the provision of water supply, sewerage and stormwater disposal, roads);
- *any combination of the above.*

The provisions for contributions in this Plan state:

- the circumstances when contributions may be imposed;
- the maximum amount that may be imposed;
- the general purposes for which contributions may be used.

To assist in determining responsibility for their provision, services can be divided into two separate categories, as follows:

- (a) *On-site services*, being those works carried out within and as part of a development (including subdivision - refer to "Note" in 5.1.6.2 below). On-site services include car parks, water and sewerage connections to trunk services, power, telephone and stormwater. The provision of on-site services is the responsibility of the subdivider or developer. The only exception to this approach is for car parks in the Commercial Management Areas where Council may accept a cash-in-lieu payment. In these specified areas the Council shall

be responsible for the provision and maintenance of car parks within these central areas.

- (b) *Off-site services*, being those trunk and community services outside the development (including subdivision - refer to “Note” in 5.1.6.2 below) which serve the community in general. These services include community facilities, reserves, libraries, roads, footpaths, public works and utilities (e.g. sewerage and water reticulation and treatment plants, and landfills), the provision and maintenance of which is the responsibility of the Council on behalf of the community. New subdivisions and developments incrementally add to usage and demands on such services and for this reason the Council imposes rates and user charges as appropriate. The Council considers that these mechanisms for funding community service provision are more appropriate, justifiable and equitable than a requirement for a financial contribution on all new developments as a matter of course. It is also intended that these provisions will give the District a competitive edge over other Districts in attracting investment and growth opportunities.

While contributions are not automatically required for permitted activities, this Plan makes provision for financial contributions to be required as conditions of resource consents granted by the Council for controlled, discretionary and non-complying activities. The purpose of any conditions of consent requiring financial contributions is to help offset, avoid, remedy or mitigate the adverse effects of activities. The purpose of specific contributions is discussed further in section 5.1.6.3 below.

5.1.6.2 General rules

Note: the word “development” (as used in section 5.1.6) is defined in Part 6 of this Plan (Interpretation) as “any subdivision or any proposed activity to be undertaken on land, whether or not a resource consent is required”. The word “developer” has a corresponding meaning (i.e. it includes persons undertaking subdivisions).

- (a) All works and services required by this District Plan to be provided on or within any site in the District for the purpose of a development, and any works required to ensure compliance with any standard or rule, shall be funded entirely by the developer, to the extent that the costs are directly related to the development.
- (b) All off-site works and services which are provided by the Council at the developer’s request, and which are not programmed for implementation in the Council’s Annual Plan for the current year, shall be funded entirely as a cost to the developer.
- (c) Any spare capacity to meet future demand, which is built into the work or service by the developer at the Council’s request, shall be paid for by the Council in either works, services, money or a combination of these. Any such arrangement is to be negotiated and agreed by both parties.
- (d) Contributions payable in the form of money or works as part of a subdivision consent must be paid, or completed, prior to the issue of a certificate under Section 224 of the Act, while contributions in the form of land shall vest on the deposit of the survey plan under Section 223 of the Act.

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- (e) Contributions payable in any form in respect of a development must be paid prior to the uplifting of a building consent or where no building consent is involved, before the commencement of the activity.
- (f) Except in the case of a money contribution in respect of a development, provision or installation of any contribution may be deferred subject to satisfactory protection of that contribution by a bond (Refer to section 5.2 for the rules relating to bonds).
- (g) Goods and Services Tax (GST) is payable on all monetary contributions, except where GST has already been included in a valuation upon which the financial contribution is based.
- (h) No contribution shall be payable if a contribution for the same purpose has already been paid in respect of that area of land.
- (i) Where an activity does not proceed and the consent lapses or is cancelled, the contribution shall be refunded in accordance with Section 110 of the Resource Management Act 1991, upon application by the person who paid the contribution.
- (j) Where the Council has accepted a financial contribution for the purpose of a specific work, it shall be obliged to carry out such work at the appropriate time. In the event that Council carries out the work at less cost than the contribution paid, the Council shall refund the balance to the person who paid the contribution.

5.1.6.3 Contributions as conditions of resource consents

Contributions (whether cash, land, works or services) may be required as conditions of land use and subdivision consent in relation to the matters below. It should be noted that the amount/value of contributions (if any) will depend upon the circumstances of each resource (land use or subdivision) consent application. The purpose, circumstances and maximum amount of financial contributions that may be imposed by the Council as a condition of consent is specified below:

Note: the word “development” (as used in section 5.1.6) is defined in Part 6 of this Plan (Interpretation) to include “any subdivision or any proposed activity to be undertaken on land...”. The word “developer” has a corresponding meaning (i.e. it includes persons undertaking subdivisions).

(a) Provision of new roads and streets:

Circumstances: Where efficient and safe access to proposed developments cannot be adequately achieved from existing roads, or where the capacity of existing roads would be exceeded as a result of additional traffic generated by the development, the Council may require new roads to be constructed to standards specified by the Council.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of building the new road, including the value of the necessary land.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

(b) *Upgrading and widening of existing roads:*

Circumstances: Where a proposed development will generate increased usage resulting in a need to increase the width, construction standard or maintenance programme of any existing roads (including state highways), the Council may require the road(s) to be upgraded to standards specified by Council, or require a contribution to be made for increased maintenance of the road.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of widening or upgrading the road or the increased maintenance costs for the duration of the activity.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

(c) *Private rights of ways, accessways and vehicle crossings:*

Circumstances: Where a proposed development includes rights of way, accessways or vehicle crossings, the Council may require construction, sealing and maintenance of such accessways and vehicle crossings to standards specified by the Council so that there is no adverse effect on the safety and efficiency of the road network.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of constructing and maintaining the right of way, accessway or vehicle crossing.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

(d) *Off-street vehicle parking/loading spaces:*

Circumstances: Where the on-site vehicle parking requirements of this Plan cannot be met in respect of any development, the Council may require a financial contribution, in the form of money, to provide and maintain public car parks in the vicinity of the development.

Maximum amount: The maximum amount of contribution that may be required is \$2000 per car parking space/loading space.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

(e) *Street lighting:*

Circumstances: Where new roads or accessways are formed or upgraded as part of a proposed development, the Council may require the provision or upgrading of street lighting to improve the safety of road users and pedestrians.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of providing the street lighting.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

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(f) Earthworks:

Circumstances: Where earthworks are required as part of a development to provide building areas, roads or services, or to enable better utilisation of the land, the Council may require the earthworks to be carried out to specified standards.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of carrying out the earthworks.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(a).

(g) Water supply:

Circumstances: Where any development is proposed, the Council may require a potable water supply to be established or connection to reticulated services to be made, in order to ensure that there is a satisfactory supply of water (for domestic, commercial and industrial use, or for fire-fighting and irrigation, as applicable),

Maximum amount: The maximum amount of contribution that may be required is the actual cost of providing the new, extended or upgraded water supply, including reticulation and connections within the development.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(b).

(h) Sewage/wastewater disposal:

Circumstances: Where any development is proposed, the Council may require either connection to an existing reticulated sewage system, the upgrading of such existing system if capacity is inadequate, or the establishment of an on-site treatment and disposal system to the satisfaction of the Council, in order to ensure that all sewage/wastewater is able to be adequately disposed of in a manner that maintains the health and amenity of the occupants and the quality of the environment.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of providing the new, extended or upgraded sewage disposal system, including reticulation and connections within the development as applicable.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(b).

(i) Stormwater:

Circumstances: Where a development is proposed, the Council may require stormwater drainage facilities to be installed to the satisfaction of the Council, in order to reduce the adverse effects of uncontrolled run-off of stormwater from new roads, subdivisions, impervious surfaces and developments.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of providing the new, extended or upgraded stormwater drainage system, including reticulation and control structures within the development as applicable.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(b).

(j) Landscape treatment/fences:

Circumstances: Where landscape treatment or fences are desirable to reduce the adverse visual effects of a proposed development, or any existing activities, or to enhance the rehabilitation or restoration of an area, or provide increased privacy, the Council may require landscape treatment to be carried out and/or fences to be erected.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of implementing and maintaining the landscape treatment or fences.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(c).

(k) Open space, reserves and public recreational facilities:

Circumstances: Where major new developments (residential, commercial or industrial) are proposed which will generate a significant increase in demand for, and usage of, reserves and public recreational facilities, or where there is an opportunity to protect and enhance important natural features, open space, conservation values or heritage and cultural features (such as archaeological sites and waahi tapu), the Council may require financial contributions to help provide and maintain adequate reserves, facilities and open space in the area or town concerned.

Maximum amount: The maximum amount of contribution that may be required is:

- (i) in relation to a building development: 0.5% of the assessed value of the building development, as determined by the Council.
- (ii) in relation to a subdivision: 5% of the value of the additional allotments created as shown on the plan of subdivision.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(c).

Environmental Standards

(l) *Esplanade reserves/strips/accessways:*

Circumstances: Where a development (including subdivision) is proposed along the margins of watercourses/waterbodies that are identified in the District Plan or through the resource consent process as priority areas for riparian management, public access, recreation or the conservation of natural features and habitats, the Council may require financial contributions (vesting of land in the Council) to create an esplanade reserve, strip or access strip.

Maximum amount: The maximum amount of contribution that may be required is the actual cost of vesting a reserve or strip up to 20 metres wide adjacent to the watercourse/waterbody, or an access strip to such watercourse/waterbody, including the value of the land or interest in land and the conveyancing and survey costs.

Purpose: The contribution may be used for any of the purposes listed in section 5.1.6.4(c).

5.1.6.4 Purpose for which contributions may be used

(a) *Road Environment*

To provide, upgrade and maintain the District's roads and road environment, including:

- provision of new roads and streets;
- upgrading and widening of existing roads;
- private rights of way, accessways and vehicle crossings;
- off-street vehicle parking/loading spaces;
- street lighting;
- earthworks.

(b) *Services*

To provide, upgrade and maintain the District's servicing networks, including:

- water supply;
- sewage/wastewater disposal;
- stormwater disposal;

(c) *Recreation and amenity*

To provide, upgrade and maintain the District's recreational facilities and level of amenity, including:

- landscape treatment/fences;
- Esplanade reserves/strips/accessways;

- open space, reserves and public recreational facilities.

5.1.7 NATURAL HAZARDS

5.1.7.1 Introduction

In order to achieve the objectives and policies contained within section 2.5 of this District Plan, the following rules have been developed to control the use of land to avoid, remedy or mitigate the adverse effects of natural hazards.

The Regional Policy Statement for the Manawatu-Wanganui Region has defined the respective responsibilities of District Council's and the Regional Council in relation to natural hazards. The Regional Policy Statement states that District Council's are responsible for developing rules for the control of the use of land to avoid, remedy or mitigate the adverse effects of:

- seismic hazards;
- volcanic hazards;
- tsunami hazards;
- subsidence hazards (except as a result of soil disturbance and vegetation clearance which is a Regional Council responsibility); and
- flood hazards (except within floodplains).

The difficulty in identifying the geographical extent of "natural hazard areas" and quantifying the risk involved often makes it not feasible to control the effects of these hazards through District Plan rules. In such instances it is more appropriate to provide information through Land Information Memorandum or Project Information Memorandum. Where hazard areas are known on the basis of past events (i.e. flood hazards), these rules aim to ensure that activities that may be adversely affected by that hazard do not locate there.

5.1.7.2 Standards

The permitted and controlled activities in a natural hazard area (as shown on the planning maps) are those specified in Part 4 of this Plan for the underlying Management Area, subject to meeting the following standards:

- (a) Activities shall not involve any of the following:
- The erection of, or extension to, any building or structure (other than temporary structures associated with temporary activities - refer to Part 6, Interpretation).
 - land subdivision;
 - any activity which requires vegetation clearance and ground disturbance;
 - the use, disposal or storage of hazardous substances.

Environmental Standards

5.1.7.3 Non-compliance with Standards

Where activities cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.1.7.4 Information Requirements

In addition to the information requirements specified in section 7.3.2, a resource consent application for any activity proposed to be undertaken within a natural hazard area shall include the following:

- (a) a detailed written description of the proposal and its purpose;
- (b) any known historical data relating to the hazard prevalent in that area;
- (c) any proposed measures to ensure that the activity will not be adversely affected by the occurrence of a natural hazard at that area. A report from a suitably qualified expert may be required.
- (d) details of consultation undertaken with the relevant Regional Council.

5.1.7.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.1.7.3 for a discretionary activity:

- (a) views of the relevant Regional Council;
- (b) estimated probability of a natural hazard occurring;
- (c) estimated risk and the likely consequences of a natural hazard event;
- (d) mitigation measures proposed;
- (e) likely cost to the Council in terms of its natural hazard response and recovery programme should the activity be allowed to proceed, and should such a natural hazard occur.

5.1.8 HAZARDOUS SUBSTANCES

5.1.8.1 Introduction

Numerous agencies share overlapping responsibilities for controlling the use, storage, transportation and disposal of hazardous substances. The Manawatu-Wanganui Regional Council's Proposed Regional Policy Statement (RPS) (as changed by decisions on submissions) provides guidance as to the respective roles of the Regional and District Council (for that part of the District which lies within the Manawatu-Wanganui Region). The RPS states that District Councils are responsible for controlling the use of land to ensure that any adverse effects of the use, storage

and transportation of hazardous substances are avoided or mitigated. The Regional Council has responsibility for the control of the use of land in relation to the disposal of hazardous substances. Any disposal of hazardous substances must not breach legislative requirements (i.e. in June 1996, a Hazardous Substances and New Organisms Bill was under development - refer below) and may require a resource consent from the relevant Regional Council.

The following standards have been developed to reduce the potential for adverse effects to arise from the use, storage and transportation of hazardous substances. The site design standards aim to reduce the potential for spillages of hazardous substances to land or water and, in the event that a spillage does occur, to mitigate the potential adverse effects of such an occurrence. Other standards, relating to storage and labelling of hazardous substances, and emergency and evacuation plans, are for the purpose of protecting the health and safety of people.

In addition to the Resource Management Act 1991, other relevant legislation controlling aspects of hazardous substances management include the Dangerous Goods Act 1974 and Regulations (in relation to flammable and oxidising substances) and the Toxic Substances Act 1979 and Regulations (in relation to corrosives, poisons and chemicals).

The Hazardous Substances and New Organisms Act 1996 (HSNO96) came into force as from 8 August 1996 and will eventually replace the abovementioned statutes. The HSN096 is an Act to restate and reform the law relating to the management of hazardous substances and new organisms: see the Long Title to the Act. As such HSN096 provides a legislative framework for the management of hazardous substances and new organisms and related decision making. The actual controls placed on hazardous substances throughout their lifecycle will be provided in regulations made under the Act. It replaces and repeals the Explosives Act 1957, the Dangerous Goods Act 1974, the Toxic Substances Act 1979, the Pesticides Act 1979, the provisions of the Animals Act 1967 and the Plants Act 1970 remaining after the passage of the Biosecurity Act 1993, and parts of the Animal Remedies Act 1967. Regulations under these repealed Acts will be replaced by regulations made under HSN096. Until new regulations are promulgated, the transitional provisions found in Parts XI to XVI of HSN096 will apply.

Consequently, administrative responsibilities and jurisdictional demarcations between RMA derived plans and the HSN096 remain unclear.

5.1.8.2 Standards

The following standards shall apply to all hazardous facilities (refer to Part 6, Interpretation, for definition of "hazardous facility"):

(a) Site Design

- (i) Areas where hazardous substances are stored or used on a regular basis shall be sealed with impervious materials to prevent discharges of contaminants to groundwater, watercourses or adjacent properties.

Environmental Standards

- (ii) Outside storage facilities for liquid and solid hazardous substances (except LPG) shall be sealed and bunded so that the volume of the largest container can be contained and excluded from the stormwater system or watercourses should a spill occur. A "bund" is where the floor is raised to form a kerb which would contain the flow of any liquid. In the case of drum storage facilities, the bund shall be able to contain half of the volume contained in all the drums. Containment from the stormwater system shall be achieved with a retention sump and/or a stormwater valve.
- (iii) All stormwater grates shall be clearly marked with a sign stating "Stormwater Only".
- (iv) Storage of hazardous substances in underground tanks shall comply with the Code of Practice for "Design, Installation and Operation of Underground Petroleum Systems" (Department of Labour, 1992). [Note: a copy of the Code of Practice can be obtained from the Occupational Safety and Health Service, Department of Labour]
- (v) Areas of the facility where hazardous substances are used, processed, mixed or packaged shall be roofed, and the roof shall be maintained in good condition to ensure that there are no leaks.
- (vi) Areas of the facility which are used for the loading or unloading of hazardous substances shall be sealed, bunded and drained so that any spills can be contained and excluded from the stormwater system and watercourses.
- (vii) Areas of the facility which are used for washing equipment or trucks contaminated with hazardous substances shall be sealed, bunded and drained to either a sewage treatment plant or another facility approved by the relevant Regional Council. A separate resource consent may be required for this.
- (viii) Vehicle accessways used on the facility to transport hazardous substances shall be provided with cutoff drains which are not directly connected to the stormwater system or watercourses.

(b) Fire Safety

All hazardous facilities where flammable hazardous substances are either used or stored shall have fire safety equipment in place in compliance with the requirements of the Dangerous Goods Regulations 1978.

(c) Waste Management

- (i) Hazardous wastes shall be stored on-site in containers made of suitable, durable materials (having regard to the nature of the wastes), which do not leak and are either covered by an impervious layer or located in a roofed area.
- (ii) Hazardous wastes shall not be drained to the stormwater system or to groundwater or watercourses.
- (iii) A record shall be kept of the quantities of hazardous wastes stored on-site, and taken away to disposal.

