

## Section 7:

# SPECIFIC AND DISTRICT WIDE MATTERS

## 7.1 MANAGEMENT OF WATER SUPPLY CATCHMENTS

### 7.1.1 BACKGROUND

- (1) An adequate and quality water supply is one of the fundamental resource requirements for the social, economic and cultural wellbeing and health and safety of the people and communities of the District. In particular, it is recognised that water has a specific cultural and spiritual importance for tangata whenua.
- (2) A major part of the Hauraki District is a water catchment, as the water supplies for some of the urban areas come from water sources that have large parts of the District as their water catchment (eg Waihou, Waitakaruru and Waitewheta Rivers). With respect to the Waihou, Waitakaruru and Waitewheta Rivers those water catchments also extend outside the District boundaries.
- (3) The quality of the separate water supplies is directly related to the contaminants that are introduced into the catchment and the inherent characteristics/ability of the catchment to purify the water. There are parts of the District that contain vegetation and mineralised rocks which give unique qualities to the water filtering through them. This water has been bottled in the past (eg to make Lemon & Paeroa).
- (4) The control and management of water quality is not specifically a responsibility of the District Council, however there are a number of matters under the District Council's control and management of land use activities that can influence the effect that activities have on water quality. The specific responsibility with water quality and quantity rests with Environment Waikato.

### 7.1.2 RESOURCE MANAGEMENT ISSUES

- (1) Maintenance and protection of existing and future water supply sources from adverse effects of land use and other activities.
- (2) The need to actively manage water catchments (eg planting, fencing, removal of weeds), especially where the water catchment is in private ownership and is actively being used by the landowner, and the cost and resources necessary to carry out that management.
- (3) The ecology of some water catchments are particularly vulnerable to the effects of disturbance.
- (4) The needs of future generations for water is not known and accordingly a cautious approach needs to be taken to its management, use and long term protection.
- (5) Some of the water catchments cross territorial boundaries and the management of the catchments needs to be coordinated between them.

### 7.1.3 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To sustainably manage the water supply catchments to maintain or enhance the quality and quantity of water supplies to communities in the District.

##### (a) Policies

- (i) To ensure that the effects of activities do not degrade the quality or adversely affect the quantity of water available to service the existing and foreseeable future water supply needs of the communities in the District.
- (ii) To ensure subdivision, use or development located within a community water supply catchment, takes into account the sensitive nature of the catchment and the role it plays in serving the community.

##### (b) Reasons for Objective 1

- (i) There is a health and safety risk to the resident population of those communities serviced with a potable water supply if the supply is inadequate and cannot meet the reasonable existing and future needs of those communities.

### 7.1.4 ENVIRONMENTAL RESULTS

- (1) Adequate water quality and water quantity maintained or improved to meet the foreseeable needs of the communities in the District.

### 7.1.5 ACTIVITIES

- (1) There are no activities or rules associated with this section of the Plan. Rather, rules and activity status of activities in other parts of the Plan give effect to the objective and policies relating to the protection of water catchments. Refer in particular to SECTION 6.2 NATURAL AREAS OF ECOLOGICAL SIGNIFICANCE, as the identified water supply catchments are also largely within identified areas of ecological significance.

## 7.2 RIPARIAN MARGINS & ESPLANADES

### 7.2.1 BACKGROUND

- (1) Amongst other matters of national importance, Section 6 requires recognition of and provision for:

*"The preservation of the natural character of the coastal environment, wetlands, and lakes and rivers **and their margins**, and the protection of them from inappropriate subdivision, use, and development;" (s6(a))*

*"the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" (s6(d))*

- (2) Riparian margins are the interface between land and water bodies. Their importance not only relates to their own intrinsic ecological functions and values, but also relates to the ability of the margins to avoid, remedy or mitigate the adverse effects of land based activities on the water quality and the aquatic environment.
- (3) Hauraki District contains coastal, river, stream, wetland and lake riparian margins. In addition, the Plains area of the District (in particular) is bisected by a number of artificial canals and drains, as well as the river control works of the Waihou and Piako Rivers. For these canals, drains and river control works, the potential for the preservation of the natural character of the margins has to be considered in light of the important economic and safety function that they perform for land drainage and flood protection. The development, use and maintenance of these margins for flood control purposes cannot be considered "inappropriate" in all circumstances.
- (4) The Act provides for the setting aside of esplanade reserves, esplanade strips and access strips as measures that can be taken to implement the above matter of national importance.
- (5) As a result of previous subdivisions, a number of esplanade reserves have been set aside within the District. There are also in existence a number of marginal strips, particularly along the eastern coastline, where these strips and esplanade reserves are contained within the Coastal Zone.
- (6) Streams and rivers within the Department of Conservation estate, have been zoned either Conservation Indigenous Forest or Conservation Wetland. These zonings, and the fact that the land is in public ownership, offer protection of the water margins without the need to secure public rights through easements.
- (7) Council has adopted a targeted approach to securing the protection of riparian margins which is as follows:
- (a) Esplanade reserves will be taken at all opportunities along the eastern coastline.
  - (b) In the Karangahake Gorge Zone and eastwards to and within Waihi Town, esplanade reserves will be taken at every opportunity along the banks of the Waitawheta and Ohinemuri Rivers. In addition, parts of the Waitekauri and Otahu Streams have been identified for the taking of Esplanade Reserves.
  - (c) On the margins of rivers that have been subject to flood control works and are under the control and management of the Waikato Regional Council, no esplanade reserves

will be required. In those situations where public access is identified as being desirable, Council will either:

- (i) Create an esplanade strip; or
- (ii) Endeavour to ensure that the lease agreements between the occupier and the Waikato Regional Council contain provision for public access to be provided, as long as it does not unduly interfere with farm operations.