- (iv) Facilities generating in excess of 1m³ of hazardous wastes a day are required to conduct a waste audit every five years, document the outcomes and keep appropriate records. A waste audit shall critically examine processes and materials used with the purpose of identifying ways of achieving "cleaner production" and reducing the amount of waste produced. A waste audit should be undertaken by an independent professional with relevant experience but, alternatively, it may be undertaken "in-house" by the management team of the hazardous facility.

(d) Signage and Labelling

Storage areas for hazardous substances shall be adequately signposted and all hazardous substances containers shall be correctly labelled according to the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" - New Zealand Chemical Industry Council (October 1988).

(e) Emergency and Evacuation Plan

All hazardous facilities shall have an emergency and evacuation plan in place which deals with possible on-site accidents involving hazardous substances. The "emergency and evacuation plan" for a hazardous facility shall be appropriate to the scale and nature of the facility concerned and should include:

- *hazardous substance information* - details of substances used or stored in facility (i.e. manufacturers instructions, material safety data sheets)
- *clean-up methods* - for any spills of hazardous chemicals (i.e. what should, and should not, be done);
- *equipment* - the on-site location of any equipment that may be needed (i.e. fire extinguisher, absorbent material, protective clothing, as appropriate);
- *first aid actions* - if any person affected;
- *contact numbers* - for further information and advice (i.e. NZ Fire Service, Occupational Safety and Health Service)

5.1.8.3 Non-compliance with Standards

Where activities cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.1.8.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.1.8.3 above for a discretionary activity:

- (a) the degree to which the location, use or storage of the hazardous substance reduces the risks of adverse effects on other activities.
- (b) whether other action or works have been undertaken to reduce the degree of risk to an acceptable level.

Environmental Standards

- (c) whether there are management practices in place (which will continue to be in place) that significantly reduce the degree of risk to an acceptable level.

5.2 Land Subdivision Rules

5.2.1 INTRODUCTION

The subdivision rules contained in this section are designed to give effect to the Council's objectives and policies for land subdivision outlined in section 2.4 of this Plan. They also aim to achieve the desired environmental results specified in Part 3 in relation to each Management Area. The rules in this section should be read in conjunction with the environmental standards specified elsewhere in Part 5.

The Code of Practice for Urban Land Subdivision (NZS 4404:1981) is a model for subdivision which is to be used by Council to assess urban subdivision. This code already uses a performance standard approach and the rules set out for subdivision in this Plan complement that established approach.

In addition to Plan rules, the other primary means of controlling subdivision is the provision (and non-provision) of Council services such as reticulated sewerage and water supply schemes. The provision of such Council services can act as a control over the timing, location and scale of subdivision. Council, as the provider of public infrastructure, can use the provision (or non provision) of that infrastructure as a tool to manage subdivision patterns. This means of control is particularly important in relation to Council's primary goal of containing and consolidating urban development in the District, and sustainably managing the District's resources.

Monitoring of subdivision consents and enforcement action to achieve compliance with consent conditions and environmental standards will be undertaken on an ongoing basis in the future (refer to Part 8), to establish whether or not the subdivision conditions and standards are satisfactorily achieving the desired environmental results or whether they require amendment by way of a change to the plan.

5.2.2 GENERAL RULES FOR SUBDIVISION

5.2.2.1 Subdivision Plan to be Approved before Work Commences

Before any work, other than essential investigatory work, involving disturbances of the land surface or excavation of the land surface is undertaken or other work on the land for the purpose of the subdivision is commenced, a subdivision plan shall be submitted to and approved by Council. This obligation is subject to any agreement which may be entered into between the Council and an owner under the Resource Management Act 1991 which allows such preparatory works to be undertaken in terms of such an agreement.

Environmental Standards

5.2.2.2 Approval of Survey Plan

Once a Certificate of Compliance has been issued pursuant to Section 139 of the Act or a subdivision consent has been granted pursuant to Sections 105, 108 and/or 220 of the Act, the survey plan may be submitted for Council approval pursuant to Section 223 of the Act. A full-size transparency of the survey plan and a copy (not necessarily full-size) of the survey plan shall be supplied at the time of seeking a Section 223 approval. The original transparency will be returned to the subdivider while the copy will be retained for Council's records.

5.2.2.3 Deposit of Survey Plan

The survey plan shall not be deposited until Council has certified pursuant to Section 224 of the Act that all requirements of this District Plan have been met and that all conditions imposed under the subdivision consent have been satisfied.

5.2.2.4 Bonds

Council may enter a bond agreement to cover **subdivisional works only**, when the subdividing owner can establish that the works cannot be carried out in reasonable time for reasons beyond his or her control. Such reasons may include matters such as weather, legal or tenure problems and unexpected additional works.

Cash bonds only will be entered into and the term of the bond shall be for the shortest period practical in the circumstances.

The subdividing owner must also satisfy Council that a bond is the best alternative available and that other alternatives such as extending the subdivision approval time are not practical.

5.2.2.5 Applications for Subdivision

- (a) Any person wishing to subdivide land (where that subdivision is not a permitted activity) shall make an application for subdivision consent as a controlled, discretionary or non-complying activity as applicable.
- (b) The subdivision shall be assessed in relation to the standards and criteria specified for each Management Area. Even where a proposed subdivision complies with minimum standards, conditions may be imposed in order to create a more practical subdivision design (in respect of the number, arrangement, area, frontage and shape of the allotments and access to them)
- (c) In some situations (e.g. the division of buildings into separate allotments, common areas associated with buildings) Council may require that the allotments be held under a cross lease, company lease or unit title tenure even when the subdivision may have been submitted in expectation of a freehold tenure. This change in tenure shall only be required where Council is of the opinion that the co-ordinated development and any subsequent redevelopment would be easier to achieve using an alternative tenure system.

5.2.2.6 Information Requirements

The information required to be submitted with subdivision applications is specified in section 7.3.2 and 7.3.3 of this District Plan.

5.2.2.7 Notification of Subdivision Applications

Applications for subdivision consent shall be dealt with as follows:

- (a) A controlled activity shall not be publicly notified and no affected person approvals shall be required. Comments from affected persons may, however, be requested by Council to assist in determining conditions to attach to any resource consent.
- (b) A discretionary activity shall be publicly notified, unless section 94(2) of the Resource Management Act 1991 applies.

Notwithstanding the above, Council may require any application for subdivision consent to be publicly notified in accordance with Section 93 of the Act, where Council considers the subdivision would create effects that require wider public consideration than could be achieved by non-notified means.

Note:

- Reference should be made to section 7.3.5 for further information on notification of resource consent applications, including parties to be notified.
- That Regional Councils have requirements relating to the discharge of contaminants to land (i.e. effluent disposal) so it is advisable to consult with the relevant Regional Council to clarify any requirements (particularly in relation to effluent disposal) at an early stage.

5.2.2.8 Refusal of Subdivision Consent

Section 106 of the Resource Management Act 1991 specifies the circumstances in which the Council shall not grant consent to any subdivision application (i.e. where the land may be, or is, subject to erosion, falling debris, subsidence, slippage, or inundation). In addition to the requirements of that section, the Council may refuse to grant its consent to an application for a subdivision which is a discretionary activity in one or more of the following circumstances:

- (a) the subdivision is inconsistent with the objectives and policies of this Plan and the desired characteristics of the management area in which the subdivision is located.
- (b) the subdivision is inconsistent with the purpose and principles of the Resource Management Act 1991.
- (c) the degree of non-compliance with the Plan's standards is such that significant adverse effects on the environment or amenity of an area cannot be avoided, remedied or mitigated by conditions (i.e. rather than granting a consent with "unachievable" conditions, it is preferable that Council should be both "transparent" and certain in its decision making and refuse its consent).

Environmental Standards

- (d) the orderly and sustainable use of land would not be achieved by the proposed subdivision.
- (e) where the subdivision is in a hazard-prone area and the subdivision, or any activity arising as a result of the subdivision or subsequent use of the land, would increase or exacerbate the degree of hazard risk.

5.2.2.9 Other restrictions on use of land - consent notices

Pursuant to S221 RMA, the Council may grant a subdivision consent subject to a condition that the subject land will only be used for a specified purpose or purposes on a continuing basis. For the purposes of Section 224 RMA, the Council shall issue a **consent notice** specifying any such condition.

5.2.3 SUBDIVISION STANDARDS

5.2.3.1 Development Standards

- (a) **Unless otherwise specified in this Plan, all subdivisions in the Residential, Commercial, Industrial and Settlement Management Areas shall be assessed in accordance with the Code of Practice for Urban Land Subdivision NZS 4404:1981 or any successor.**

5.2.3.2 Dimension and design

- (a) Each lot shall be designed so that the size and the shape of the lot will not prejudice the practical utilisation of the land within that lot or the practical utilisation of the balance area, having regard to the Plan's environmental standards (rules) for activities in the Management Area concerned.
- (b) Each lot created shall be of sufficient size and shape to contain the intended activity/development in a manner that complies with all relevant environmental standards in this Plan, such as on-site parking requirements, sewage disposal requirements (particularly important in areas without sewerage reticulation) and, in relation to residential activities, recession plane, outdoor living court and service court requirements, as applicable.
- (c) Each lot shall be designed to take into account the following considerations:
 - local topography and climatic conditions;
 - environmental features identified as requiring protection from development and/or land use activities, including heritage items and archaeological sites;
 - stormwater management and the protection of land and subsequent development from erosion, falling debris, subsidence, slippage and inundation.
 - needs of cyclists and pedestrians;
 - notional building platform;

- principles of optimum energy efficiency and solar energy gain, in relation to the size and shape of each proposed lot, and the design and orientation of the subdivision as a whole;

(d) The minimum subdivision size in "Urban Buffer Areas" is 8000m².

[Note: the "Urban Buffer Areas" apply only to land adjoining the urban boundaries of Dannevirke, Woodville, Pahiatua and Eketahuna, as shown on the Planning Maps.]

5.2.3.3 Frontage

- (a) Each lot shall have frontage of not less than the minimum standard specified below for the particular management area in question, unless the lot is to be held in the same certificate of title as another lot (or lots).

Management Area	Minimum Frontage Permitted
Residential	3.0 metres
Commercial	7.0 metres
Industrial	6.0 metres
Settlement	3.5 metres
Rural	6.0 metres

5.2.3.4 Access

- (a) Each lot shall be provided with practical, physical access to a formed legal road, unless:
- (i) The Council is satisfied that adequate access to the allotment is provided over other land pursuant to a registered right of way running with the land and appurtenant to that allotment or pursuant to a condition imposed under section 220(1)(b) of the Resource Management Act 1991.
 - (ii) A new road, or an unformed road to be formed to the satisfaction of the Council, is designed as part of the proposed subdivision to provide practical, physical legal access to each lot. The total cost of developing new roads and streets (including unformed legal roads and streets) required to serve a subdivision shall be met entirely by the subdivider.
- (b) Access to each lot shall be located and formed in accordance with the standards set out in Section 5.3.3 of this Plan.

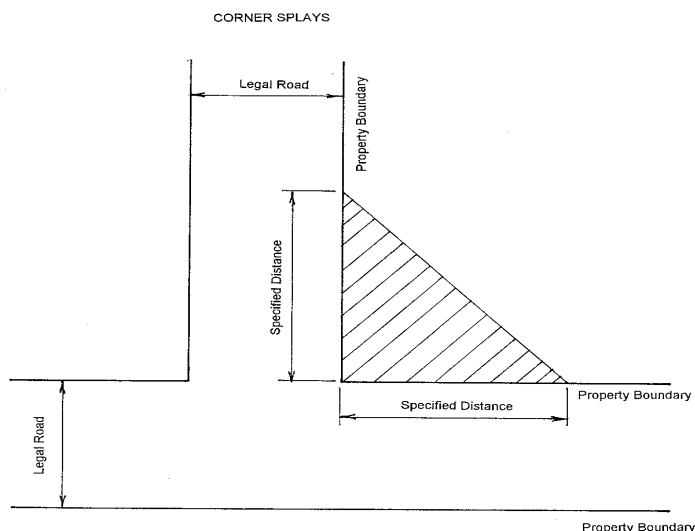
5.2.3.5 Limited Access Roads

- (a) A Limited Access Road (LAR) is deemed by Section 93 of the Transit New Zealand Act 1989 not to be a road for the purposes of obtaining access in relation to a subdivision (i.e. rule 5.2.3.4 above) or use of road, unless specifically authorised under that section by the Minister of Transport (at the request of Transit New Zealand). Unless such special authorisation is given, land adjoining a Limited Access Road cannot be subdivided unless legal frontage to an alternative road is provided.

5.2.3.6 Corner Splays

Environmental Standards

- (a) Where land fronting two roads is subject to subdivision, or where a new subdivision involves creating an intersection, corner splays to the dimensions set below shall be shown on the subdivision plan and shall be shown as "Road" to vest in the Council on the survey plan to be certified by Council pursuant to Section 223 of the Act.



The corner splays shall be measured by a diagonal line joining two points the required distance from the corner of the property boundary (see diagram above), as follows:

(i) *Residential, Commercial and Industrial Management Areas*

Arterial and Collector Roads:
6 metres (minimum) - 10 Metres (preferred)

Local Roads:
3 metres (minimum) - 6 Metres (preferred)

(ii) *Rural and Settlement Management Areas*

All Roads: 15 metres, unless the following criteria are met

Exemption Clause:

- i. The site has less than 100 traffic movements per day.
- ii. The site has no or a low record of accidents.
- iii. The site will have no hedges, trees, signs, screens or other obstructions to sight lines above 1.0 metre (see p5-50) of ground level within 15 metres of the corner of the subject site.
- iv. The site is not situated on either a primary arterial or a secondary (district) arterial road.
- v. The intersection has clear visibility (sight lines) of no less than 250 metres.

If all these criteria are met, the 15 metre corner splay requirement can be waived or dispensation granted to provide a lesser splay distance.

5.2.3.7 Building Platform

- (a) Each lot shall be able to be provided with a stable and sufficiently sized building platform and stable access to that platform for a dwelling and accessory buildings
- (b) 5.2.3.7 (a) above shall not apply where the Council is satisfied that the lot is not intended to be used as a site for a dwellinghouse or other buildings and the Council's resolution to this effect is a condition of consent (refer Rule 5.2.2.9).

5.2.3.8 Esplanade Reserves and Esplanade Strips

- (a) *Transitional provisions for esplanade reserves:* Until such time as "priority areas" for riparian management and esplanade reserves are identified in Appendix 16 (by way of a Plan Change), where any allotment:

- of less than 4 hectares; or
- 4 hectares or more where riparian management issues or values (such as bank stabilisation or protection, indigenous vegetation protection, or public access) are evident at the time of subdivision and application,

is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake, as the case may be, and shall vest in the Tararua District Council, in accordance with Section 231 of the Resource Management Act 1991.

- (b) *Esplanade provisions applicable following identification of "priority areas" in Appendix 16:*

From such time as "priority areas" for riparian management and esplanade reserves have been identified and included (by way of a Plan Change) in Appendix 16, where any allotment is created (regardless of size) which adjoins a section of river, lake or coastline which is identified in Appendix 16, an esplanade reserve 20 metres in width shall be set aside from that allotment along the margin of the waterbody concerned, and shall vest in the Tararua District Council, in accordance with section 231 of the Resource Management Act 1991.

- (c) Notwithstanding (b) above, where a new allotment is subdivided from a larger block (the balance area) which adjoins a section of river, lake or coastline which is identified in Appendix 16, and no part of the new allotment is within 200 metres of waterbody concerned, an esplanade reserve or strip will not be required on the balance area of the subdivision.
- (d) For the purpose of (a) above, a "river" means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment; and a "lake" means a lake whose bed has an area of 8 hectares or more].

Environmental Standards

- (e) In respect of any subdivision where an esplanade reserve is required, the Council may, at its discretion, accept, or seek to secure, an esplanade strip. The strip width will be specified at the time of Council approval of the subdivision plan and shall be not less than 10.0 metres or more than 20.0 metres wide and the contents and method of registration of the registered instrument are to be to the satisfaction of Council.
- (f) Any esplanade reserve or strip that Council wishes to secure that is in excess of that required in 5.2.3.8(a) or (b) above (width, location or extent), may only be obtained by negotiation and agreement between the parties concerned.
- (g) A subdivision where a reduction in, or a waiver of, a requirement for an esplanade reserve or strip is sought, is a discretionary activity (refer to section 5.2.4.4 and 5.2.4.7 for details)
- (h) Section 345(3) of the Local Government Act 1974 shall not apply within the Tararua District, unless the subject land is identified in Appendix 16 “Schedule of Priority Water Margins for Riparian Management and Esplanade Reserves/Strips” in the Plan.

5.2.3.9 Wastewater and Sewage Disposal

The general development standards in Section 5.1.2 shall apply.

5.2.3.10 Water Supply

The general development standards in Section 5.1.3 shall apply.

5.2.3.11 Stormwater Drainage

The general development standards in Section 5.1.4 shall apply.

5.2.3.12 Exemptions from Subdivision Standards

The subdivision standards under Sections 5.2.3.1 to 5.2.3.11 shall not apply to the following subdivisions (although they will be used as guidelines for assessment where appropriate):

- (a) special purpose lots (refer to Part 6, Interpretation)
- (b) boundary adjustments and relocations (refer to section 5.2.4.2(c) below)
- (c) the subdivision of different floors or levels of a building, or different parts of a floor or level of a building.

5.2.3.13 Financial Contributions

Refer to general development standards (Section 5.1.6)

5.2.4 CLASSIFICATION OF ACTIVITIES

5.2.4.1 Permitted activities

- (a) In any management area, an **amendment** (to provide for a new building) to a cross lease, company lease or unit plan which has been approved, and a Certificate of Title issued by the District Land Registrar, shall be a permitted activity, subject to compliance with the following conditions:
- (i) The dimensions and areas of the amendment shown on the subdivision plan shall be the same as those for the relevant building consent which has been approved by Council.
 - (ii) The building complies with all the relevant performance standards of the District Plan and a Certificate of Compliance pursuant to Section 139 of the Act has been issued by Council.
 - (iii) A consent notice in accordance with Section 221 of the Resource Management Act 1991 has been prepared by the subdivider and issued by the Council, to the effect that the dimensions and areas of the buildings shown on the plan are binding on the subdividing owner(s) and subsequent owner(s) and shall not be varied, changed or modified without the consent of Council.

5.2.4.2 Controlled activities

- (a) **In all Management Areas, subdivision which complies with the standards in 5.2.3 above, and all other relevant standards in Part 5 of this Plan, shall be a controlled activity, unless otherwise specifically stated.**
- (b) Subdivision for special purpose lots.
- (c) Subdivision by means of boundary adjustment or relocation between two or more adjoining and existing Certificates of Title, provided that:
- the number of Certificates of Title involved in the subdivision shall be the same or less after the subdivision has occurred.
 - no lot shall be reduced to a size inconsistent with section 5.2.3.2(a) or, if already non complying, reduced to less than what it was prior to the subdivision.

5.2.4.3 Matters over which the Council reserves control in relation to controlled activities

In respect of the controlled activities listed in 5.2.4.2 above, the matters over which the Council shall exercise control by the imposition of conditions are:

- (a) the imposition of financial contributions in accordance with Section 5.1.6 of this Plan;
- (b) the granting, reserving or modification of easements;

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- (c) the alteration of any lot boundary;
- (d) the provision, location and dimension of outdoor living areas;
- (e) the upgrading of accessways to comply with the access standards in Section 5.3.3 of this Plan.

5.2.4.4 Discretionary activities

- (a) Where any part of a lot being subdivided is within 1 kilometre of the coastline (which for the purposes of this rule shall be defined as the coastal marine area landward boundary which is the line of Mean High Water Springs), the subdivision shall be considered as a discretionary activity.
- (b) Where any proposed subdivision does not meet any one or more of the standards specified in 5.2.3 or 5.2.4, or does not meet one or more of the other relevant standards in Part 5 of this Plan, it shall be considered as a discretionary activity.
- (c) Where any subdivision application, in any management area, is made in conjunction with an application for a land use consent for an activity specified as discretionary, it shall be considered as a discretionary activity.
- (d) Subdivision where a reduction in, or waiver of, a requirement for an esplanade reserve or esplanade strip is sought, shall be considered as a discretionary activity:

5.2.4.5 General assessment criteria

- (a) In assessing an application for a controlled, discretionary or non complying activity for any subdivision, the following general criteria as appropriate to the situation shall be used:
 - (i) Whether the area, shape and design of all lots is appropriate to their specified purposes and intended use(s), taking into account any relevant environmental standards specified in this Plan.
 - (ii) Whether the boundaries of each new lot are appropriately located, taking into account the following factors:
 - topography
 - practical management of existing and potential activities on the site
 - protection of the land from flooding, erosion and instability
 - location of existing buildings, roads, fencelines, drains, shelter belts/hedges, streams and rivers, internal roading and other physical features
 - surface and ground water conditions, including the quality and quantity of the water, the direction of the water flow and the effects that the subdivision and its subsequent uses may have on them

- local climatic conditions, especially the orientation of the lots in a manner that will allow buildings to be positioned to maximise winter solar gain and to act as a barrier to prevailing winds
 - environmental features that have been identified as requiring protection from development, including heritage items and archaeological sites.
 - where on-site disposal of stormwater and septic tank effluent is required for existing and potential developments, whether there is sufficient area of land of a suitable type available for servicing purposes within each lot, or to service a number of lots by means of a community scheme.
 - any existing resource consents and the conditions attached to them that need to be accommodated within any lot
- (iii) In relation to any boundary adjustment or relocation, the following factors will be taken into account:
- whether the uses of land and buildings on all lots involved in the boundary adjustment or relocation are permitted as of right and/or have been authorised by resource consent and/or do not involve any increase in the extent to which it or they fail to conform to the District Plan performance standards.
 - whether the usefulness of the lot(s) will improve following the boundary adjustment or relocation.
 - where on-site effluent disposal is proposed, whether the allotments are of a size and shape that accommodate the disposal of domestic and/or non-domestic effluent in accordance with the General Development Standards in section 5.1.2 of this Plan.
- (iv) In relation to any application to reduce the corner splay requirements, the following factors will be taken into account:
- whether the taking of a corner splay will not significantly improve visibility for motorists due to the structures (buildings, land or vegetation) between the corner and the necessary sight line, or there is a difference in road levels.
 - whether a lesser standard will give a similar and adequate level of sight visibility and turning areas because of factors such as reduced traffic speeds in the area, low volumes of traffic or the nature of the traffic.
 - whether the full corner splay cannot be provided due to existing physical factors which cannot be reasonably removed.

5.2.4.6 Assessment Criteria for Subdivisions as a Discretionary Activity

The following criteria shall be used to assess a subdivision application as a discretionary activity:

- (a) The Environmental Standard(s) and Assessment Criteria applying to the management area in which the subdivision is located.
- (b) The General Assessment Criteria contained in Section 5.2.4.5

Environmental Standards

- (c) The degree to which the proposed subdivision (in terms of matters such as shape, size, access) will facilitate the establishment of the proposed land use activity.
- (d) The objectives and policies for subdivision in general and the environmental results sought for the management area in which the subdivision is proposed.
- (e) The requirements of the Resource Management Act 1991.
- (f) Whether the written approval of every person considered to be adversely affected by the application has been given.

5.2.4.7 Assessment criteria where a reduction in, or waiver of, a requirement for an esplanade reserve or esplanade strip is sought

The following criteria shall be used to assess a subdivision application as a discretionary activity where a reduction in, or waiver of, a requirement for an esplanade reserve or esplanade strip is sought:

- (a) the objectives and policies of Part 2 and Section 2.4 in particular, and of the management area in which the land concerned is situated, and the provisions of Section 5.1.6 "Financial Contributions".
- (b) the extent to which the natural functioning of the water body, water quality, and land and water based habitats will be affected by any reduction in the width, size or non provision of the reserve or strip.
- (c) the extent to which the public's access and recreational enjoyment of the reserve or strip is reduced or removed.
- (d) the degree of protection of the natural values associated with the reserve or strip that will remain.
- (e) whether the effects of natural hazards on the conservation values of the riparian margin will be compromised.
- (f) the degree to which the purpose of the reserve or strip can be, or is already, achieved by other mechanisms (e.g. covenants, rules in the District or Regional Plans, conditions of resource consents).
- (g) whether the loss of the reserve or strip will severely restrict the landowner in carrying out a viable activity on the balance area.
- (h) whether the access by, and presence of, the public will significantly interfere with the legitimate land use activities on the balance area, in terms of safety, security, animal wellbeing, amenity (particularly residential) in a manner that cannot be compensated by other actions.
- (i) the extent to which the public benefits gained with respect to the reserve or strip justify the costs of acquiring and maintaining them, while recognising that benefits in terms of improved water quality, habitat, and access have important value which cannot readily be expressed in monetary terms.

5.3 Infrastructure

5.3.1 MANAGEMENT OF ROADS (ROAD HIERARCHY)

5.3.1.1 Introduction

Roads are defined in the Act as having the same meaning as in Section 315 of the Local Government Act 1974 and include motorways as defined in Section 2(1) of the Transit New Zealand Act 1989). For the purpose of this rule, 'road' means the full legal width of a road, including the carriageway.

Roads in the District generally serve a dual purpose. They provide access to properties and they provide for the movement of people and goods from one part of the District or country to another (i.e. through traffic). Some roads have local access as their main function; others are more important for through-traffic. A technique which has been commonly used in the past and which continues to be promoted by Transit New Zealand is the development of a road hierarchy which classifies roads according to their main function and traffic volumes. This enables priorities to be set for the management of the road network and for the management of the effects of activities which impact on the efficiency and safety of the road network. It should also be noted that there is an interdependency between the efficiency of the transportation network and the efficiency of other activities.

By giving roads the status of designations and providing for road activities "as of right" with the designation, there is a statutory authorisation that recognises the importance of roads to the functioning of the District.

A range of standards are included in the District Plan, which are designed to protect the road resource and ensure its safe and efficient operation. These include:

- number and location of parking, manoeuvring and loading spaces.
- vehicle access and crossings.
- protection of traffic sight lines.
- corner splays.
- glare and lighting.
- signs.

Compliance with these standards allow activities to establish and operate without unacceptable adverse effect on the road network.

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5.3.1.2 Road Hierarchy

The four-tier road hierarchy adopted in this Plan, and identified in Appendix 5 (Part 9) is as follows:

- *Primary Arterials* - roads which form part of the network of strategic arterial roads of national or regional importance. In the Tararua District, this classification applies only to State Highways, managed by Transit New Zealand, on the basis of high traffic volumes. These routes predominantly carry through traffic and it is important to maintain a high level of user service. For this reason, primary arterial roads have a higher degree of access control than other roads, which is based on the traffic volumes served by the access. Access standards are also higher than for other roads.
- *Secondary (District) Arterials* - roads which are important at the District level for carrying traffic between major areas within the District and as alternative routes to neighbouring Districts. Traffic movement is the main function but they often also serve as local roads.
- *Collector Roads* - These roads collect and distribute traffic to and from the arterial road network. These roads complement arterial roads in that through-traffic is an important function but property access is also important.
- *Local Roads* - are all other roads which have the provision of access to properties as their primary purpose. Some local roads have a minor role to play in the collection and distribution of traffic, but through traffic is generally to be discouraged due to the effect on the amenity of the surrounding area and the physical capability of the roads.

5.3.1.3 Designation of roads

All existing roads shown on the Planning Maps, whether formed or unformed, are deemed to be designated for this purpose and the activities that may be carried out in compliance with this designation include:

- road construction, upgrading and maintenance;
- bridge, culvert and drain construction, upgrading and maintenance;
- activities directly related to the movement of pedestrians and vehicles and shall include roadside rest areas, information centres and weigh stations.
- Signs within the road reserve as set out in Section 5.4.3 - Signs.

The District Planning Maps shall be used to determine the underlying Management Area which applies to any road, or section of road. Where a Management Area is not the same on both sides of the road, the Management Area provisions to apply shall be the more intensive of the two. For the purposes of applying this rule, and for the avoidance of doubt, the least intensive area is the Rural Management Area followed, in increasing intensity, by the Settlement, Residential, Industrial and Commercial Management Areas.

[**Note:** Some roading activities may also be subject to Regional Council requirements, particularly where steep or vulnerable land is affected, so consultation with the relevant Regional Council in those cases is recommended to identify potential issues or requirements.]

5.3.1.4 Rules

Notwithstanding the designation of existing roads (refer to 5.3.1.3 above), this section of the Plan specifies permitted, controlled and discretionary activities in relation to activities on land classified as legal road. Where there is reference in these rules to "roads", the rule shall apply also to proposed roads (i.e. proposed new roads, and widening and realignment of existing roads).

(a) Permitted activities - All roads

- (i) Subject to standard 5.1.7.2(a) in relation to natural hazard areas, the construction of any new road or the realignment or widening of any existing road where this involves works outside the existing road reserve, is a permitted activity providing one of the following criteria apply:
 - it is in accordance with an approved designation or is a minor variation thereof;
 - it is otherwise provided for in the District Plan as proposed road or indicative road;
 - it is proposed as an incidental part of an approved subdivision;
 - it is in accordance with any other approved resource consent.
- (ii) Site investigations (including geotechnical, survey and other preliminary investigations) associated with the construction of new roads, deviations, and realignments and which are outside a designated road.
- (iii) The reconstruction and realignment or the establishment of a corner splay complying with the dimensions set out in section 5.2.3.6, provided that the works involved do not entail the creation of severances and the written approval of every landowner directly affected has been obtained.
- (iv) Network utilities which are deemed to be a permitted activity in section 5.3.6 of this Plan.
- (v) Vehicle crossing places which are deemed to be a permitted activity in section 5.3.3 of this Plan

(b) Permitted activities - All roads except Primary Arterial Roads

- (i) The use of roads for the movement of traffic (including pedestrians and cyclists) and any associated activity, including maintenance and improvements in safety and efficiency, emergency works, road and traffic signs, and amenity planting;
- (ii) The use of unformed roads for public access;

Environmental Standards

- (iii) Markets, fairs, stalls, mobile shops, races and other temporary festive or recreational events providing that the written approval of the road controlling authority has been obtained.

(c) Controlled Activities - All roads

- (i) Network utilities which are deemed to be a controlled activity in section 5.3.6 of this Plan. (**Note:** the matters over which the Council reserves control are also specified in section 5.3.6)

(d) Discretionary Activities - Primary Arterial Roads

On Primary Arterial roads (State Highways) the following activities are discretionary:

- (i) Significant changes to Primary Arterial roads, including new roads, intersections and major realignments (unless designated);
- (ii) Any activity on roads which is not related to traffic movement;
- (iii) Signs in road reserves other than road or traffic signs.
- (iv) Vehicle crossing places which are deemed to be a discretionary activity (including where a crossing place does not meet the criteria for permitted activity status) in section 5.3.3 of this Plan

(e) Discretionary Activities - All roads

- (i) Any activity which is not a permitted or a controlled activity, shall be a discretionary activity.

5.3.1.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.3.1.4 above for a discretionary activity:

- (a) The nature of the activity;
- (b) The extent to which the siting of the activity provides sufficient buffer to adjacent properties;
- (c) Whether there will be any significant adverse effect on levels of amenity or environmental quality of surrounding areas;
- (d) Any recommendations in a report of a traffic engineer or other suitably qualified traffic expert;

Note: Refer to section 5.3.3.5 for the criteria for assessment of vehicle crossing places which are a discretionary activity.

5.3.2 PARKING

5.3.2.1 Introduction

Convenient parking spaces are valued by the community. In many instances parking spaces can be provided on the edge of the carriageway. However, when such parking occurs adjacent to a road with a high traffic volume it is possible that the smooth progression of traffic moving on to or along the road will be impeded. To avoid this it is necessary to provide for car parking spaces when establishing a new activity.

5.3.2.2 Standards - Requirements for Car Parking Spaces

(a) The minimum car parking requirements shall apply to all activities as specified below:

ACTIVITY	STANDARD
ENTERTAINMENT AND SPORTS PREMISES	
<ul style="list-style-type: none"> • Hotels and taverns: • Playing fields, indoor and outdoor courts: • Buildings associated with playing fields, indoor and outdoor courts: • Outdoor recreation: 	<p>1 per 6m² public floor area (includes bars, restaurants and reception areas) and 1 per bedroom unit).</p> <p>6 for every field or court.</p> <p>1 for every 25m² gross floor area.</p> <p>1 per 4 persons the activity is designed to cater for.</p>
DWELLINGHOUSE:	
<ul style="list-style-type: none"> • Dwellinghouse: 	1 per dwellinghouse
GENERAL BUSINESS	
<ul style="list-style-type: none"> • Supermarkets: • Any retail or office activity (including ancillary retail activities) • Restaurants, Craft Shop and Dairy/Grocery: • Bottle Stores: 	<p>1 per 20 m² gross floor area.</p> <p>1 for every 30m² gross floor area.</p> <p>1 for every 25m² gross floor area.</p> <p>1 per every 30m² gross floor area.</p>

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BULK RETAIL	
<ul style="list-style-type: none"> Nurseries and Garden Centres: Car, caravan, Boat etc. Sales Premises and Yards: 	<p>1 per 100m² site area.</p> <p>1 per every 200m² site area.</p>
HEALTHCARE AND VETERINARY FACILITIES (see Community Facilities for "Hospitals")	
<ul style="list-style-type: none"> Medical centres/veterinary clinics: 	1 for every 25 m ² gross floor area
HOME OCCUPATION	
<ul style="list-style-type: none"> Home Occupation: 	1 for each non-resident employee.
INDUSTRY (AND INDUSTRIAL) ACTIVITY	
<ul style="list-style-type: none"> Any Industrial or Warehouse Activity: 	1 for every 50m ² for the first 1000m ² gross floor area of an individual ownership or tenancy, 1 for every 75m ² gross floor area thereafter.
RESIDENTIAL ACCOMMODATION	
<ul style="list-style-type: none"> Retirement Villages Housing for the elderly and convalescent homes Special Care Housing, Hospices, and residential institutions: 	<p>1 space for every residential unit, plus 1 for every 4 units</p> <p>1 for every 4 occupants</p> <p>1 for every 4 occupants</p>
VISITOR ACCOMMODATION	
<ul style="list-style-type: none"> Motels, private hotels, short-stay accommodation Hostels/Boarding Houses: 	<p>1 space for every unit/room</p> <p>1 for every 4 occupants</p>
COMMUNITY FACILITY	
<ul style="list-style-type: none"> Place of worship or assembly, Marae, community facilities Childcare Centres, Schools/Facilities for Education and Training: Hospitals: 	<p>1 for every 25m² gross floor area.</p> <p>2 for every 3 fulltime staff equivalents, plus 1 for every 50 students, except for Primary Schools and Childcare Centres.</p> <p>1 for every 4 occupants.</p>
MISCELLANEOUS	
<ul style="list-style-type: none"> Rural Selling Place: Service Stations: 	<p>4 per rural selling place.</p> <p>1 for every 30m² gross floor area (excluding canopy area over petrol pumps).</p>

- (b) Where any proposed activity is not listed, the number of car parking spaces to be provided shall be the standard for the activity listed that, in the opinion of the Council, most closely resembles the proposed activity in terms of car parking demand.
- (c) Where a particular site contains more than one activity, the parking requirement for each activity shall be separately determined where the gross floor area of each activity exceeds 10% of the total gross floor area; otherwise the activity shall be assessed as ancillary to the main use. In determining parking requirements, any fraction more than one-half shall be regarded as one space.
- (d) Except where stated otherwise, car parking requirements shall be assessed in relation to the gross floor area of buildings. Where any covered parking or manoeuvring space is provided, that area shall be excluded from the calculation of gross floor area.