In either case, it may also be necessary to negotiate an access strip(s) from roads and other public places across the balance of the property to get to the esplanade strip or lease land.

- (d) In those areas along the Firth of Thames where either public access and/or conservation values are identified in the future as being of importance, either esplanade reserves or strips will be taken or access strips obtained by negotiation.
- (e) Access strips will be obtained by negotiation in those situations where existing esplanade reserves are not linked to an adjoining public place, and access has been identified as being desirable in the Hauraki District Council Walking and Cycling Strategy (date to be confirmed) to enable an appropriate use of the esplanade reserve to be achieved.
- (f) As one of the ways in which to take into account the principles of Te Tiriti o Waitangi, Council will not seek to obtain esplanade reserves over Maori Land. Instead, Council will seek to secure esplanade strips or access strips or other "easement" instruments in the case of Maori Land. Council accepts that the alienation of Maori Land is to be avoided.
- (g) Council will use the statutory provisions of the Resource Management Act 1991, to take esplanade reserves on subdivisions and developments, where such a reserve has been identified as being desirable on the Planning Maps.
- (h) Negotiation, compensation, purchase and voluntary arrangements for reserves or strips will be undertaken in those situations where access is desirable.

## **7.2.2 RESOURCE MANAGEMENT ISSUES**

- (1) Maintenance and protection of existing flora and fauna associated with riparian margins.
- (2) The use of riparian margins for the protection of aquatic environments from the adverse effects of land use activities (eg sedimentation, water enrichment, bacterial contamination) and providing public access, without causing the destruction of the intrinsic values of the riparian margins themselves.
- (3) That some water bodies were created for and continue to serve an economic and safety function, and those functions must continue to be maintained. Riparian margins along these water bodies do not have "natural character".
- (4) The need to actively manage riparian margins (eg planting, fencing, removal of weeds, removal of wind throw), especially where the riparian margin is in private ownership and is actively being used by the landowner, and the cost and resources necessary to carry out that management.

- (5) In securing esplanade reserves and strips, and access strips a balance must be achieved between:
- (a) The legislative requirement that specified environments be preserved;
  - (b) Community desires to have access to and use of those environments; and
  - (c) The property "rights and responsibilities" of landowners to use their land.

The cost of development on the environment should be borne equitably between the developer and the community.

### 7.2.3 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To sustainably manage the margins of water bodies and coastal water to maintain or enhance natural character, indigenous biodiversity, water quality, and aquatic and adjoining terrestrial habitats.

#### (2) OBJECTIVE 2

To maintain and enhance public access to the margins of water bodies in a manner that is compatible with the preservation of conservation values and does not unreasonably interfere with the landowner's ability to use and "enjoy" the land.

##### (a) Policies

Objectives 1 & 2 will be achieved by the implementation of the following policies:

- (i) Liaison with the Waikato Regional Council, lessees and landowners in those situations where stopbanks have been constructed and public access is desirable. The purpose is to include in the lease agreements, arrangements for public access and enjoyment of the river and coastal margins for recreation activities.
- (ii) Use the legislative opportunities in the Resource Management Act 1991, to secure esplanade reserves and strips on subdivision and developments.
- (iii) Liaison with statutory organisations (eg Department of Conservation) and community groups with an interest in the resource (eg fishing clubs, conservation groups, canoe clubs), to determine the locations where access, reserves and strips are needed for recreation purposes.
- (iv) Not taking esplanade reserves where the land is Maori Land. Rather, Council will seek to obtain voluntary agreements with the tangata whenua of the land where esplanade strips and access strips are necessary.
- (v) Where subdivision or development occurs and there is no "as of right" legislative ability to acquire esplanade reserves or strips without compensation, Council will negotiate to either have the land vested or set aside on a voluntary basis without compensation. In the event that a voluntary agreement cannot be reached, Council will negotiate to purchase the land or secure an access strip (and compensate the owner).

- (vi) Use a range of regulatory (eg rules in the District Plan) and incentive (eg support for Whiritoa Beachcare) approaches to manage riparian margins

**(b) Reasons for All Objectives and Policies**

- (i) There are a variety of ways in which esplanade reserves and strips, and access strips can be used to achieve the matters of national importance specified in Part 2 of the Resource Management Act
- (ii) A "targeted" approach is required to ensure that public funds are spent where they are most required to achieve the national planning policies. Further, any limitation to the landowners use and enjoyment of the land should be implemented only where there are clearly defined reasons.
- (iii) Community responsibility for environmental enhancement can be encouraged by ensuring the community has a "stake" or interest in securing that outcome. Savings in Council funds can also result from community involvement.

#### 7.2.4 ENVIRONMENTAL RESULTS

- (1) Water quality, aquatic habitat, aquatic biodiversity and life supporting capacity of water bodies maintained or improved.
- (2) Indigenous biodiversity and terrestrial habitats of riparian margins maintained or improved.
- (3) Appropriate public access to environments that the community use for recreation purposes, and which contribute to the community's social, economic, and cultural wellbeing and health.