5.3.2.3 Standards - Requirements for Loading Spaces

- (a) There shall be 1 on-site loading space per each general business, bulk retail or industrial activity (refer Part 6 - Interpretation).

5.3.2.4 Standards - Design and Construction of Parking Spaces, Loading Spaces, Access and Manoeuvring Areas

- (a) The minimum car parking and loading space dimensions shall be in accordance with the standards in Appendix 6.
- (b) Parking spaces for disabled persons shall have dimensions in accordance with NZS 4121:1985.
- (c) Parking areas must be provided with access drives and aisles for ingress and egress of vehicles to and from the road, and for the manoeuvring of vehicles (manoeuvring of vehicles shall be based on the tracking curve standards for 90 percentile cars and trucks, as shown in Figures 7.1 and 7.2 respectively in Appendix 7).
- (d) Gradients for service and manoeuvring areas shall be less than 1:12.5.
- (e) The area used for parking, including access, manoeuvring and loading, shall be sealed in urban areas, or metalled in rural areas (unless the development requires sealing), drained and marked out to the satisfaction of the Council.
- (f) Required car parking and loading spaces, including access, must be kept clear and available at all times for vehicles used in conjunction with the particular activity to which the parking and loading relates.
- (g) For parking areas of four or more spaces adjoining a property used for residential or open space purposes, the parking area shall be screened from the adjoining property by a screen of not less than 1.8 metres in height, consisting of a densely planted buffer or fence or wall constructed in brick, timber, concrete or stone.
- (h) For parking or manoeuvring areas adjoining a road, a kerb or similar barrier of not less than 150 mm high and at least 600 mm in width shall separate the area from the road boundary.

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5.3.2.5 Standards - Payment-in-lieu of Parking (Commercial Management Area)

- (a) In any Commercial Management Area, whenever the required car parking spaces cannot be provided either on site or on an agreed alternative site, and Council has not granted consent to a lesser number of carparks, a cash-in-lieu payment of \$2,000.00 per space will be required at the building consent stage.

5.3.2.6 Non-compliance with Standards

Where activities cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

In respect of the requirements for car parking spaces [Rule 5.3.2.2(a)], a resource consent application need not be notified where the reduction being sought from the standard for a particular activity is no more than 40% of that standard.

5.3.2.7 Information Requirements

In addition to the information requirements specified in section 7.3.2 of this Plan, a resource consent application for a discretionary activity, as required by section 5.3.2.6 above, shall include:

- (a) a detailed plan showing the location of the access points, buildings, and proposed car park layout;
- (b) the hours during which the activity (or activities), and all ancillary activities will require car parks;
- (c) the estimated number of people involved in the activity and requiring a car park.

5.3.2.8 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.3.2.6 above for a discretionary activity:

- (a) Whether car parks can be provided on a nearby site, with the area occupied by parks being legally tied to the title of the application site.
- (b) Whether a cash payment-in-lieu of parks would be appropriate in the circumstances.
- (c) Whether there are sufficient off-street public car parks in the vicinity.
- (d) Whether the provision of parking spaces would have an adverse effect on the special character or amenities of the site;
- (e) Whether it can be demonstrated that the specified standard is inappropriate in the circumstances.
- (f) Whether the car park proposed to be used can serve two or more individual activities which have different peak parking demands.

- (g) Whether the parking demand can be accommodated on-street without generating adverse parking or environmental effects on other properties and activities.

5.3.3 ACCESS AND INTERSECTIONS

5.3.3.1 Introduction

Roads have two important functions, they provide a means of access onto the adjoining land, and they provide for the movement of people and goods. These two different functions, if not managed appropriately, have the potential to cause conflicts and thus reduce the safety and efficiency of the road network.

These conflicts can be avoided through the use of controls on development and access. The level of controls placed on access is dependant on whether the road is more important in terms of its through-traffic function or its access function. The most important function of primary arterial roads (State Highways) is to facilitate the movement of traffic safely and efficiently from one point to another. To maintain efficiency of use and ensure the safety of users, a higher level of access control is required on these roads. References to "TNZ, 1994" in this section relate to Transit New Zealand's document "Highway Planning under the Resource Management Act 1991" unless specified otherwise. In most instances the Council has adopted the guideline suggested by TNZ as a standard in the District Plan.

5.3.3.2 Standards

(a) Permitted activities - Primary Arterial Roads

Any new or relocated vehicle crossing place to a Primary Arterial Road (State Highway) shall be a permitted activity providing all of the following criteria are met:

- (i) no alternative legal access is available to another formed road;
- (ii) there shall be just one vehicle crossing per property (as held in one Certificate of Title);
- (iii) where the speed limit is above 50 km/hr, there shall be less than 30 "car equivalent movements" daily (24 hour period) where less than 2.5 m of sealed road shoulder widening exists or less than 50 "car equivalent movements" daily where sealed road shoulder widening of 2.5 m or greater exists, or where the speed limit is 50 km/hr or less, there shall be less than 90 "car equivalent movements" daily (**Note:** refer to definition of "car equivalent movements" in Part 6 of this Plan); and
- (iv) the vehicle crossing place complies with the relevant "access design and construction standards" in section 5.3.3.2 below and in Appendix 10 of this Plan.

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(b) Permitted activities - All roads other than Primary Arterial Roads

Any new or relocated vehicle crossing place shall be a permitted activity, provided that:

- (i) the vehicle crossing place complies with the relevant “access design and construction standards” in section 5.3.3.2(d) or (e) below and in Appendix 10 of this Plan.

(c) Access and intersection design and construction standards - Primary Arterial Roads in all Management Areas

- (i) Approved vehicle crossings (crossing places) to a Primary Arterial Road (State Highway) shall meet the standards specified in Appendix 8 and 9 (in relation to design and dimensions).
- (ii) All vehicle crossings and intersections to a Primary Arterial Road (including where an accessway crosses a railway line) shall meet the standards in Appendix 10 of this Plan (in relation to physical and sight distances from other crossing places and intersections).
- (iii) Vehicle crossings for heavy vehicles shall be designed and constructed to carry the volume and weight of traffic likely to use the crossing. The surface shall be constructed to the same standard as the adjacent road carriageway. This requirement shall be deemed to have been complied with if the first 12 metres of the vehicle crossing measured from the near edge of the carriageway, is so constructed.
- (iv) Vehicle crossings for heavy vehicles shall be designed and constructed so that heavy vehicles do not have to cross the road centre line when making a left turn.
- (v) In Rural and Settlement Management Areas, the width of the vehicle crossing at the property boundary is to be no greater than 6 metres, except when the crossing is to be used by heavy vehicles and a greater width is necessary in order to meet (iv) above.
- (vi) Access to a Primary Arterial Road (State Highway) in Residential, Commercial and Industrial Management Areas shall be constructed so that:
 - the vehicle crossing shall intersect the property boundary at an angle of 90 degrees, plus or minus 15 degrees;
 - the vehicle crossing shall intersect with the carriageway at an angle of between 45 degrees and 90 degrees;
 - for activities with a low propensity to attract vehicles, the vehicle crossing shall be not greater than 3.5 metres wide when measured at the edge of the carriageway;
 - for activities with a high propensity to attract vehicles the accessway dimension shall be:
 - between 3.5 metres and 6.0 metres for a one way operation, or
 - between 6.0 metres and 9.0 metres for a two-way operation.

(Refer to Appendix 9 for diagram)

(vii) Where an accessway crosses a railway line, it shall be a requirement that 20 metres each side of the railway is constructed generally at the same level as the railway.

(viii) In respect of an accessway which crosses a railway line and there is less than 25 metres separation between the primary arterial road (state highway) and the railway (i.e. insufficient space for large vehicles to wait), the sight distance (specified in Appendix 10) shall be measured from a point:

- on the accessway, and
- 5 metres back from the side of the railway furthest from the primary arterial road.

(d) Access design and construction standards - Roads other than Primary Arterial Roads in Residential, Commercial and Industrial Management Areas.

(i) All vehicle crossings/accessways shall be sealed and designed in accordance with the standards set out in Appendix 11 of this Plan.

(ii) Minimum widths of accessways for private access to residential activities shall be:

- 1 to 3 dwellinghouses: 3 metres
- 4 to 6 dwellinghouses: 4 metres
- 7 or more dwellinghouses: 6 metres

(iii) Minimum widths of accessways for access to other activities shall be:

- 6 metres, or ingress and egress accessways of 3 metres width each.

(iv) A site with a total road frontage of 60 metres or less shall have only 1 vehicle crossing.

(v) A site with a total road frontage of more than 60 metres shall have up to 2 vehicle crossings.

(vi) Access to any road which intersects with a primary arterial road shall be set back a minimum distance from the boundary of the primary arterial road as set out in Appendix 10.

(e) Access design and construction standards - Roads other than Primary Arterial Roads in Rural and Settlement Management Areas.

(i) Access to any road which intersects with a primary arterial road shall be set back a minimum distance from the boundary of the primary arterial road as set out in Appendix 10.

(ii) All accessways shall be designed in accordance with the standards set out in Appendix 12 to this District Plan.

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- (iii) Within the first 6 metres from the road boundary, the grade of accessway shall not be steeper than 1:5 for residential activities, and 1:8 for other activities. Any accessway shall be graded so as to abut the road boundary at the relative level of the roadway or footpath.

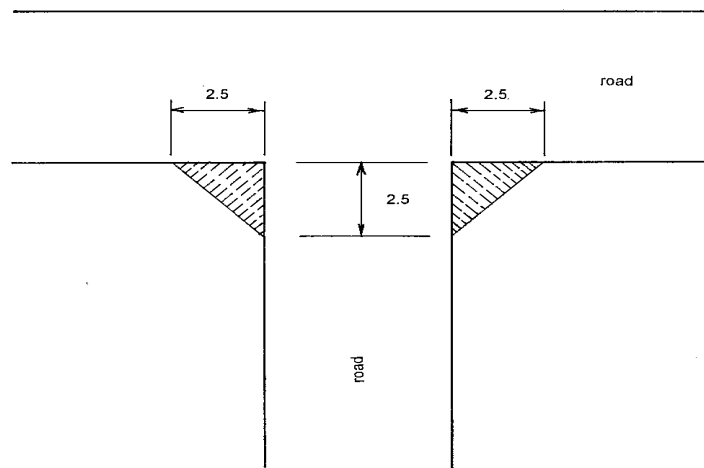
(f) Access to Rural Selling Places

Vehicular access for rural selling places in the rural area shall be designed and constructed in accordance with the standards of the "Guidelines for Establishing Rural Selling Places", Road and Traffic Standards Section, Safety Standards Branch, Land Transport Division, Ministry of Transport, August 1992.

(g) Visibility to and from Access Points onto all Roads

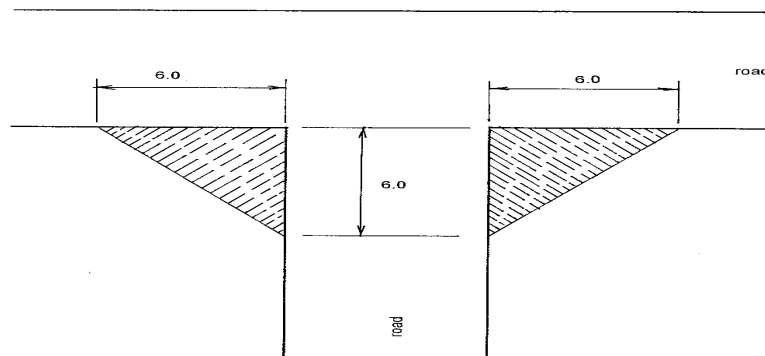
No construction of buildings, fences or other structures, placing of obstructions or the growth of vegetation shall be permitted on the immediate vicinity of road and railway intersections as shown in the following diagrams and text:

(i) Road Intersections in Residential, Commercial and Industrial Management Areas



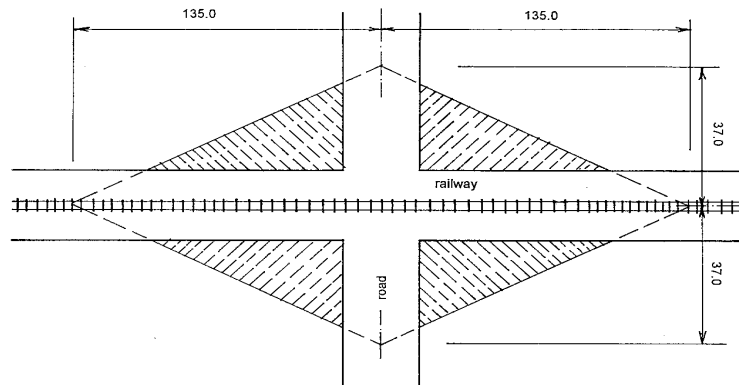
except when the building, fence, structure, obstruction, or vegetation is less than 1 metre in height.

(ii) Road Intersections in Rural and Settlement Management Areas



except when the building, fence, structure, obstruction, or vegetation is less than 1 metre in height.

(iii) Railway Intersections in all Management Areas



except

- when the building, fence, structure, obstruction, or vegetation is less than 1 metre in height; or
- dispensation to dimensions have been approved by NZ Rail Limited; or
- where a corner splay has already been vested and cleared in accordance with Standard 5.2.3.6.

5.3.3.3 Non-compliance with Standards

Where activities cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.3.3.4 Information Requirements

In addition to the information requirements specified in section 7.3.2 of this Plan, a resource consent application for a discretionary activity, as required by section 5.3.3.3 above, shall include:

- (a) a detailed written description of the proposal and its purpose.
- (b) the existing frequency and volume of traffic on the adjacent road;
- (c) the potential for increased traffic volumes and frequencies;
- (d) the location and number of existing access points, and the distances between successive access points regardless of which side of the road they are on.
- (e) the standard of construction of access points and roads;

A resource consent application for a discretionary activity for an access/crossing place onto a Primary Arterial Road (State Highway) may be considered without notification where the written approval of Transit New Zealand is obtained and where the Council considers that Transit New Zealand is the only affected party.

Environmental Standards

5.3.3.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.3.3.3 for a discretionary activity:

- (a) existing and potential volume of traffic using the road;
- (b) existing and potential frequency of traffic using an access point;
- (c) available sight distance from an access;
- (d) whether access points to properties from State Highways have been located to ensure that minimum spacings between access points or between access points and intersections are achieved;
- (e) the potential effect of the activity on the safety and efficiency of the road network;
- (f) whether there is an area where vehicles can queue without adversely affecting the free flow of traffic on the primary arterial road;
- (g) the location, formation, construction, maintenance or change to character, intensity and scale of use of a crossing place;
- (h) whether there is any reasonably practicable alternative legal access to a road other than a State Highway;
- (i) whether there is sufficient and appropriate off-street parking to meet the needs of the site activity and avoid or minimise any adverse effects on the safe and efficient operation of the State Highway;
- (j) the degree of non-compliance with any standard or performance criteria;
- (k) any topographical and/or site constraints;
- (l) relevant Transit New Zealand guidelines, and any specific recommendations of Transit New Zealand Limited including whether or not a notice pursuant to Section 93 of the Transit New Zealand Act 1989 has been received from Transit New Zealand.
- (m) In respect of visibility:
 - whether the existence of traffic management methods (stop signs, railway signals) provide a level of traffic safety that cancel out the need for sight lines.
 - Whether factors such as traffic speed are such that traffic safety is maintained without the need for sight lines.
 - whether train movements (time of day, speed of train) such that traffic safety is maintained without the need for sight lines;
 - whether the consent of the controlling authority for the railway facility has been received. This will be required before Council will consider granting an application to reduced sight lines.

5.3.4 DANNEVIRKE AERODROME PROTECTION AREA

5.3.4.1 Introduction

The Dannevirke Aerodrome is a site that has been designated by the Council. The designated site includes the airspace above the land necessary for the approach surfaces, take off surfaces, transitional surface, and horizontal surface. It is recognised that some activities may be required to be undertaken on this site that are not subject to the provisions of the designation. It is necessary therefore to include controls relating to such activities.

5.3.4.2 Dannevirke Aerodrome Protection Area

The Aerodrome Protection Area is defined in Appendix 13. The provisions of the Rural Management Area, and the standards below, shall apply.

5.3.4.3 Standards

- (a) No building, structure, tree or hedge shall be constructed or located within the Dannevirke Aerodrome Protection Area that will penetrate the approach surfaces, take off surfaces, transitional surface, or horizontal surface as shown in Appendix 13.
- (b) Within 1 kilometre of the boundary of the Dannevirke Aerodrome Protection Area, no activity shall be established which, in the Council's opinion, could increase the number and density of birds above existing levels in the surrounding area (i.e. landfills and wildlife reserves) and subsequently hinder the safety and efficiency of the Dannevirke Aerodrome.

5.3.4.4 Non-compliance with Standard

Where activities cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.3.4.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.3.4.4 above for a discretionary activity:

- (a) the nature of the activity;
- (b) the extent to which the siting of the activity encroaches into the approach surface, take off surfaces, transitional surfaces or horizontal surfaces;
- (c) the degree of risk the activity may pose in respect of aircraft and aerodrome operations
- (d) any recommendations in a report of an aviation expert or other relevant professional.

5.3.5 RAIL CORRIDOR

5.3.5.1 Introduction

New Zealand Rail Limited, as an approved network utility operator pursuant to section 166 of the Act, is the requiring authority for a designation placed over railway land. For the purposes of this District Plan the area of land designated for rail purposes is termed the "rail corridor". It is recognised that in some instances the activities required to be undertaken on this designated land will be outside the scope of the designation. In these circumstances the provisions relating to the Industrial Management Area shall apply. It is considered that the desired environmental results specified for the Industrial Management Area are applicable to any areas designated for railway purposes.

5.3.5.2 Standards

All activities within the designated rail corridor, other than those activities which are undertaken in accordance with the designated purpose, shall be managed as for the Industrial Management Area. The standards applicable to permitted and controlled activities in the Industrial Management Area shall apply.

5.3.5.3 Non-compliance with Standard

Where activities cannot meet the standards referred to in section 5.3.5.2 above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.3.5.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.3.5.3 above for a discretionary activity:

- (a) the nature of the activity;
- (b) the extent to which the siting of the activity will affect the safety and efficiency of the rail service;
- (c) any recommendations in a report of an transport engineer or other relevant professional.

5.3.6 NETWORK UTILITIES

5.3.6.1 Introduction

The District's infrastructure includes the physical resources, plant, equipment and networks necessary for the provision of electricity, gas, water supply, radio and telecommunications, sewage treatment and disposal, stormwater, drainage, roads, rail and air transport. The above services are provided by "network utility operators"

as defined in Section 166 of the Resource Management Act 1991 (refer to Part 6 of this District Plan, "Interpretation").

The services provided by network utility operators are essential to the health, safety, social, economic and cultural well-being of the people of the Tararua District, and it is in the community's interest that services are provided in an economically and practically viable manner. It is often the case that there will be some temporary effects during construction and maintenance operations (the effects of roadworks for example) but these are generally acceptable to the community as they are inevitable, short term effects as a result of providing essential services. The potential for post-construction, or on-going, adverse effects of network utility facilities varies widely. Many network utilities have little or no adverse effect (underground pipes and equipment) whereas large-scale facilities such as power generating plants, transmission lines, or major transportation developments may have significant effects which need to be assessed. These potential effects include:

- **visual effects**, particularly in relation to large scale facilities, and radio and telecommunication facilities which require prominent locations on hilltops;
- **noise**, such as from humming and from wires moving as a result of wind;
- **health**, for example, the issue of electromagnetic radiation;
- **vehicle movements/access** to and from facilities.
- **effect on heritage items** - including disturbance of archaeological sites and waahi tapu

This plan therefore classifies a wide range of network utility activities as permitted and controlled activities where there will be no significant adverse effects. Major works, where there is the potential for significant environmental effects, are classified as discretionary activities to enable an assessment of environmental effects, alternatives and mitigation measures to be undertaken, with third party input.

5.3.6.2 Standards

[NB. Refer to section 5.3.1 for standards relating to roads, section 5.3.4 for standards relating to the Dannevirke Aerodrome and 5.3.5 for standards relating to rail facilities, all of which are also network utilities.]

(a) Permitted activities in all Management Areas

The following activities shall be permitted in all Management Areas, subject to compliance with all relevant environmental standards in Part 5 of this Plan:

- (i) Transformers and lines for conveying electricity at a voltage up to and including 110KV with a design capacity up to and including 100MVA per circuit;
- (ii) Household, commercial and industrial connections to gas, electricity, water, drainage and sewer pipes and lines;
- (iii) Water and irrigation races, drains, channels and pipes and necessary incidental equipment;

Environmental Standards

- (iv) Equipment for broadcasting, telecommunication (including radiocommunication) purposes, including transmission and reception, and for the purposes of meteorological data collection. Equipment shall not exceed the following standards:
- masts, aerials and poles (including supporting structures for microwave dishes and antennas) shall not exceed 15 metres in height and, above 10 metres in height, shall have a maximum cross section dimension of no greater than 600 mm;
 - microwave dishes shall not exceed 3 metres in diameter;
 - microwave dishes and antennas not exceeding 3 metres in diameter are exempt from maximum height standards.
- (v) Lines as defined by section 2(1a) of the Telecommunications Act 1987;
- (vi) Underground pipes for the distribution (but not transmission) of natural or manufactured gas, at a gauge pressure not exceeding 2000 kilopascals and necessary incidental equipment, including regulator stations and metering equipment not exceeding 20m² in area;
- (vii) Underground pipes for the conveyance or drainage of water or sewage, and necessary incidental equipment including household connections;
- (viii) Maintenance, upgrading, replacement and repairs to network utility apparatus, subject to prior notification of Transit New Zealand in respect of any work on State Highways;
- (ix) Ancillary buildings not exceeding a gross floor area of 50m².
- (x) Network utilities in existence at the date of public notification of the Proposed Plan (2 May 1995), unless subject to a specific resource consent or designation.

(b) Permitted activities in Rural and Industrial Management Areas

In addition to the activities permitted in (a) above, the following activities shall be permitted in Rural and Industrial Management Areas, subject to compliance with all relevant environmental standards in Part 5 of this Plan:

- (i) Automatic weather stations, weather recording devices, and facilities for the distribution of meteorological information, subject to the standards in clause (iii) below.
- (ii) Lighthouses, navigational aids and beacons, and survey monuments;
- (iii) Network utilities for telecommunications and radio communications and equipment used for meteorological data collection provided any equipment used for these purposes does not exceed the following standards:
- masts, poles and other supporting structures are no greater than 20 metres in height;
 - masts, poles and other supporting structures do not exceed 3 metres in diameter;

- telecommunications and radio communications equipment attached to masts, poles and other supporting structures does not exceed 3 metres in diameter.

(c) **Controlled Activities in Rural and Industrial Management Areas**

- (i) Electricity substations which receive lines having a voltage up to and including 110KV and which have a design capacity up to and including 100MVA per circuit;
- (ii) Pipes for the transmission of natural gas at a gauge pressure exceeding 2000 kilopascals and necessary incidental equipment, including compressor stations, provided that:
 - the written approval of all landowners through which the pipeline will be laid has been obtained; and
 - land is reinstated to its original condition after the pipeline has been laid; and
 - there is compliance with the relevant industry Code of Practice, the Petroleum Pipeline Regulations and Land Access Code.
- (iii) Regulator stations exceeding 20m² in area and gate stations which are part of the natural gas distribution network.
- (iv) Depots for the maintenance, upgrading, alteration, construction or security of lines or pylons associated with the National Grid, provided that they are situated within a substation property;
- (v) The construction use and maintenance of simple structures for:
 - the investigation of sustainable energy generation by wind, sun or hydro means;

(d) **Matters over which the Council shall exercise its control are as follows:**

- (i) The design and external appearance of all buildings and structures and signage;
- (ii) The landscape design and site layout, including fences and screen planting, and lighting;
- (iii) The location and design of vehicular and pedestrian access to and from the site, including emergency access;
- (iv) Vehicle parking and loading and manoeuvring areas on site;
- (v) The location and nature of possible noise generating equipment to be used on site, and hours of operation;
- (vi) Other potentially adverse effects, including dust, glare, vibration, odours, electromagnetic radiation, use or storage of hazardous substances, and effect on any important natural or heritage feature.

Environmental Standards

5.3.6.3 Non-compliance with standards

Where a network utility does not meet the standards specified above, or is not listed as a permitted or controlled activity, it shall be deemed to be a discretionary activity, requiring a resource consent.

Discretionary activities therefore include, but are not limited to:

- (a) Lines (and support structures) for conveying electricity at a voltage exceeding 110KV and which have a design capacity exceeding 100MVA per circuit, and electricity substations and transformers which receive such lines.
- (b) Weather radars;

5.3.6.4 Information requirements

In addition to the information specified in section 7.3.2 of this Plan, a resource consent application for a network utility which is a discretionary activity, shall include:

- a) The design and external appearance of all buildings and structures and signage;
- b) Landscape design and site layout, including fences and screen planting, and lighting;
- c) The location and design of vehicular and pedestrian access to and from the site, including emergency access;
- d) Vehicle parking and loading and manoeuvring areas on site;
- e) The location and nature of possible noise generating equipment to be used on site, and hours of operation;
- f) Other potentially adverse effects, including dust, glare, vibration, odours, electromagnetic radiation and use or storage of hazardous substances.

5.3.6.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application for a discretionary activity:

- (a) Whether any alternative locations have been considered;
- (b) Whether the visual, noise and other effects of the proposed network utility facility are compatible with the character, scale and visual appearance of the surrounding area, having regard to the following factors:
 - (i) **Visual effects:**
 - scale of the facility
 - height of structures
 - signage
 - separation of structures to site boundaries

- site location - in terms of general locality, topography, geographical features, adjoining land uses and consideration of alternative sites
 - planting, fencing, use of colour and other landscape treatment
 - lighting - in terms of intensity and positioning
- (ii) **Noise effects:**
- background noise levels in the neighbourhood of the site
 - probable noise levels from the utility or any part of it
 - any proposed noise mitigation measures
- (iii) **Other effects:**
- any fumes, odour, dust, vibration, electromagnetic radiation (including compliance with NZS 6609), glare, hazardous substances
 - traffic related effects, such as location of access, parking and manoeuvring areas.
 - any adverse effect on any important natural or heritage feature (having regard particularly to matters specified in Part II of the Resource Management Act 1991).
- (c) Whether adequate mitigation or avoidance measures can be put in place, having regard to the best practicable option and economic considerations.

5.4 Amenity

5.4.1 NOISE AND VIBRATION

5.4.1.1 Introduction

Noise (including vibration) is a significant health and environmental quality issue and an important factor contributing to the varying levels of amenity in different areas of the District. Section 31(d) of the Resource Management Act 1991 assigns Council the function of controlling the emission of noise and the mitigation of the effects of noise. This function is supported by the abatement and enforcement provisions in Part XII of the Act, particularly Sections 326 to 328 which relate to "excessive noise".

This District Plan sets minimum environmental standards in respect of noise, using New Zealand Standards to determine acceptable levels and methods of assessment, as there is currently no locally developed data base on noise levels in the District.

The following New Zealand Standards are applicable:

- NZS 6801: 1999 Acoustics - Measurement of Sound, or any successor
- NZS 6802: 1999 Acoustics - Assessment of Environmental Sound, or any successor
- NZS 6803P: 1999 Acoustics - Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work, or any successor
- NZS 4403: 1976 The Storage, Handling and Use of Explosives
- NZS 6805: 1992 Airport Noise Management and Land Use Planning

The purpose of the District Plan's noise standards is to control noise levels to ensure that there is no degradation of amenity levels within the District, especially in residential, settlement and rural management areas. Reaction to noise varies considerably, not only between individuals but also between and within communities. The standards aim to provide a degree of certainty to the community and to developers as to what noise levels are acceptable in different Management Areas. At the same time, the Council wishes to avoid unnecessary restrictions within industrial areas, particularly given that all activities still have a duty under Section 16 of the Act to avoid unreasonable noise and that the Council has abatement and enforcement powers in relation to excessive noise. For example, by measuring noise levels at the Management Area boundary (not site boundaries) in Industrial Management Areas, a less restrictive standard is able to be set.

Vibration from land use activities can range in effect from structural damage to buildings (relatively extreme levels of vibration) to disturbance of sleep and reduction of amenity resulting from people being able to perceive vibration. The following New Zealand Standard is applicable:

- **NZS/ISO 2631.2-89 Mechanical Vibration and Shock - Evaluation of Human Exposure to Whole-Body Vibration:**
 - Part 1: General requirements
 - Part 2: Continuous and Shock-Induced Vibration in Buildings (1-80 Hz)

5.4.1.2 Standards

(a) All noise levels shall be measured in accordance with NZS 6801:1999 or any successor and shall be assessed in accordance with NZS 6802:1999 or any successor. Where NZS 6802:1999 does not include the type of noise in question, the appropriate standard or regulation which covers that type of noise shall be used.

(b) The following noise limits shall apply to all activities in the **Residential, Settlement and Rural Management Areas** of the District, with the exception that these standards shall not apply to the following:

- audible bird-scaring devices in the Rural Management Area;
- forestry activities which are undertaken during daylight hours only and for a period not exceeding 7 days duration, in any Management Area;
- temporary military training activities in any Management Area

7.00 am - 7.00 pm daily	55 dBA (L ₁₀)
7.00 pm - 7.00 am daily	45 dBA (L ₁₀) and 75 dBA (L _{max})

These noise limits are not to be exceeded at the boundary of any site used for residential activities or, in the Rural Management Area, at a "notional boundary" which is 10 metres from the facade of the nearest dwellinghouse on land held in a separate certificate of title **or**, if the complainant's dwellinghouse is on the same certificate of title, at a notional boundary which is 10 metres from the facade of a complainant's dwellinghouse.

(c) The following noise limits shall apply to all activities (except to temporary military training activities) in the **Commercial Management Areas** of the District:

7.00 am - 10.00 pm daily	60 dBA (L ₁₀)
10.00 pm - 7.00 am daily	45 dBA (L ₁₀) and 75 dBA (L _{max})

These noise limits are not to be exceeded at the site boundary, **except** that at all boundaries between Commercial Management Areas and Residential, Settlement or Rural Management Areas, the noise limits applying in the latter Management Areas shall apply.

Environmental Standards

- (d) The following noise limits shall apply to all activities (except to temporary military training activities) in the **Industrial Management Areas** of the District:

There are no specific noise limits applicable at site boundaries, except that at all boundaries between Industrial Management Areas and Residential, Settlement, Rural or Commercial Management Areas, the noise limits applying in the latter Management Areas shall apply.

- (e) **Blasting noise** and any vibration created by blasting shall comply with the limits set in NZS 4403:1976 and shall be conducted in a manner that does not cause a nuisance or adversely affect any person.
- (f) **Construction noise** shall be measured and assessed in accordance with NZS 6803:1999 or any successor and shall not exceed the noise limits recommended therein.
- (g) **Audible bird-scaring devices (including firearms)** may be operated in Rural Management Areas in accordance with the following conditions:
- not earlier than 7.00 am and not later than 8.00 pm
 - the sound from any bird-scaring device shall not exceed 85 dBC peak (unweighted) level at the boundary of any adjoining property, or 20 metres from the facade of the closest dwelling on any adjoining property;
 - where the sound from any bird-scaring device exceeds 70 dBC peak (unweighted), but is less than 85 dBC peak, at either the boundary of any adjoining property or 20 metres from the facade of the closest dwelling on any adjoining property, then it shall be operated at a frequency of not more than six events per hour. The term "events" includes clusters of up to 3 shots from gas operated devices or three multiple shots from firearms, in rapid succession. At lower noise levels, there is no restriction on frequency of use;
 - These conditions may be waived at the boundary of any adjoining property if the owner agrees and notifies the Council of such agreement in writing.
- (h) **Vibration:** No activity may create any vibration which exceeds the limits in NZS/ISO 2631.2-89.
- (i) **Temporary military training activities:** The following noise limits shall apply to temporary military training activities in all Management Areas of the District. These noise limits are not to be exceeded at the site boundary.

Time	Limits (dBA)	
	L ₁₀	L _{max}
(Any day)		
0630 - 0730	60	70
0730 - 1800	75	90
1800 - 2000	70	85
2000 - 0630	45	-
Noise resulting from the use of explosives is not to exceed 122 dBC (between 0730 and 1800 only).		

(NOTE: The term L₁₀ used above refers to the "average maximum noise level" which is the level of noise that is exceeded 10% of the time. L_{max} is the maximum noise level recorded. All measurements will exclude the effects of passing traffic, be adjusted for tonal or impulsive character and will pay due consideration to the measurement period to adequately reflect the duration and variation of the noise source and its effect on the recipient).

5.4.1.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.1.4 Information requirements

In addition to the information specified in section 7.3.2 of this Plan, a resource consent application to exceed any noise or vibration standard shall include:

- (a) A noise report from an acoustic engineer assessing the effect of the proposal on the locality, having regard to background noise levels;
- (b) Assessment of the best practicable option (BPO) in relation to noise/vibration and the activity concerned;
- (c) Details of any mitigation measures proposed.

5.4.1.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.4.1.3 above for a discretionary activity:

- (a) The existing background noise level in the area concerned;
- (b) Whether there will be any significant adverse effect on levels of amenity or environmental quality of surrounding areas;
- (c) The ability to undertake noise reduction measures at a later date when the nature of changing adjacent activities may require lower noise levels to be met;

Environmental Standards

- (d) Any recommendations in a report of an acoustic engineer or other relevant professional.

5.4.2 DUST, SMOKE AND ODOUR

5.4.2.1 Introduction

Primary responsibility for air quality management lies with Regional Councils. However, the "control of any actual or potential effects of the use, development or protection of land" (Section 31(b) of the Act) is a function of the District Council. In this respect, dust, smoke and odour caused by particular activities may result in a significant adverse effect on the amenities of surrounding properties.

With respect to that part of the District that is within the Manawatu-Wanganui Region, the Manawatu-Wanganui Regional Council has produced a draft Regional Air Plan which contains policies, methods and rules for controlling discharges to air, including smoke, dust and odour. It is recognised that the Regional Council's are lead authorities in respect of these "air" discharges and, therefore, this Plan seeks only to complement the Regional Council's requirements, not to duplicate or supplant them.

In relation to odours, it is a largely subjective matter whether an odour is offensive or not, depending on the opinion of the individual concerned. The hedonic tone of an odour is the judgement of the relative pleasantness or unpleasantness of the odour. It is this aspect which primarily dictates whether an odour nuisance occurs, since it is influenced by such factors as subjective experience, frequency of occurrence, odour character, intensity and duration. How pleasant or unpleasant an odour is perceived is often a matter of association.