#### 7.2.5 RULES

- (1) At the time of subdivision and/or development, an esplanade reserve of 20 metres width shall be surveyed and vest with the Hauraki District Council in the location and to the extent shown as either Reserve (Passive) or (Active) on the Planning Maps, in accordance with the provisions of Section 229 - 237H of the Resource Management Act 1991. This is to apply irrespective of the size of the allotments in the subdivision or whether the subdivision is part of a road stopping procedure.
- (2) Where an esplanade reserve could be required under the provisions of the Resource Management Act 1991 or the Local Government Act 1974, but is not required under Rule 7.2.5(1) above, then no esplanade reserve is required (ie Section 230 of the Resource Management Act 1991 does not apply).
- (3) Where there are legal impediments (eg land tenure, existing encumbrances) to the land vesting as esplanade reserve, or Council is not financially in a position to pay for any additional land, Council will accept or seek to secure an esplanade strip instead. The strip is to be 20 metres wide and the contents and method of registration of the registered instrument are to be to the satisfaction of Council.
- (4) Any esplanade reserve or strip that Council wishes to secure that is in excess of that required in Rule 7.2.5(1) above (width, location or extent), may only be obtained by negotiation and agreement between the parties concerned.

- (5) An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip is a discretionary activity.

### 7.2.6 DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (1) An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip shall be assessed in relation to the following criteria:
- (a) 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.
  - (b) The extent to which the public's access and recreational enjoyment of the reserve or strip is reduced or removed.
  - (c) The degree of protection of the natural values associated with the reserve or strip that will remain.
  - (d) Whether the effects of natural hazards on the conservation values of the water margin will be compromised.
  - (e) The degree to which the purpose of the reserve or strip can be or is already achieved by other mechanisms (eg covenants, rules in the District or Regional Plans, conditions of resource consents).
  - (f) Whether the removal of the land required for the reserve or strip will severely restrict the landowner in carrying out a viable activity on the balance area.
  - (g) Whether the 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.

## 7.3 PROVISION FOR NETWORK UTILITIES OPERATIONS

### 7.3.1 BACKGROUND

- (1) Network utilities include communications, electricity, gas, water and disposal services such as stormwater, land drainage and sewerage disposal systems. Roads, railways and airports are also network utility operations. Network utilities are provided by network utility operators.
- (2) Network utilities provide essential services to communities. They are services which are essential for the public health, safety, communication needs and general welfare of the people of the District. Network utilities usually have little impact on the environment, however Council still needs to exercise a degree of control in some situations. Such situations arise particularly where the work is large and may give rise to environmental effects that may need to be avoided, remedied or mitigated (eg 220kV transmission lines/towers in some locations, substations, effluent treatment works, new roads and railway lines).
- (3) It is generally accepted that the adverse effects of transmission lines (ie the national grid, high voltage lines), are different to distribution lines (ie reticulation lines). This is due to the size of the lines, the structures required to support them and the perceived adverse health effects.
- (4) The Council is seeking to encourage underground reticulation of new utility services wherever it is possible, for visual and safety reasons. Council recognises that for technical and other reasons, undergrounding of services may be not always practicable.
- (5) The importance of the road and street network to the sustainable management of the District is recognised. This is discussed in Section 7.8 - ROAD AND STREET NETWORK AND HIERARCHY.
- (6) Network utilities are provided for in the District Plan as follows:
  - (a) **Designation**

Network utilities provided by the Crown, local authorities or network utility operators approved as a requiring authority may be subject of a designation (refer to Section 7.4).
  - (b) **Rules in the Plan**

Various network utilities are provided for as permitted activities throughout the District as set out in Section 7.3.5 below. Where the utility is not provided for as a permitted activity, an application for resource consent can be made.
  - (c) **National Environmental Standards**

Some network utilities are controlled by National Environmental Standards (NES) prescribed by a regulation under the Resource Management Act 1991. The NES may prescribe technical standards, methods and other requirements for managing environmental matters in a consistent manner throughout all regions and districts. Reference to any relevant NES is included in the district plan rules in Section 7.3.5 below. The rules for these network utilities cannot be more stringent or lenient than the provisions of the NES unless expressly authorised in the NES.

### 7.3.2 RESOURCE MANAGEMENT ISSUES

- (1) Network utilities provide essential services but can generate effects that require management. Some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. The issue of principal concern is to control potentially adverse environmental effects whilst at the same time recognising the key role played by network utilities in modern society and not unreasonably restricting the operational requirements of the network utility concerned.

### 7.3.3 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To facilitate the efficient development, maintenance and upgrading of network utilities in a sustainable manner throughout the District, while avoiding, remedying or mitigating any adverse effects of network utilities on the environment.

#### (a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (b) Relate the scale, nature and effects of the network utility activity, to its compatibility with the area concerned.
- (c) Recognise that there is equipment associated with network utility reticulation (usually located above ground), which also needs to be provided for without adversely affecting the amenity, landscape, cultural, heritage and biodiversity values of the area they are located in.
- (d) Network utilities should be developed, operated, maintained and upgraded to avoid, remedy or minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances.
- (e) Ensure that subdivision proposals include appropriate provision for network utilities (including services, access and infrastructure).
- (f) Encourage new development in areas that can be readily and economically serviced by network utilities.
- (g) Recognise that for road realignments not involving severance(s), and works specifically associated with roads (such as signs, road markings, laybys, rest areas) there are minor if any adverse effects.
- (h) Encourage the co-siting of equipment where practical (eg telecommunication and electricity facilities). The co-siting of lines is generally recognised as impractical due to safety, operational, technical and access reasons.

**(2) OBJECTIVE 2**

The establishment and management of land use activities in a way that avoids, remedies or mitigates potential reverse sensitivity effects that may impact on the safe, effective and efficient operation of network utilities.

**(a) Policies**

Objective 2 will be achieved by the implementation of the following policy:

- (i)** To ensure that all adverse effects arising from land uses including subdivision adjacent to or abutting network utilities are avoided, remedied or mitigated to an extent that their impact upon the network utility is minimised.