It is, therefore, a complex matter to attempt to quantify performance standards for odour (and also for dust and smoke) and, to the Council's knowledge, no effective and practical numerical standards have yet been devised and widely accepted. Nevertheless, while the Council will liaise with the relevant Regional Council to use the abatement and enforcement provisions of the Act to mitigate nuisances as required, it is considered that it is necessary to also give some guidance to the community and developers as to what is likely to be acceptable, to avoid activities establishing in unsuitable locations and then encountering problems when operations commence.

To take an example, "home occupations" which create a dust, odour or smoke nuisance are unacceptable in Residential, Settlement and Rural Management Areas. Furthermore, oxidation ponds or factory farms which may produce significant odour should not be located in proximity to, or upwind of, residential areas or other sensitive land use activities or users.

The NZ Pork Industry Board's "Code of Practice for Pig Farming" (Second edition, 1993) provides recommended buffer distances for pig farms which are designed to mitigate the effects of odour. These have been adopted in slightly modified form as standards in this Plan.

5.4.2.2 Standard

- (a) No part of an outdoor (extensive) pig farm shall be located within 500 metres of a Residential or Settlement Management Area.
- (b) Intensive pig farms shall comply with the buffer distances specified in the following table:

Description	Minimum distance in metres
Piggery to Residential or Settlement Management Area:	$D^* = P^* \times 1.00$, with a minimum separation distance of 150 metres
Piggery to a marae, public hall, church, school or recreation area:	$D = P \times 0.75$, with a minimum separation distance of 150 metres
Piggery to an isolated rural residence:	$D = P \times 0.25$, with a minimum separation distance of 150 metres

* D is the required distance and P is the number of pigs contained within the piggery.

Note: The Manawatu Wanganui Regional Council's Manawatu Catchment Water Quality Regional Plan also contains requirements relating to the separation distance between any piggery waste disposal area and any dwelling or public gathering place.

- (c) **Odour:** Except as specified in (a) and (b) above, no activity shall cause an odour which, having regard to the frequency, intensity, duration and offensiveness of the odour, is objectionable or creates a nuisance beyond the boundaries of the site.
- (d) **Dust and smoke:** No activity may produce dust or smoke which has a significant adverse environmental effect, or that creates a nuisance beyond the boundaries of the site.

5.4.2.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent, except that this shall not apply where the discharge is specifically covered by a rule in a relevant operative or proposed regional plan.

5.4.2.4 Information requirements

In addition to the information specified in section 7.3.2 of this Plan, a resource consent application required under section 5.4.2.3 shall include:

- (a) Details of the proposed activity and processes used;
- (b) Assessment of the best practicable option (BPO) in relation to dust/smoke and the activity concerned;
- (c) Details of any mitigation measures proposed;

Environmental Standards

5.4.2.5 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.2.3 above for a discretionary activity:

- (a) The nature of the activity;
- (b) The extent to which the siting of the activity provides sufficient buffer to adjacent properties;
- (c) Whether there will be any significant adverse effect on levels of amenity or environmental quality of surrounding areas;
- (d) Whether the emissions can be programmed in a manner that ensures they will only be emitted at times when the effects will not be objectionable (e.g. certain wind directions or velocities, or times of the day)
- (e) Any recommendations in a report of any relevant professional.
- (f) When assessing an application for intensive pig farming as a discretionary activity, the Council shall be guided by the Code of Practice - Pig Farming, 2nd edition, August 1993.
- (g) The provisions of any relevant regional plans, and the views of the relevant Regional Council.

5.4.3 SIGNS

5.4.3.1 Introduction

Signs play an important role in the District by providing information on public services, providing directions, identifying places of interest and advertising goods and services. There is a need, however, for some controls on location, number, size, type and nature of signs in order to protect the amenities of the District and to maintain traffic safety. In the absence of a signs bylaw for the District, this Plan addresses the safety and aesthetic aspects of signs on both private property and legal roads (road reserves).

Transit New Zealand is the organisation responsible for the provision of an integrated and safe road network throughout New Zealand, and it has particular responsibilities in relation to the State Highway network, in terms of the Transit New Zealand Act 1989. It is the policy of Transit New Zealand to prohibit any extraneous roadside signs (except legitimate road and traffic signs) on state highways and motorways. The Council has a similar policy in respect of all other roads for amenity and traffic safety reasons, with the exception that authorised footpath signs are permitted in commercial and industrial management areas.

This Plan's standards for signs on private properties are less restrictive in Commercial and Industrial Management Areas than they are in Rural, Residential and Settlement Management Areas. Signs are generally more acceptable in commercial and industrial areas because of the mutual benefit of advertising both to

businesses in these areas and to the public that they serve. There is no limit on the size or number of signs in Commercial and Industrial Management Areas, but some locational controls are necessary to ensure that signs do not become unsightly or a hazard.

In Residential, Rural and Settlement Management Areas, advertising signs are generally less acceptable due to their potential effect on the amenities of those areas, but there is still a need to provide for some legitimate signs for permitted activities, subject to strict controls on the size and number of such signs. Any proposed deviation from these rules will be carefully assessed on the basis of their effect on the qualities of the area which the rules are designed to protect.

All signs must comply with the Building Act 1991 to ensure that they are structurally sound.

5.4.3.2 Standards

(a) General standards applicable to all signs

- (i) The standards in this section apply to all signs in the District whether located on private property, public property or legal roads.
- (ii) All signs shall be located on the site to which they relate, unless otherwise provided for within the District Plan or by means of a resource consent.
- (iii) No sign shall be permitted where it will detrimentally affect traffic safety and control by either:
 - obstructing drivers' vision; or
 - causing confusion or distraction for drivers; or
 - creating a situation hazardous to the safe movement or direction of traffic.
- (iv) No sign shall be permitted which restricts or blocks sight distances at intersections or accessways.
- (v) No sign shall obstruct, or predominate over, road users' views of official signs and no sign shall be designed so as to resemble, or potentially cause confusion with, official traffic signs.
- (vi) No sign shall be permitted which is offensive, poorly constructed, poorly maintained, or otherwise adversely affects the amenities of the area in which it is sited or the area from which it can be seen.
- (vii) Signs using light (including illuminated signs, neon lights, flashing or revolving lights) are permitted only in Commercial and Industrial Management Areas. No sign shall be permitted to cause glare or dazzle which could detract from traffic safety.

(b) Permitted activities (signs) in all Management Areas

- (i) Road directional, traffic safety, motorist service, tourist or name signs erected by the Council or Transit New Zealand, whether or not within the road reserve.

Environmental Standards

(ii) Neighbourhood watch signs, subject to compliance with the following performance standard:

- Maximum area for each sign is 0.5m².

(iii) Community Welcome to Towns and District signs, subject to compliance with the following performance standards:

- Maximum area of each sign is 4m²;

[Note: the written approval of Transit New Zealand (as road controlling authority) must first be obtained if the sign is to be located on the state highway road reserve].

(iv) Temporary signs for statutory notice, auctions, sale of land/buildings, and for trades/consultants signs on construction projects, subject to compliance with the following performance standards:

- Maximum area of each sign is 3m²;
- Must be located on the subject property.
- Must be removed within 7 days of completion of the activity or sale of land/building.

(v) Signs on public open space (other than formed legal roads), reserves and recreational facilities, subject to compliance with the following performance standards:

- The written consent of the landowner (normally the Council) shall be obtained;
- One sign not exceeding 3m² is permitted at each entrance to the public open space, reserve or recreational facility;
- One sign not exceeding 3m² is permitted for each club or code with facilities on the reserve or in the building or complex;
- Signs for commercial advertising/sponsors signs, not exceeding 2m² each, and located so that they are visible primarily to spectators/participants in the reserve/recreational facility.

(vi) Temporary signs for elections subject to compliance with the following performance standards:

- The area of any sign is no more than 4 m²;
- Signs are erected no more than 3 months prior to the election and removed by the eve of the day before the election day;
- Signs are located on private property or on road reserve (legal road) with the approval of the road controlling authority.

(c) Permitted activities (signs) in Residential and Settlement Management Areas

In addition to the permitted activities specified in section 5.4.3.2 above, the following are permitted in Residential and Settlement Management Areas:

(i) One sign for each lawfully established activity, subject to compliance with the following performance standard:

- Maximum area of sign is 1.5m².

(d) Permitted activities (signs) in Rural Management Area

In addition to the permitted activities specified in section 5.4.3.2 above, the following are permitted in Rural Management Areas:

- (i) One sign at entrance to rural selling place, subject to compliance with the following performance standard:
 - Maximum area of sign is 3m²;
 - Sign to be located on subject property.
- (ii) One advance warning/directional sign either side of an entrance indicating the proximity of a rural selling place, subject to compliance with the general standards in 5.4.3.2(a) above and with the following performance standards:
 - Maximum area of sign is 1.5m²;
 - Sign is located on private property but not necessarily the subject property.
- (iii) One sign for each lawfully established activity, subject to compliance with the following performance standard:
 - Maximum area of sign is 1.5m²;

(e) Permitted activities (signs) in Commercial and Industrial Management Areas

In addition to the permitted activities specified in section 5.4.3.2 above, the following are permitted in Commercial and Industrial Management Areas:

- (i) Signs attached to buildings, subject to compliance with the following performance standards:
 - Signs do not protrude more than 1 metre above the roof line of the building;
 - Under verandah signs must maintain at least 2.6 metres clearance between the bottom of the sign and the footpath and a minimum horizontal clearance of 0.5 metres from the kerb line.
- (ii) Fixed free-standing signs, subject to compliance with the following performance standards:
 - Signs are not to exceed a total of 4m² in area per property;
 - No sign shall be more than 1 metre higher than the roof line of the highest building on the subject site;
 - All fixed free-standing signs to be located on subject property.

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(iii) Footpath signs, subject to compliance with the following performance standards:

- One footpath sign or "sandwich board" per business, except for corner sites where one sign is permitted per frontage;
- Maximum area of each face of sign is 1m²;
- Signs must be located either adjacent to the building or secured against the kerb, and in all cases shall not be allowed to cause obstruction to pedestrian movement or the opening of parked vehicle doors.

(f) **Controlled activities (signs) in all Management Areas**

(i) Temporary signs for community events such as festivals, galas and reunions, subject to compliance with the following performance standards:

- Maximum area of each sign is 3m²;
- Signs are to be erected no more than 3 months prior to the event and removed within 7 days of the event having taken place;
- Sign to be located on private property.
- In respect of signs designed to be read from the road, there shall be a maximum of one on-site sign for each road frontage, and three off-site signs.

(ii) Unless otherwise permitted as of right, one sign at entrance to tourist attractions, subject to compliance with the following performance standards:

- Maximum area of sign is 3m²;
- Sign to be located on subject property.

(iii) One directional/advance warning sign indicating proximity to tourist attraction, subject to compliance with the general standards in 5.4.3.2(a) above, and with the following performance standards:

- Maximum area of sign is 1.5m²;
- Sign to be located on private property but not necessarily the subject property

(g) **Matters over which Council reserves control**

The matters over which the Council shall exercise its control are:

- (i) the extent to which the sign creates a potential traffic hazard due to its siting or orientation;
- (ii) the availability of other locations or ways in which the sign could be orientated or located that would reduce the potential for the sign to create a traffic hazard.

5.4.3.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.3.4 Information requirements

In addition to the information specified in section 7.3.2 of this Plan, a resource consent application for a sign which is a controlled or discretionary activity shall include:

- (a) The address and legal description of the site;
- (b) Where the applicant is not the owner of the land on which the proposed sign is to be erected, the written consent of the owner;
- (c) Plans and illustrations to enable the Council to understand the nature and design of the sign (including method of support, building materials, shape, size, colour and information to be displayed on the sign) and the proposed location of the sign;
- (d) an assessment against the criteria in Rule 5.4.3.5 below.

5.4.3.5 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application for a discretionary activity:

- (a) That the sign relates well to built and natural features existing in the vicinity of the proposed location of the sign, and is visually appropriate to the area;
- (b) That the sign is tidy in appearance and does not detract from the amenities of the area, while still being able to be easily read by drivers (where applicable) without creating a traffic hazard;
- (c) That the sign will not cause a nuisance to any person, nor any adverse effect on traffic safety;
- (d) That there is a demonstrable need for the sign and sufficient reason why the Plan's standards cannot be met;
- (e) That any sign to be erected adjacent to the State Highway has been given written approval from Transit New Zealand.

5.4.4 HEIGHT AND RECESSION PLANE CONTROLS

5.4.4.1 Introduction

Height and recession plane controls are physical standards which aim to ensure that the height of buildings is compatible with the landscape, amenity and character of the area concerned, having regard to the activities permitted in each Management Area. The recession plane controls aim to ensure that no building or structure unreasonably overshadows any neighbouring residential property so that all

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residential properties can have access to reasonable sunlight for passive solar heating and outdoor living areas. This contributes to reducing the use of non-renewable energy sources. In the Residential and Settlement Management Areas, the height and recession plane controls also aim to ensure that properties may maintain a reasonable degree of privacy.

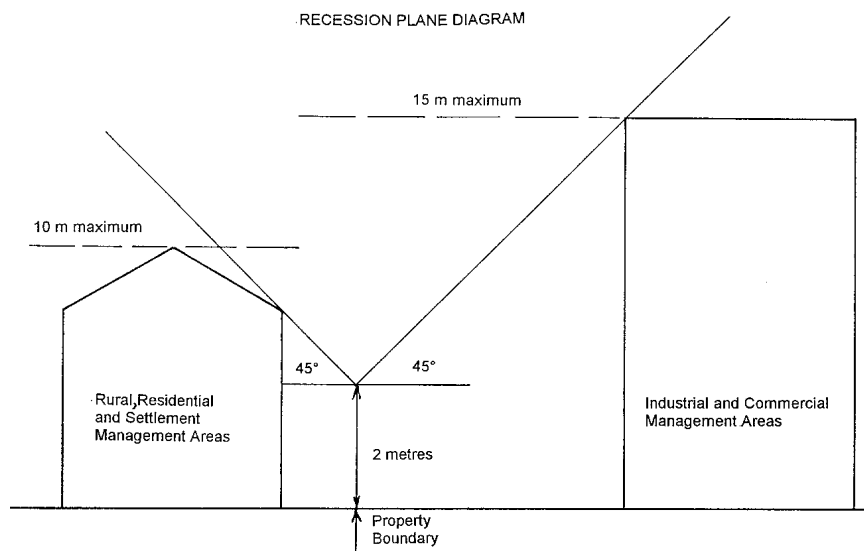
The Council considers it unnecessary to have additional "yard" requirements in the District Plan as the application of the recession plane control in Residential, Rural and Settlement Management Areas serves to achieve a setback of buildings in most cases (i.e. any building more than 2 metres high). This does mean that some buildings/structures can be built up to a boundary if they are 2 metres or less in height at the boundary and have a roof pitch which meets the recession plane control, but they will still have to comply with any fire rating, structural or other requirements of the Building Regulations under the Building Act 1991. By using the recession plane as the sole control over the setback for buildings, the Council is enabling more creative and effective layout of sites and less "wasted" space.

The Plan's height and recession plane controls apply to buildings and structures, but not to trees. The Council recognises that trees do cause shading but is of the opinion that in the event of any disputes between neighbours over such matters, civil remedies should be sought in the first instance. Should such problems repeatedly arise, the Council will consider changing the Plan to apply a recession plane control to trees, particularly evergreen trees.

5.4.4.2 Standards

- (a) In Residential, Settlement and Rural Management Areas, the maximum height of any building or structure shall be 10 metres;
- (b) In Commercial and Industrial Management Areas, the maximum height of any building or structure shall be 15 metres;
- (c) In addition to the above height controls, all new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) which begins at 2 metres above the existing ground level at all site boundaries (including front boundaries) and then projects from this line inwards at a 45 degree angle, except that:
 - In Commercial and Industrial Management Areas, this control shall only apply in relation to any site boundary which is adjacent to a Residential, Settlement or Rural Management Area.
- (d) The following structures are exempt from the above height and recession plane controls in this section: [**Note:** the standards in section 5.3.6 (network utilities) shall apply (as applicable)]:
 - Utility poles
 - Masts, aerials, power poles and antennae associated with telecommunications and meteorological facilities.
 - Flagpoles
 - Wires
 - Television and radio antennae

- Chimneys
 - Vertical ventilation shafts
 - Solar heating devices
 - Up to one-third of the height of gable end roofs, and dormer windows not more than 3 metres wide.
- (e) Where garages, carports and other accessory buildings are proposed to be constructed up to the boundary of a site in the Residential or Settlement Management Area, the recession plane controls shall not apply where the owner(s) and occupier(s) of the adjacent property have given their written consent.



5.4.4.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.4.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.4.4.3 above for a discretionary activity:

- (a) Topographical or other site constraints;
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site;
- (c) The desirability of protecting existing trees, vegetation or other significant physical feature on the site;

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- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading;
- (e) The extent to which the neighbouring property will be affected by increased shading, loss of daylight (having regard to the orientation of the boundary in relation to the sun), amenity value and privacy;
- (f) The extent to which the building or structure visually intrudes on any significant ridgeline or skyline or significant landscape, the degree of necessity for the location due to operational and technical requirements, and what measures are proposed to reduce the visual impact of that intrusion;
- (g) In relation to front boundaries, the extent to which the development will be compatible with the existing character of the streetscape;
- (h) Details of any other mitigation measures proposed.

5.4.5 OUTDOOR LIVING COURT

5.4.5.1 Introduction

It is important that all residential activities (such as houses, flats and retirement/convalescent homes) have adequate areas of useable and accessible open space for the recreation and leisure of occupants. The Council wishes to encourage innovation and flexibility of design within the District and for this reason it has aimed to avoid unnecessary rules and, where rules are necessary, it has preferred standards which are directly linked to the environmental outcome sought rather than standards which are, to an extent, arbitrary and inflexible. In relation to outdoor space requirements, therefore, this Plan does not specify minimum site areas, maximum site coverage, minimum yards or other such requirements which, while ensuring a minimum amount of outdoor space, may in some cases stifle excellence or innovation in design and the provision of useable and attractive outdoor space. It is the latter which the Council seeks to encourage and this is the reason for specifying outdoor living court requirements for residential activities in the District. The outdoor living requirements are particularly important where there is more than one residential unit (dwellinghouse/flat) on a site, so that each residential unit has its own private open space available to residents. The outdoor living court standard is less for self-contained housing which is purpose-built for elderly people, in recognition of the fact that many elderly people would prefer, for maintenance reasons, to have a small, manageable outdoor living area.

Other residential activities, such as institutional and community homes, are often occupied on a room basis rather than self-contained units. Outdoor living court areas for these activities are based on the number of occupants.

Where there is more than one residential unit on a site, there is a requirement that the outdoor living court be screened with a solid fence (or similar effective visual barrier) to provide privacy. The Council prefers this mechanism to ensure reasonable privacy for residents rather than specifying particular separation distances or other such rules.

5.4.5.2 Standard

- (a) In all Management Areas, all residential units and accommodation shall be provided with an outdoor living court as follows:
- *Residential units (including dwellinghouses and flats):* the minimum area of the outdoor living court for each unit is 36m² and it shall be of a shape that is able to contain a circle which is 6 metres in diameter;
 - *Retirement villages or other self-contained units built specifically for elderly/retired/disabled people (including "granny flats"):* the minimum area of the outdoor living court for each unit is 25m² and it shall be of a shape that is able to contain a circle which is 5 metres in diameter;
 - *Other residential uses (including resthomes and convalescent homes):* a minimum outdoor living area of 10m² per person intended to be accommodated shall be provided, with at least 40% of this area being adjacent to the main living area.
- (b) the outdoor living court shall be for the exclusive use of the residential unit/activity and shall be free of driveways, drying or other service functions or facilities, parking spaces, manoeuvring areas and accessory buildings;
- (c) the outdoor living court shall be unoccupied and unobstructed from the ground upwards, provided that structures designed to enhance the use and enjoyment of the outdoor living court (e.g. garden structures, pergolas), and eaves and upper storey projections not exceeding 0.6 metres, are permitted;
- (d) the outdoor living court shall be located to the north, north-west, or north-east of the residential unit/activity, as appropriate in the circumstances to receive the maximum amount of sun, and it shall be located so that it is adjacent to, or readily accessible from, the main living areas (i.e. kitchen, living room, lounge) of the dwelling unit;
- (e) where there is, or is intended to be, more than one residential unit on the site, the outdoor living court shall be screened by the developer at the time the units are constructed, from the windows and outdoor living courts of other residential units on the site, to a minimum height of 1.5 metres;
- (f) where a residential unit is proposed on a site already containing one or more residential units, outdoor living courts must be provided for the existing as well as the proposed residential unit(s).

5.4.5.3 Non-compliance with standard

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.5.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.5.3 above for a discretionary activity:

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- (a) the extent to which a living court can be provided which may not meet the standards but still provides a useable outdoor area which meets the purpose of the outdoor living court and provides a similar level of amenity and privacy.
- (b) the existence of topographical or other site constraints;
- (c) the availability of adjoining permanent open space (e.g. park or reserve) that is useable by occupants of the residential unit/activity and which may reduce the need for outdoor space on-site;
- (d) whether there is communal outdoor space provided which is accessible to the occupants of the residential unit/activity, and provides similar levels of amenity;
- (e) whether the residential unit is designed for a specific purpose not requiring an outdoor living court either of normal standards, or at all;
- (f) details of any mitigation measures proposed.

5.4.6 OUTDOOR SERVICE COURT

5.4.6.1 Introduction

It is important that all residential accommodation (such as dwellinghouses, flats and retirement/convalescent homes) have adequate areas of useable and conveniently located outdoor space available for household service activities such as clotheslines, garden/storage sheds and refuse containers. It is also important that such space is not the same space that is set aside for the outdoor living court as this would compromise the latter's value for amenity purposes. The service court should, wherever possible, be orientated generally to the north in order to receive the maximum amount of sunshine for activities such as drying clothes, although refuse disposal and storage areas may best be located in the shade. Given this situation, however, and as outdoor living courts are to have a northerly aspect, it is not a requirement for all service courts to have a similar orientation. In fact a service court may involve two separate areas of land. There is no difference between residential units for the elderly and other residential units in relation to service court requirements, as all residents of self-contained residential units have certain basic servicing needs.

5.4.6.2 Standard

- (a) In all Management Areas, all residential units shall be provided with a useable outdoor service court located near the service areas of the unit (laundry, kitchen, garage) of at least 20m² in total area, with a minimum dimension of 3 metres. The service court may be provided by means of one or two distinct areas of land on the site, provided the minimum dimensions are met.
- (b) The outdoor service court shall be for the exclusive use of the residential unit/activity and shall be free of driveways, parking spaces, and vehicle manoeuvring areas;

5.4.6.3 Non-compliance with standard

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.6.4 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.6.3 above for a discretionary activity:

- (a) the extent to which a service court can be provided which may not meet the standard above but still provides a useable outdoor area which meets the purpose of the service court.
- (b) the existence of topographical or other site constraints;
- (c) whether the residential unit is designed for a specific purpose not requiring an outdoor service court either of normal standards, or at all;
- (d) details of any mitigation measures proposed.

5.4.7 GLARE / ARTIFICIAL LIGHTING

5.4.7.1 Introduction

Some building materials, particularly glass and unpainted corrugated iron, create glare in certain sunlight conditions which has the potential to detract from the amenity of adjoining areas and, in some cases, to be a hazard to motorists. Artificial lighting has a similar potential to glare, in creating a hazard and/or a detraction from amenities. In addition, because it is in operation during night-time, lighting can be a cause of disturbance to residential amenities. Lighting can be associated with security, advertising signs, sports fields, or to allow night-time work outside. Glare from buildings can be avoided or minimised by using screens or vegetation, non-reflective surfaces and orientation of walls to reflect glare away from sensitive adjoining properties. Lights can be orientated or shaded in order that the spill of lighting remains within the site.

5.4.7.2 Standards

- (a) In all Management Areas, buildings are to be constructed and finished in such a manner as to ensure reflection (glare) from the building surfaces does not reflect into adjoining properties or adversely affect the vision of motorists on a street or road.
- (b) In all Management Areas, any exterior lights shall be installed, designed, shaded and arranged in order that the level of lighting measured on the boundaries of the site are no greater than 8.0 lux (lumens per square metre).

5.4.7.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

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5.4.7.4 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.7.3 above for a discretionary activity:

- (a) luminance, size and direction of the light source;
- (b) luminance of the background against which the lighting is viewed;
- (c) hours of operation;
- (d) compatibility of building materials with the surrounding environment;
- (e) whether the level of brightness from the surface or lighting is such that it could create a traffic hazard or interfere with the operation of activities on properties outside the site;
- (f) whether the nature of activities on adjoining sites is such that any glare or lighting spill would not be noticeable and would not have a detrimental effect.

5.4.8 LANDSCAPE TREATMENT/SCREENING

5.4.8.1 Introduction

In this Plan, the provision of appropriate landscape treatment is a requirement in Industrial and Commercial Management Areas where an industrial or commercial activity is located adjacent to, or within 20 metres of, a Residential, Settlement or Rural Management Area. It is also required for car parks in all Management Areas, and for any exterior storage areas related to any activity (including domestic storage/hobbies) which detract significantly from the amenities of the area. In addition, in respect of applications for resource consent in any Management Area, the Council may impose a condition requiring a landscape plan to be submitted, approved and implemented.

The purpose of landscape treatment (such as dense planting of trees and/or shrubs or fences) is often to provide a visual barrier in order to reduce the potential or perceived adverse effects of an activity on the amenity of the surrounding area. Such visual barriers can have a physical effect in terms of filtering wind-blown debris and screening unsightly buildings, storage areas or parking areas. Landscape treatment may also have a psychological effect which can make an activity (and its adverse effects) more acceptable to neighbours and the community. People often perceive, for example, that noise is reduced by vegetation even where little or no physical noise reduction can be measured.

In order for a natural visual barrier or screen (other than a fence) to be effective, it must:

- be located in the correct place;
- have sufficient depth to allow the vegetation to grow and provide an effective buffer;

- use plants that are suitable for the particular environment;
- have a maintenance programme in place to ensure that plants survive and are replaced if necessary (i.e. should any plants die);

5.4.8.2 Standards

- (a) In Industrial and Commercial Management Areas, where an industrial or commercial activity is located adjacent to, or within 20 metres of a Residential, Settlement or Rural Management Area, effective screening of the activity from such areas shall be provided (if not already in existence) in accordance with the standards for landscape treatment/screening below.
- (b) In all Management Areas, where an activity detracts in a significant way from the visual amenity of the surrounding area (including exterior storage associated with home occupations, hobbies or other activities), effective screening of the activity from the road and neighbouring properties shall be provided in accordance with the standards for landscape treatment/screening below;
- (c) In all Management Areas, all car parking areas in excess of 4 spaces shall be provided with effective screening from any adjacent property used for residential or open space purposes and from the road (if screening is not already in existence), in accordance with the standards for landscape treatment/screening below;
- (d) Any landscape treatment/screening required by this Plan or by resource consent shall be completed within 6 months of any activity commencing on the site and shall be maintained in a satisfactory manner while the activity or development remains;
- (e) Any landscape treatment/screening required by this Plan shall consist of a densely planted buffer strip, or a fence or wall constructed in brick, timber, concrete or stone, and shall be constructed, or designed to grow, to a height of not less than 1.8 metres (except for screening of car parking areas from the road which is exempt from the height requirement)

5.4.8.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.8.4 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.8.3 above for a discretionary activity:

- (a) effect on the amenity of the surrounding area;
- (b) presence of existing natural or physical features;

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- (c) existence of any landscape treatment plan (including suitability of materials/plants, screening potential, timeframe for implementation, maintenance programme);
- (d) any other mitigation measures proposed.

5.4.9 PEDESTRIAN AMENITY (VERANDAHS)

5.4.9.1 Introduction

In the commercial/retail areas of the District's towns, verandahs are an important part of the streetscape, particularly in the Main Streets. As well as being a design feature, verandahs provide shoppers and other pedestrians with protection from both sunshine or precipitation, as the case may be. The standards below aim to maintain and improve pedestrian amenity in the Commercial Management Areas of the District.

5.4.9.2 Standards

- (a) Any new building(s) located along a section of road within a Commercial Management Area which is specified in Appendix 17 must include a verandah along its street frontage, except that this is not required where adjacent buildings on both sides do not have such verandahs. For the avoidance of doubt, in respect of a new building development along the specified frontages, where an adjacent building on one side has a verandah, and the adjacent building on the other side does not have a verandah, a verandah is required.
- (b) Verandahs shall be not less than 2.6 metres above the footpath at their lowest point (including under verandah signs) and shall have a minimum horizontal clearance of 0.5 metres from the kerb line;
- (c) Verandahs shall be constructed so as to provide continuity with adjacent verandahs.

5.4.9.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.9.4 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.9.3 above for a discretionary activity:

- (a) whether the pedestrian amenity of shelter can be provided in another way to the same or similar level that the standards seek to achieve;
- (b) the nature and location of the activity, and existing and potential pedestrian numbers;

- (c) whether the adjacent buildings have, or are likely to have in the future, verandahs;
- (d) whether non-compliance with the standards would enable a verandah or other structure to be constructed which would achieve better harmony in design and character with an existing building which has architectural merit or historical significance.

5.4.10 SETBACKS

5.4.10.1 Introduction

As outlined in Section 5.4.4, "Height and Recession Plane Controls", this Plan includes a recession plane (height-to-boundary) rule to ensure that reasonable levels of amenity, privacy and daylight are maintained for properties adjacent to new developments in (or adjoining) Residential, Settlement and Rural Management Areas. The recession plane requirement also serves to ensure that most buildings are set back from boundaries, without having to impose a "minimum yard" requirement as such. There are, however, a number of cases where setbacks are appropriate for activities.

In relation to forestry, minimum setback distances from boundaries and residential uses on neighbouring properties are specified. The purpose is to maintain visual amenity, to avoid undue icing of roads in winter due to prolonged shading, and to act as a firebreak.

In relation to water bodies and the drainage network (public drains, lakes, rivers and streams) it is important that buildings and structures are set back for flood control and maintenance purposes. In some cases, reserves or easements in favour of the District or Regional Council are in place but where they are not, the setback of structures from drains and watercourses achieves a similar result.

5.4.10.2 Standards

- (a) No forestry (except for a single or double row of protection or amenity forestry) shall be located within 40 metres of an existing residential dwellinghouse on an adjacent property, except that this distance may be reduced where the written approval of the owner and occupier of the dwellinghouse concerned is obtained.
- (b) No forestry (except for a single or double row of protection or amenity forestry) shall be located within 10 metres of any property boundary (where the adjacent property is under separate Certificate of Title and different ownership) except that this distance may be reduced where the written approval of the owner and occupier of the land concerned is obtained.
- (c) No forestry (except for a single or double row of protection or amenity forestry) shall be located within 10 metres of any road boundary, except that this distance may be reduced where the written approval of the relevant road controlling authority (Transit New Zealand in relation to state highways, and the District Council in relation to all other roads) is obtained.

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- (d) Where written approval is not obtained in (a) above, the planting of forestry which does not comply with the specified setbacks shall be a discretionary activity.
- (e) No forestry (except protection and amenity forestry) shall be located within 5 metres of the bank of a watercourse which is wider than 3 metres at median flow, or a lake in excess of 8 hectares in size,
- (f) No building or other structure is permitted within 20 metres of each side of the centre-line of high voltage electricity transmission lines which are designed to operate at or over 110kV.
- (g) No building or other structure is permitted within 20 metres of any open drain that is under the control of the Tararua District Council, the Manawatu-Wanganui Regional Council, or the Wellington Regional Council, unless the written approval of that controlling authority is obtained.
- (h) No building or structure is shall be located within 20 metres of the nearest river, stream, lake or watercourse, unless the written approval of the relevant Regional Council is obtained. The distance shall be measured as follows:
 - from the edge of the bank contiguous with the bed of the river or lake;or, where there is no bank,
 - for any river, from the limit of the bed covered by the annual fullest flow;
 - for any lake, from the limit of the bed covered by the annual highest water level.

[**Note:** Lakes, rivers and streams are as defined in the Resource Management Act 1991].

5.4.10.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.10.4 Criteria for assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under 5.4.10.3 above for a discretionary activity:

- (a) the extent to which the function of the drain or watercourse can be continued without significant impediment to its function(s), including cleaning and other maintenance works.
- (b) the likelihood of an esplanade reserve, strip or access strip being formed in the future;
- (c) whether there are other mitigation measures proposed, or agreements able to be entered into, which will allow the structure to be established without impeding the functions of the drain or watercourse or any necessary maintenance from being carried out.

- (d) any topographical or physical constraints;
- (e) whether the potential adverse effects of any reduction in a setback are significant (including visual impact, fire risk, shading, obstructions and, where relevant, water quality effects) and whether these would be offset by any positive effects;
- (f) the guidelines in Transit New Zealand's publication "Guidelines for planting for road safety" (August 1991);
- (g) the recommendations of the Regional Council or other relevant agency.

5.5 Heritage and Natural Features

5.5.1 INTRODUCTION

Part II of the Act requires that territorial authorities protect significant heritage resources and natural features. To achieve this, Section 2.6 of this District Plan establishes policies which aim to achieve the protection of:

- heritage features (including buildings, monuments, structures, places/sites, waahi tapu and archaeological sites);
- significant natural features and landscapes;
- significant vegetation and habitats (including individual trees and groups of trees; areas of significant indigenous vegetation and habitats of indigenous fauna);
- reserves (administered by either the Tararua District Council or the Department of Conservation)

Significant heritage and natural features in the District (i.e. those which warrant regulatory protection) have been identified and included in Schedules in the appendices to this District Plan. With the exception of 5.5.4, the rules in this section of the Plan apply to those heritage and natural features which are included in the Schedules (Appendices 2, 3 and 14).

These rules complement the non-regulatory methods of achieving the goals and objectives set out in Section 2.6. The purpose of the rules is to ensure that those resources of heritage or natural value that have been identified in the Schedules, are protected from the adverse effects of development. Protection will be achieved by rules which classify activities such as minor repairs, modification, damage, removal or destruction of a feature as either a "permitted", "controlled", "discretionary" or "prohibited" activity. This effectively means that adverse effects can be avoided, remedied or mitigated and that appropriate conditions for the protection of the specified feature can be placed on any consent granted.

Under the Resource Management Act 1991, the Council is a heritage protection authority and, in that role, it shall advocate heritage protection within the District (refer to section 2.6.3 of the Plan for details). Statutory protection of significant heritage features can be achieved by way of a Heritage Protection Order (refer Section 7.4.4).

Under the Historic Places Act 1993, all archaeological sites whether recorded (and therefore noted in this plan) or unrecorded are protected and the consent of the Historic Places Trust is required before any work can be undertaken on these sites.

Within the Tararua District are a number of reserves and open spaces which contribute to the amenity of the District. Reserves in the District are the responsibility of either the Department of Conservation or, to a lesser extent, the Council. In many cases the reserves are subject to legislative controls prescribed through other Acts such as the Reserves Act 1977.