**(b) Reasons for Objectives 1 & 2**

- (i)** To ensure that adequate consideration is given to the effects of utilities particularly with regard to amenity, landscape and biodiversity values. It is recognised that some of the limits are somewhat arbitrary (eg for pole height). However such measures are intended to ensure that high voltage lines are distinguished from the less visually intrusive distribution lines. Large poles, aerials and other structures for radio, telecommunications and other purposes may likewise be visually intrusive. The limit on the size for above ground associated components is to ensure structures of a considerable size can be erected only in compliance with bulk and location standards, will not impair visibility for drivers and do not constitute a visually dominant element.
- (ii)** The encouragement for the undergrounding of services is to maintain and enhance visual amenities and biodiversity values. However, in some circumstances, vegetation clearance associated with the undergrounding of services may be more environmentally disruptive than placing facilities above ground.
- (iii)** To ensure that in the evaluation of effects, the operational needs of network utilities are considered in a reasonable manner.
- (iv)** The construction of new roads and road realignments may give rise to environmental effects requiring management. For this reason various provisions are included in the plan. Ongoing repair, upgrading and maintenance of existing public roads is either included in the designated purpose of the land (refer to Section 7.4) or is permitted recognising that the effects are either minor or of a temporary nature and are essential for maintaining traffic safety.

**7.3.4 ENVIRONMENTAL RESULTS**

- (1)** The environmental result sought through the District Plan provisions for network utilities, is that utility services are efficiently and effectively provided for. At the same time they should not adversely impact on the environment, in particular the amenities, landscape and biodiversity values of the area concerned.

### 7.3.5 ACTIVITIES

The following activity status for all network utilities applies irrespective of any other district plan provisions unless specifically stated in Section 7.3.5.

#### 7.3.5.1. PROVISION FOR ROADS

- (1) The construction of any new road where not located within an existing road reserve or the realignment or widening of any existing road, where this involves works outside the existing road reserve may only be undertaken where one (or more) of the following apply:
  - (a) It is in accordance with an operative designation (refer to Section 7.4).
  - (b) It is proposed as part of an approved subdivision (refer to Rule 7.8.5(3)).
  - (c) A resource consent for a discretionary activity has been obtained.
- (2) The repair, upgrading and maintenance of an existing formed road, subject to the provisions of Sections 6.2 to 6.4, is a permitted activity including:
  - (a) Bridge, culvert and drain construction, upgrading and maintenance; and
  - (b) Activities directly related to the movement of pedestrians, cyclists and vehicles and shall include roadside rest areas, information boards and weigh stations.
- (3) The construction of a new road within an existing road reserve, subject to the provisions of Section 6.2 to 6.4, and compliance with the standards of Rule 8.4.8.3 is a permitted activity, except in the Reserve (Passive) Zone, wherein the activity status is Non Complying.
- (4) The reconstruction and realignment or the establishment of a corner splay complying with the dimensions set out in Performance Standard 8.4.7.3, and subject to the provisions of Sections 6.2 and 6.4, is a permitted activity for the purposes of this district plan provided that the works involved do not entail the creation of severances.
- (5) Signs within the road reserve shall be provided for as set out in Section 7.5 - SIGNS.
- (6) Site, geotechnical, survey and other investigations associated with a proposed road designation or the proposed construction of new roads, deviations and realignments and which are outside a road reserve shall subject to the provisions of Sections 6.2 to 6.4, be treated as permitted activities in all zones other than:
  - (a) Conservation (Indigenous Forest) and Conservation (Wetland) where the activity status will be determined as provided in Sections 5.2 and 5.3.

### 7.3.5.2. PROVISION FOR ALL OTHER NETWORK UTILITIES EITHER IN ROADS OR ZONES

- (1) Telecommunication facilities are provided for in accordance with the National Environmental Standards for Telecommunications Facilities Regulations 2008, and the zone provisions specified below shall not apply to telecommunication facilities located in road reserves except where they are in the Coastal, Conservation (Indigenous Forest), Conservation (Wetland), Reserve (Passive) and Karangahake Gorge zones where the zone provisions are otherwise more stringent.
- (2) The following are permitted activities in all zones and the Performance Standards specified in Section 8.0 PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION do not apply.
- (a) Residential, commercial and industrial connections (both underground and overhead) to power, telecommunications, gas, water, drainage and sewer pipes.
- (b) The replacement, servicing, upgrading and maintenance of existing network utilities, whether above or below ground.
- (Note: "Existing" is defined as being physically in place and operating as at the date of public notification of the Proposed Hauraki District Plan)
- (3) All other Network Utilities not otherwise specified above are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below.

<b>(4) PERMITTED ACTIVITIES</b>	Those activities listed below are a <i>Permitted Activity</i> unless otherwise specified and subject to compliance with the: <ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0;</li> <li>• The Development Standards specified in Rule 7.3.6; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>P1</b>	Any network utility whether located above or below ground in the Rural and Industrial zones, unless otherwise specified as discretionary activities
<b>P2</b>	Local cogeneration or emergency power generation plants where these activities are ancillary to any permitted or approved activity In the Rural, Town Centre and Industrial zones
<b>P3</b>	Telephone exchanges (no limit on floor area) In the Town Centre zone
<b>P4</b>	<p>In all zones (excluding the Rural, Industrial and Conservation (Wetland)) any pipe, drain, electric line as defined in the Electricity Act 1992 and Electricity Regulations 1993, line as defined by Section 2(1A) of the Telecommunications Act 1987, telecommunication or wireless link which is part of a network utility together with:</p> <p>(i) associated components, some located above ground including manholes, culverts, local transformers, switchgear, pumps, valves, telephone boxes, beacons and other navigational aids all being less than 6m<sup>3</sup> in volume and with a maximum dimension of 3m.</p> <p>(ii) any pole, aerial, mast, tower or similar structure not exceeding 15m or 5m above the highest point on the roof where mounted on a building (whichever is the lesser) and having a maximum cross section dimension of 850mm.</p> <p>(iii) any microwave dish, antenna or similar element not exceeding 3m in any dimension.</p> <p>Except that pipes, lines, ancillary equipment and poles or support structures shall be for the distribution or conveyance of gas at a gauge pressure not exceeding 2,000 kilopascals or electricity at a voltage not exceeding 66KV</p>

<b>P5</b>	Removal of existing network utilities
<b>(5)</b>	<b>CONTROLLED ACTIVITIES</b>
There are no Controlled Activities	
<b>(6)</b>	<b>RESTRICTION DISCRETIONARY ACTIVITIES</b>
There are no Restricted Discretionary Activities	
<b>(7)</b>	<b>DISCRETIONARY ACTIVITIES</b>
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 7.3.9.	
Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.	
<b>D1</b>	Any network utility provided for in P4 as a Permitted Activity, where the specified maximum dimensions are exceeded, unless otherwise specified
<b>D2</b>	Any transformer, line, work or ancillary equipment or fittings for the distribution or transmission of electricity at a voltage exceeding 66KV above or below ground, except in the Conservation (Forest) and (Wetland), Coastal, Karangahake Gorge and Reserve (Passive) zones
<b>D3</b>	Any new substation or extension to existing substation In the Rural, Town Centre and Industrial zones
<b>D4</b>	Any pipes and ancillary equipment including compressor stations for the transmission of gas at a gauge pressure exceeding 2,000 kilopascals
<b>D5</b>	Any pole, aerial, mast, tower or similar structure exceeding 20m in height or 5m above highest point of the building (whichever is the lesser) in the Rural and Industrial zones
<b>D6</b>	Any microwave dish, antenna or similar element exceeding 5m in any dimension in the Rural and Industrial zones
<b>D7</b>	Power generating stations not otherwise provided for as a Permitted Activity and ancillary works including water retention dams in the Rural Zone
<b>D8</b>	Water retention dams, reservoirs and water intake structures where part of a water supply system In the Rural zone
<b>D9</b>	Community sewage treatment works in the Rural and Industrial zones
<b>D10</b>	Any road or service lane In all zones, except in the Conservation (Wetland) zone, that is not otherwise provided for in Rule 7.3.5.1
<b>D11</b>	Railways in the Rural, Town Centre and Industrial zones
<b>(8)</b>	<b>NON COMPLYING ACTIVITIES</b>
Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any network utility not otherwise provided for as a permitted, controlled, restricted discretionary, or discretionary activity

### 7.3.5.3. FOR INFORMATION PURPOSES

#### (1) AUTOMATIC WEATHER STATIONS AND MARINE NAVIGATION DEVICES

These activities and the structures involved are similar in character and effects to network utilities but are not included in the definition provided for this group of activities in the Act.

For the purposes of this plan such works will be treated as if they were network utilities and are to be provided for in the various zones in the same way as are network utilities. This will avoid the need to seek consents in unnecessary situations (eg masts exceeding the maximum height requirements in a zone). Accordingly, in the relevant zones, the reference to "network utilities and related activities" includes the activities discussed in this section (also refer to the definition of NETWORK UTILITY in Section 4.0).

**(2) AERIALS AND DISHES NOT PROVIDED FOR AS NETWORK UTILITIES**

Ham radio operators frequently have aerials located in the rear of their properties. Such aerials are not network utility operations as defined in the Act. There are other communication devices that may likewise not constitute a network utility. These devices are subject to the provisions of the relevant zone and the height exemptions provided for in the definition of HEIGHT in Section 4.0.

**7.3.6 DEVELOPMENT STANDARDS**

**(1)** The zone development standards shall apply to Permitted Activities P1 to P5 and shall be used as a guide in assessing any Discretionary or Non Complying Activities, except that:

**(a)** The HEIGHT AND DAYLIGHT CONTROL STANDARDS for the zone shall not apply to any pole, aerial, mast, tower or similar structure; or to any transformer, line, mast or ancillary equipment for the transmission of electricity at a voltage not exceeding 66 KV.

**(b)** The HEIGHT, DAYLIGHT CONTROL AND YARDS STANDARDS for the zone shall not apply to any pole, aerial, mast, tower or similar structure; or to any transformer, line, mast or ancillary equipment for the transmission of electricity at a voltage not exceeding 66KV located on a designated road.

**(2)** The establishment of the network utility shall not involve the removal of more than 50m<sup>2</sup> of contiguous present ground cover or maintenance plantings designed to re-establish such cover in the Conservation (Forest) zone.

**7.3.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES**

**(1)** There are no Controlled Activities therefore there are no assessment criteria.

**7.3.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

**(1)** There are no Restricted Discretionary Activities therefore there are no assessment criteria.

**7.3.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES**

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant assessment criteria for Discretionary Activities in the respective zones in which the Network Utility is located, the relevant assessment criteria below and any other matters it considers appropriate.