5.5.1A “INDIGENOUS VEGETATION” - INTERIM PROVISIONS

The policies in section 2.6.4.2 aim to achieve the protection of areas of significant indigenous vegetation and the habitats of indigenous fauna.

Because an area is “significant” based upon the evidence of scientific research, in terms of its vegetation and/or fauna habitat, this does not automatically mean that no activity can take place on the site. Rather, the Council is required to exercise its statutory obligations and may place controls on an activity and use of an area through the resource consent process, in order to maintain and protect the significant natural values of the District.

Determining significant areas of indigenous vegetation and fauna habitat within the District is at present constrained by the lack of a complete inventory of the natural resource. A complete inventory is desirable for the long-term.

The proposed Regional Policy Statement of the Manawatu-Wanganui Regional Council provides criteria in policy 9.1 for assessing what is “significant”.

Some information is also available through the Department of Conservation’s Protected Natural Areas programme which identifies Recommended Areas for Protection. However to date not all of the district has been surveyed.

In the absence of the necessary survey data and analysis of it to identify “significant areas”, interim provisions have been developed. These provisions introduce a series of “triggers”. If an activity falls within one of the *relevant* triggers then a resource consent will be required. This will then enable the activity to be assessed on a case by case basis to see whether the vegetation concerned is “significant” and if so whether it should be protected.

Note: That removal of vegetation under a Sustainable Forest Management Plan or Sustainable Forest Management Permit approved by the Secretary of Forestry under the Forests Act 1949 may still require a resource consent if the removal falls within one of the identified triggers.

5.5.2 CLASSIFICATION OF SCHEDULED FEATURES

The District Plan rules relating to heritage resources and natural features have been formulated to provide differing levels of protection. Two categories of protection are used in this Plan. Category A provides the highest level of protection and Category B provides a moderate level of protection, (refer to Table One for a summary of the Plan’s heritage and natural features rules). In respect of heritage features, Category A includes items registered as Category I by the Historic Places Trust (under Section 22 of the Historic Places Act 1993), while Category B includes items registered as Category II by the Historic Places Trust. Category B also includes recorded archaeological sites identified by the Department of Conservation and the New Zealand Archaeological Association Filekeeper, as well as other heritage items of local importance identified by the community. It should be noted that additions to, or removal of, items listed in the Schedules in Appendices 2, 3 and 14 requires a Plan Change.

5.5.3 RULES APPLYING TO ACTIVITIES AFFECTING, OR WITHIN, ANY AREA IDENTIFIED IN APPENDIX 2,3 OR 14 OF THIS PLAN

5.5.3.1 Heritage Features (in Appendix 2)

(a) Permitted activities

- (i) Minor repairs to any Category A or B heritage item, providing the activity does not alter the size, scale or layout of the item. (Note: refer to definition of "minor repairs" in Part 6).

(b) Discretionary activities (refer to 5.5.3.6 below for criteria for assessment)

- (i) Modification (excluding minor repairs) of any Category A or B heritage item.
- (ii) Removal, damage or destruction of any Category B item.
- (iii) Removal or destruction of any Category A item where necessary to ensure the health and safety of the community.

(c) Prohibited Activities

- (i) Any activity involving the removal, damage, or destruction of any Category A item, except where specified as a discretionary activity.

5.5.3.2 Significant Trees, Groups Of Trees, Vegetation And Habitats (as listed in Tables 3.1 and 3.2 in Appendix 3)

(a) Permitted activities

- (i) Maintenance to any Category A or B item

(b) Discretionary activities (refer to 5.5.3.6 below for criteria for assessment)

- (i) Modification to any Category A item;
- (ii) Modification or damage to, or destruction of, any Category B item.

(c) Non-complying activities

- (i) Damage to, or destruction of, any Category A item.

For the purposes of rule 5.5.3.2, "modification" includes:

- timber and firewood extraction;
- grazing of any animal;
- subdivision.

and "damage and destruction" includes:

- clearance of indigenous vegetation;
- dumping of fill or waste;
- burning of vegetation;
- earthworks with powered machinery.

[Note: These provisions cover only listed items and areas. Interim indigenous vegetation protection for areas not specifically listed, are detailed in Section 5.5.4].

5.5.3.3 Other Significant Natural Features and Landscapes (as listed in Table 3.3 of Appendix 3)

Where an item listed in Table 3.3, Appendix 3, is also a reserve, or part of a reserve, which is listed in Appendix 14 (Schedule of Reserves), the rules applying to reserves in 5.5.3.4 shall prevail over the rules below.

(a) Permitted activities

- (i) Maintenance to, or within, any Category A or B item

(b) Discretionary activities (refer to 5.5.3.6 below for criteria for assessment)

- (i) Modification to any Category A item;
- (ii) Modification or damage to, or destruction of, or within, any Category B item.

(c) Non-complying activities

- (i) Damage to, or destruction of, or within, any Category A item.

5.5.3.4 Reserves (in Appendix 14)

(a) Permitted activities

- (i) Activities permitted under any Reserve Management Plan, or under the provisions of the Management Area in which the reserve is located provided that prior written approval has been obtained from the organisation responsible for administering the reserve.

(b) Discretionary activities (refer to 5.5.3.6 below for criteria for assessment)

- (i) Any other activity

Table One: Summary of rules applying to any activity within an area which is identified in Appendix 2,3 or 14 of this Plan

	CATEGORY A	CATEGORY B
HERITAGE FEATURE (Appendix 2)	<p>Permitted Minor repairs</p> <p>Discretionary Modification; Removal or destruction where necessary to ensure health and safety of community</p> <p>Prohibited Removal, damage or destruction.</p>	<p>Permitted Minor repairs</p> <p>Discretionary Removal, damage, modification or destruction</p>
SIGNIFICANT TREE, GROUP OF TREES, VEGETATION OR HABITAT (Table 3.1 and 3.2 in Appendix 3)	<p>Permitted Maintenance</p> <p>Discretionary Modification</p> <p>Non-complying Damage or destruction</p>	<p>Permitted Maintenance</p> <p>Discretionary Modification, damage or destruction</p>
OTHER SIGNIFICANT NATURAL FEATURE OR LANDSCAPE (Table 3.3 in Appendix 3)	<p>Permitted Maintenance</p> <p>Discretionary Modification</p> <p>Non-complying Damage or destruction</p>	<p>Permitted Maintenance</p> <p>Discretionary Modification, damage or destruction</p>
RESERVES (Appendix 14)	<p>Permitted Activities permitted under any Reserve Management Plan, or under the provisions of the Management Area in which the reserve is located <u>provided that</u> prior written approval has been obtained from the organisation responsible for administering the reserve.</p> <p>Discretionary Any other activity</p>	

5.5.3.5 Information requirements applying to activities adjacent to, or affecting, any feature identified in Appendix 2,3 or 14 of this plan

Where any activity is located on land adjacent to an area or item identified in Appendix 2, 3 or 14, or would otherwise affect such an item, the provisions of the relevant Management Area shall apply. Where those provisions require a resource consent application to be made, the Assessment of Environmental Effects shall include (in addition to the information requirements specified in section 7.3.2 of this Plan) the following information:

- (a) a statement outlining the consultation that has occurred with the person or body responsible for managing the listed feature. This statement shall include the views of those parties consulted, detail any agreements made, and/or any areas of concern highlighted by the interested parties;

- (b) an explanation of the nature of the heritage resource or natural feature affected, including plans and photographs;
- (c) a statement as to whether the activity will affect the whole or part of the heritage resource or natural feature;
- (d) where it is likely that a significant adverse effect will result, a description of any possible alternative location or methods of undertaking the activity;
- (e) the preferred option for protecting the heritage resource or natural feature;
- (f) a statement of the actual and potential effects of the proposal on heritage and/or natural values.

5.5.3.6 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following matters when assessing applications for a discretionary activity pursuant to the above heritage and natural features rules:

(a) Heritage items

- (i) the nature of the proposed activity, and any actual or potential effect on the heritage item or its surrounding area that would arise as a result of the activity;
- (ii) the original reasons for inclusion of that item in the District Plan Schedule, the registration (if applicable) and the reasons for this registration of the heritage item under the Historic Places Act 1993;
- (iii) the assessment of environmental effects submitted with an application for resource consent;
- (iv) the recommendations made by the NZ Historic Places Trust and local conservation groups;
- (iv) the provisions of any relevant conservation plan, heritage inventory, or iwi management plan;
- (vi) proposed mitigation measures to avoid any detrimental effect on the heritage value of the item.
- (vii) whether the item can be resited to another location.
- (viii) whether the item is structurally unsound or has the potential to cause damage or risks to the surrounding infrastructure or to human health and safety.
- (ix) whether the costs to the community or individual of maintaining the item are shown to significantly outweigh the community and/or environmental benefits of maintaining the item.
- (x) methods, techniques and materials to be used in the work proposed.
- (xi) landscape works, parking areas and location of vehicle access points.

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- (xii) any proposed signs, banners, flags, exterior lighting and any other fixture which may affect the characteristics for which the feature was scheduled.
- (xiii) whether there is a need for the Council to obtain photographs and exact details as to the state and location of the item, prior to any proposed work commencing.
- (xiv) the degree to which a proposal reflects the conservation principles of the ICOMOS (National Committee of the International Council on Monuments and Sites) NZ Charter for the Conservation of Places of Cultural Heritage Value.
- (xv) the significance of the item or place to tangata whenua.

(b) Significant tree, group of trees, vegetation or habitat

- (i) the nature of the proposed activity, and any actual or potential effect on the natural feature that would arise as a result of the activity;
- (ii) the original reasons for inclusion of that item in the District Plan Schedule.
- (iii) the assessment of environmental effects submitted with an application for resource consent;
- (iv) proposed mitigation measures to avoid any detrimental effect on the natural values of the vegetation and/or habitat;
- (v) whether the costs to the community or individual of maintaining the item are shown to significantly outweigh the community and/or environmental benefits of maintaining the item.
- (vi) whether the tree(s) or vegetation is:
 - dying or dead, or at risk of falling over wholly or in part.
 - badly storm damaged or vandalised.
 - causing adverse effects on other parts of the infrastructure of the District, e.g. restricting motorists' sight lines, encroachment onto a road or footpath, encroaching on overhead power lines, or disturbing underground pipes or lines.
 - likely to be adversely affected by other works designed to enhance amenity and environmental quality, e.g. road works.
 - in the way of a proposed state highway deviation, realignment or widening, where there is no practical or economic way the alignment of the proposed road can avoid the tree/vegetation, or when the tree/vegetation cannot be replanted.

(c) Natural features or landscapes

- (i) the nature of the proposed activity, and any actual or potential effect on the natural feature or landscape that would arise as a result of the activity.
- (ii) the original reasons for inclusion of that item in the District Plan Schedule.

- (iii) the assessment of environmental effects submitted with an application for resource consent.
- (iv) proposed mitigation measures to avoid any detrimental effect on those values of the natural feature or landscape for which it is significant.
- (v) whether the costs to the community or individual of maintaining the item are shown to significantly outweigh the community and/or environmental benefits of maintaining the item.

(d) Reserves

- (i) the nature of the proposed activity, and any actual or potential effect on the reserve that would arise as a result of the activity.
- (ii) the assessment of environmental effects submitted with an application for resource consent.
- (iii) the provisions of any relevant reserve management plan, conservation plan or iwi management plan.
- (iv) the opinions of the organisation responsible for administration of the reserve.
- (v) proposed mitigation measures to avoid any detrimental effect on the value of the reserve.
- (vi) the safety, health and wellbeing of the community.
- (vii) landscape design and site layout, including fences, screen planting, and lighting.

5.5.4 INTERIM RULES APPLYING TO AREAS OF INDIGENOUS VEGETATION NOT IDENTIFIED IN APPENDICES 2, 3 OR 14 OF THIS PLAN

(a) Permitted Activities

Any activity which involves the clearance, modification, damage or destruction of indigenous vegetation

- (i) which complies with any one of criterion (a), (b), (c), or (d) below; or
- (ii) which complies with criterion (e) and does not also comply with any one of criterion (f) to (i) below; or
- (iii) which does not comply with any one of the criterion in (f) - (i) below:

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CRITERIA

- (a) The removal of up to 50 m³ of timber per 10 year period per certificate of title from any indigenous vegetation described in criterion (f) below;
 - (i) for private use. The test for “private” is that the timber shall not be sold or gifted to a third party: OR
 - (ii) by tangata whenua for culturally appropriate purposes; for example, but not limited to Rongoa, Waka, traditional buildings and marae based activities.
- (b) Clearance, or modification of indigenous vegetation that has been planted and managed specifically for the purpose of harvesting or clearance.
- (c) Clearance or modification of indigenous vegetation which has grown naturally from previously cleared land (i.e. regrowth) in the period up to 15 years before the date of clearance or modification.
- (d) Tree trimming, associated with the operation and maintenance of existing utilities and electricity generation activities, but excluding their expansion and upgrading.
- (e) Removal of wind thrown trees, standing dead trees that have died as a result of natural causes, or trees that have become dangerous to human life or property as a result of natural causes.
- (f) The indigenous vegetation contains species which are at least 30 centimetres diameter at breast height and, regardless of the configuration of certificate of title, is over 1.0 hectare in area with five indigenous trees per hectare of 6.0 metres or taller.
- (g) The indigenous vegetation or habitat has been set aside by national statute or covenant for protection and preservation at the date this plan became operative.
- (h) The indigenous vegetation or habitat *has been* recommended for protection under the Protected Natural Area Programme or identified in a Sites of Special Wildlife Interest survey provided for by the Department of Conservation at the date this plan became operative.
- (i) The vegetation, including riparian vegetation and wetlands, contains any indigenous flora species listed in Table Two following.

(b) Discretionary Activities

Any activity which involves the clearance, modification, damage or destruction of indigenous vegetation which is not a permitted activity under 5.5.4 (a)

(c) Applications for resource consents

- (i) In addition to any other information requirements, an application made under Rule 5.5.4 (b) shall include details of any waterbody within or adjacent to the site.
- (ii) Any application for a resource consent made under rule 5.5.4(b) may be considered without notification or the need to obtain the written approval of affected persons.

(d) Criteria for Assessment

In assessing an application for resource consent under Rule 5.5.4 (b) the Council shall have regard to the following matters:

- (i) the significance of the affected vegetation or habitat in terms of ecological, intrinsic, cultural or amenity values;
- (ii) the representativeness of the affected vegetation or habitat and its inter-relationship with other habitats or areas of indigenous vegetation;
- (iii) the sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat or area of vegetation to an area proposed to be affected;
- (iv) whether any affected area of vegetation is naturally occurring or has been artificially created;
- (v) whether the vegetation or habitat is uncommon in the part of the district within which it is located.

Table Two: Indigenous Species - Threatened Species “Trigger” List

Plants of *national* conservation concern

<i>Anogramma leptophylla</i>	jersey fern or annual fern
<i>Adiantum formosum</i>	giant maidenhair fern
<i>Alepis flavida</i>	yellow mistletoe, pirita, piriraki
<i>Coprosma “violacea”</i>	a small-leaved coprosma
<i>Coprosma wallii</i>	a small-leaved coprosma
<i>Dactylanthus taylorii</i>	pua o te reinga, dactylanthus
<i>Deschampsia caespitosa</i>	a grass
<i>Korthalsella salicornioides</i>	dwarf mistletoe
<i>Mazus novaezeelandiae</i>	forest musk
<i>Muehlenbeckia astonii</i>	shrubby tororaro
<i>Myriophyllum robustum</i>	stout milfoil
<i>Olearia hectorii</i>	Hector’s tree daisy
<i>Peraxilla colensoi</i>	scarlet mistletoe, pirita, piriraki
<i>Peraxilla tetrapetala</i>	red mistletoe, pirita
<i>Pimelea aridula</i>	limestone daphne
<i>Pittosporum obcordatum</i>	heart-leaved kohuhu

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<i>Pterostylis</i> aff. <i>graminea</i>	an orchid
<i>Pterostylis micromega</i>	an orchid
<i>Teucrium parvifolium</i>	a shrub
<i>Tupeia antarctica</i>	brittle mistletoe, tapia, pirita
<i>Urtica linearifolia</i>	swamp nettle

Plants of regional conservation concern

<i>Botrychium australe</i>	parsley fern
<i>Botrychium bifforme</i>	fern
<i>Brachyglottis kirkii</i>	Kirk's tree daisy
<i>Brachyglottis sciadophila</i>	a lianoid daisy
<i>Clematis afoliata</i>	leafless clematis
<i>Clematis quadribractiolata</i>	clematis
<i>Comprosmma acerosa</i>	sand coprosma
<i>Comprosmma virescens</i>	coprosma
<i>Desmoschoenus spiralis</i>	pingao
<i>Discaria toumatou</i>	matagouri
<i>Hoheria "Tararua"</i>	Tararua lacebark
<i>Ileostylus micranthus</i>	green mistletoe
<i>Korthasella lindsayi</i>	mistletoe
<i>Leptinella pusilla</i>	a herb
<i>Mentha cunninghamii</i>	mint
<i>Muehlenbeckia ephedroides</i>	a wiry prostrate shrub
<i>Olearia lacunosa</i> var " <i>alpina</i> "	a tree
<i>Pimelea arenaria</i>	sand daphne
<i>Pleurosorus rutifolius</i>	a small limestone fern
<i>Pseudopanax ferox</i>	fierce lancewood
<i>Rubus squarrosus</i>	leafless lawyer
<i>Scandia geniculata</i>	
<i>Tetragonia tetragonioides</i>	Kohiki, New Zealand spinach