**(1) VISUAL/LANDSCAPE/AMENITY IMPACTS**

- (a)** Whether the activity will have an adverse visual impact on the natural and built environment, and in particular, whether it will detract from the surrounding landscape by:

  - (i)** reducing markedly the degree of visual openness and significance of the landscape;
  - (ii)** increasing the degree of modification in rural and non-urban coastal parts of the District, or reducing in other than a minor way the visual coherence of the landscape;
  - (iii)** being incongruous with the existing landform particularly with respect to ridge lines, promontories and coastline;
  - (iv)** obscuring or detracting from significant views obtained from public places;
  - (v)** being incongruous with existing heritage resources such as sites, buildings, places or areas of heritage, cultural and archaeological value.
- (b)** Whether the utility will adversely affect amenity and natural values by removing or modifying significant bush, vegetation, landform or other natural habitats.
- (c)** Whether the utility will result in any adverse impact on the existing character of the area in which it is proposed to be located, considering issues such as:

  - (i)** the scale of the work;
  - (ii)** the intensity of the proposed activity, including hours of use and the number of people involved, and the volume of traffic generated either during the construction or operational phase.
- (d)** Whether the height, colour, form and scale of the proposed utility and its overall design and external appearance will result in any adverse effects being avoided or mitigated with respect to the scale and form of the buildings on adjoining or neighbouring sites or important aspects or characteristics of the landscape in which it is located.
- (e)** Whether the utility is screened by landscaping or other means, sufficient to soften hard structures and minimise the scale of structures, and to result in a visual appearance compatible with the surrounding structures and built forms in the landscape, having regard to operational requirements.
- (f)** Whether there are cumulative adverse visual effects on the landscape or character of the general vicinity as a result of adding to existing utility services within the area, particularly overhead lines or radio communication or telecommunication facilities.
- (g)** Whether the siting of a utility has taken into account the proximity and nature of existing dwellings/household units, or likely future dwellings/household units permitted by the Plan, in terms of visual impact, site access, noise and health and safety.

**(2) SOCIAL/ECONOMIC IMPACTS**

- (a)** Whether the siting and operation of the utility has taken into account the impact on farming activities and private airfields.

- (b) Whether the siting and operation of the utility will adversely impact on the functioning and enjoyment of public reserves, community and recreational facilities and marae in the vicinity.

**(3) ALTERNATIVE LOCATION/CO-LOCATION**

- (a) Whether alternative sites or routes have been considered and whether the impact of the alternatives on the environment is less than that of the proposal.
- (b) Whether there is technical and practical potential for co-location of facilities on other sites, and whether this has been considered by the applicant.

## 7.4 DESIGNATIONS

### 7.4.1 BACKGROUND

- (1) A Minister of the Crown or regional and territorial local authorities with financial responsibility for a public work, or a network utility operator that has been approved as a requiring authority for a particular project under the Act, may require land to be designated within the district plan.
- (2) The requiring authority responsible for the designation may do anything in accordance with the designation, irrespective of the rules in the district plan that might otherwise control the activity. Without the prior written consent of the requiring authority responsible for the designation, no one may do anything in relation to the designated land that would prevent or hinder the project or work to which the designation relates. The zone and district wide rules control activities that are not covered by the designation
- (3) The designation process and information to accompany a notice of requirement to designate land is set out in the Act.
- (4) Public works may also be provided for in the District Plan by the following means:
  - (a) **Rules in the Plan**

The particular activities that the public work involves may be included as a permitted activity in the zone concerned.
  - (b) **Resource Consents**

Where the work concerned is not a permitted activity, an application for resource consent can be made.
  - (c) **Existing Use Rights**

Those public works that are existing and which contravene a rule in the plan may be provided for by existing use rights under the Act.
- (5) The agency responsible for the public work concerned may decide to use or rely on one of the above options to apply to its proposal/operation.
- (6) Designated public works (other than roads) are shown as designated on the Planning Maps, and are listed in the following schedules. Most of the designations in the district plan have been carried over from earlier plans and include public works such as roads, schools, police and fire stations, courthouse, wastewater treatment plants, water reservoirs, council depots, cemeteries, reserves, river control and soil conservation works, which are generally not subject to any specific restrictions or conditions. More recent designations that are subject to restrictions and conditions are referenced in the schedules with the relevant council files where the restrictions/conditions can be viewed.
- (7) All Hauraki District Council and New Zealand Transport Agency roads formed and existing as at (date of notification of Proposed District Plan to be inserted) are deemed to be designated for this purpose and are not specifically identified on the planning maps or listed in the following schedules, unless the road is a new designation and/or is subject to restrictions or conditions. The activities that may be carried out in compliance with a road designation include:

- (a) Road construction, upgrading and maintenance.
  - (b) Bridge, culvert and drain construction, upgrading and maintenance.
  - (c) Activities directly related to the movement of pedestrians and vehicles and shall include roadside rest areas, information centres and weigh stations.
- (8) All other activities (on both formed and unformed legal roads) which are not included in the designated purpose shall comply with the requirements of the underlying zoning (see Section 2.1.6.2 - Zoning in Relation to Roads).

## 7.4.2 SCHEDULES OF DESIGNATIONS BY REQUIRING AUTHORITY

The following schedules of designations outline the key information relating to each designation. Additional information may be held on Council files, such additional information may include specific conditions on individual designations and specific reference to the Term of the Designation, which establishes the lapse period, if the designation is not given effect to. If no such Term of the Designation exists then the statutory provisions of the *Act* shall prevail.

### 7.4.2.1. SCHEDULE OF DESIGNATIONS – DEPARTMENT OF JUSTICE (DoJ)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	G4	DoJ 1	Periodic Detention Centre (Non-Residential)	Residential	N/A
Rolled-Over	G4	DoJ 2	Offices	Residential	N/A
Rolled-Over	G5	DoJ 3	Periodic Detention Centre (Non-Residential)	Residential	N/A
Rolled-Over	G5	DoJ 4	Offices	Residential	N/A
Rolled-Over	K3	DoJ 5	Waihi Courthouse	Town Centre	N/A
Rolled-Over	K5	DoJ 6	Waihi Courthouse	Town Centre	N/A

### 7.4.2.2. SCHEDULE OF DESIGNATIONS – HAURAKI DISTRICT COUNCIL (HDC)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	Map 1	HDC 1	Flood protection works – Foreshore protection	Rural	N/A
Rolled-Over	Map 1	HDC 2	Flood protection works	Rural	N/A
Rolled-Over	Map 4 & A	HDC 3	Soil Conservation & River Control	Rural	N/A
Rolled-Over	Map 4	HDC 4	Water Treatment Purposes	Rural	Refer to HDC File
Rolled-Over	Map 4	HDC 5	Local Purpose Reserve (Forestation)	Rural	N/A
Rolled-Over	Maps 5 &	HDC 6	Soil Conservation &	Rural	N/A

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
	11		River Control		
Rolled-Over	Map 5	HDC 7	Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Maps 6 & B	HDC 8	Turua Wastewater Treatment Plant and Disposal Facility	Rural	Refer to HDC File
Rolled-Over	Map 11	HDC 9	Refuse Disposal Site	Rural	N/A
Rolled-Over	Maps 12 & D	HDC 10	Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Maps 12 & 13	HDC 11	Soil Conservation & River Control	Rural	N/A
Rolled-Over	Map 13	HDC 12	Kaimanawa Maratoto Water Supply Catchment Reserve	Rural & Conservation (Indigenous Forest)	N/A
Rolled-Over	Maps 13 & 19	HDC 13	Ohinemuri Water Supply Catchment Reserve	Conservation (Indigenous Forest)	N/A
Rolled-Over	Map 13	HDC 14	Paeroa Sewage Treatment Plant and Disposal Facility	Rural	Refer to HDC File
Rolled-Over	Maps 14, 20 & K1	HDC 15	Waihi Water Supply Catchment Reserve	Conservation (Indigenous Forest)	N/A
Rolled-Over	Maps 19 & 20	HDC 16	Waikino Water Supply Catchment Reserve	Conservation (Indigenous Forest) & Rural	N/A
Rolled-Over	Maps 20 & K3	HDC 17	Waihi Sewage Treatment Plant and Disposal Facility	Rural	Refer to HDC File
Rolled-Over	Map 20	HDC 18	Cemetery	Rural	N/A
Rolled-Over	Map A	HDC 19	Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Map A	HDC 20	Waitakaruru Sewage Treatment Purposes	Rural	Refer to HDC File
Rolled-Over	Map C	HDC 21	Hauraki District Council Works Depot	Town Centre	N/A
Rolled-Over	Map C	HDC 22	Hauraki District Council Pound	Town Centre	N/A
Rolled-Over	Map D	HDC 23	Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Map D	HDC 24	Stratified Designation Soil Conservation/Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Map D	HDC 25	Water Treatment Purposes	Industrial	N/A
Rolled-Over	Map E	HDC 26	Sewerage Treatment Purposes	Rural	N/A
Rolled-Over	Map G1	HDC 27	Refuse Disposal Site	Rural/Flood Ponding	N/A
Rolled-Over	Map G1	HDC 28	Stratified Designation Sewerage Treatment	Rural/ Flood Ponding	N/A

**Section 7.4: Designations**

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
			Purposes/Hauraki District Council Animal Pound		
Rolled-Over	Map G4	HDC 29	Water Treatment Purposes	Rural	N/A
Rolled-Over	Map G4	HDC 30	Cemetery	Rural	N/A
Rolled-Over	Map H	HDC 31	Water Supply Purposes	Rural	N/A
Rolled-Over	Map J	HDC 32	Sand Quarry	Rural	N/A
Rolled-Over	Map K1	HDC 33	Water Treatment Purposes	Rural	N/A
Rolled-Over	Map K1	HDC 34	Refuse Disposal Site	Rural	N/A
Rolled-Over	Map K1	HDC 35	Refuse Disposal Site – Stormwater Sedimentation Ponds	Rural	N/A
Rolled-Over	Map K3	HDC 36	Stock Pound	Residential	N/A
Rolled-Over	Map K3	HDC 37	Pumping Station	Rural	N/A

**7.4.2.3. SCHEDULE OF DESIGNATIONS – METEOROLOGICAL SERVICE OF NEW ZEALAND LIMITED (MSNZ)**

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	G2	MSNZ 1	Paeroa Automatic Weather Station	Reserve (Active)	N/A

**7.4.2.4. SCHEDULE OF DESIGNATIONS – MINISTRY OF EDUCATION (MoE)**

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	2	MoE 1	Kopuarahi Primary School	Rural	N/A
Rolled-Over	10	MoE 2	Kaihere Primary School	Rural	N/A
Rolled-Over	12	MoE 3	Netherpton Primary School	Rural	N/A
Rolled-Over	18	MoE 4	Tirohia Primary School	Rural	N/A
Rolled-Over	20	MoE 5	Waimata Primary School	Rural	N/A
Rolled-Over	A	MoE 6	Waitakaruru Primary School	Rural	N/A
Rolled-Over	B	MoE 7	Turua Primary School	Residential	N/A
Rolled-Over	C	MoE 8	Ngatea Primary School	Town Centre & Residential	N/A
Rolled-Over	C	MoE 9	Hauraki Plains College	Residential & Town Centre	N/A
Rolled-Over	D	MoE 10	Kerepehi Primary School	Residential	N/A
Rolled-Over	F	MoE 11	Patetonga Primary School	Rural	N/A
Rolled-Over	G1 & G2	MoE 12	Miller Ave Primary School & Goldfields Special	Residential	N/A

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
			School		
Rolled-Over	G3 & G5	MoE 13	Paeroa Secondary School & Accommodation	Rural	N/A
Rolled-Over	G4 & G5	MoE 14	Paeroa Central Primary School	Residential	N/A
Rolled-Over	H	MoE 15	Karangahake Primary School	Residential	N/A
Rolled-Over	J	MoE 16	Waikino Primary School	Residential	N/A
Rolled-Over	K1, K3 & K5	MoE 17	Waihi College	Residential	N/A
Rolled-Over	K1	MoE 18	Waihi South School	Residential	N/A
Rolled-Over	K2	MoE 19	Waihi East School & Waihi Kindergarten	Residential	N/A

**7.4.2.5. SCHEDULE OF DESIGNATIONS – NEW ZEALAND POLICE (NZP)**

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	C	NZP 1	Ngatea Police Station	Town Centre	N/A
Rolled-Over	G3,G4 & G5	NZP 2	Police Station & Residence	Residential	N/A
Rolled-Over	G4 & G5	4 NZP 3	Police Purposes (Residence)	Residential	N/A
Rolled-Over	K3 & K5	NZP 4	Waihi Police Station	Town Centre	N/A

**7.4.2.6. SCHEDULE OF DESIGNATIONS – NEW ZEALAND RAIL LIMITED (NZRL)**

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	7, 13, 18, 19, 22, G3 & G5	NZRL 1a	Railways Operations	Rural	N/A
Rolled-Over	G1 & G5	NZRL 1b	Railway Operations	Reserve (Passive)	N/A
Rolled-Over	G1	NZRL 1c	Railway Operations	Industrial	N/A
Rolled-Over	G1 & G5	NZRL 1d	Railway Operations	Reserve (Active)	N/A

#### 7.4.2.7. SCHEDULE OF DESIGNATIONS – NEW ZEALAND TRANSPORT AGENCY (NZTA)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions
Rolled-Over	3	NZTA 1	State Highway 25 Kopu Bridge	Rural	Refer to HDC File

#### 7.4.2.8. SCHEDULE OF DESIGNATIONS – POWERCO LIMITED (PL)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions
Rolled-Over	D	PL 1	Kerepehi Zone Substation	Industrial	N/A
Rolled-Over	G3 & G4	PL 2	Paeroa Zone Substation	Rural	N/A
Rolled-Over	K4	PL 3	Waihi Zone Substation	Rural	N/A

#### 7.4.2.9. SCHEDULE OF DESIGNATIONS – TELECOM NZ LTD (TNZL)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	A	TNZL 1	Waitakaruru Exchange	Township	N/A
Rolled-Over	B	TNZL 2	Turua Exchange	Township	N/A
Rolled-Over	C	TNZL 3	Ngatea Exchange	Town Centre	N/A
Rolled-Over	F	TNZL 4	Patetonga Exchange	Township	N/A
Rolled-Over	G3 & G5	TNZL 5	Paeroa Exchange	Town Centre	N/A
Rolled-Over	K3 & K5	TNZL 6	Waihi Exchange	Town Centre	N/A

#### 7.4.2.10. SCHEDULE OF DESIGNATIONS – TRANSPOWER NEW ZEALAND LIMITED (TRNZL)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	J	3 TRNZL 1	Electricity Substation	Rural	N/A

## 7.4.2.11. SCHEDULE OF DESIGNATIONS – WAIKATO REGIONAL COUNCIL (EW)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	1, 2, 3, 5, 6, 7, 11, 12, 13, 17, 18, 19, 22, A, B, C, D, G1, G2, G3, G4 & G5	EW 1a	Soil Conservation & River Control	Rural	N/A
Rolled-Over	4	EW 1b	Proposed Soil Conservation & River Control	Rural	N/A
Rolled-Over	13	EW 2	Stocks Drain Pump Station	Rural	N/A
Rolled-Over	D	EW 3	Works Depot for Piako & Waihou Schemes & Soil Conservation & River Control	Rural	N/A

## 7.5 SIGNS

### 7.5.1 BACKGROUND

- (1) Signs are an important element of the District, providing information on public services, identifying places of interest and advertising goods and services. Adequate provision therefore needs to be made for the erection of signs and this has to be balanced against the need to protect the amenities of the District and to maintain traffic safety.
- (2) Controls are therefore required on the location, number, size, type and nature of signs, to the extent necessary to address these issues. The District Plan deals with both the safety and aesthetic aspects of signs located on private property and on road reserves.
- (3) New Zealand Transport Agency as the road controlling authority for State Highways, will provide recognised tourist activities with signs on the highways themselves.
- (4) In certain circumstances, the control on signs is designed to achieve other objectives such as the protection of architecturally important and/or interesting building facades.

### 7.5.2 RESOURCE MANAGEMENT ISSUES

- (1) Signs are a necessary element for the promotion and functioning of activities in the District. However they can create adverse effects on amenities and traffic safety, which require management.

### 7.5.3 ENVIRONMENTAL RESULTS

- (1) A simple, readily applied regime for signs that imposes the minimum of necessary control to protect the amenity values of residential and visually sensitive areas and to promote traffic safety.

### 7.5.4 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To ensure there is a balance between the need to provide information and the need to ensure that signs do not adversely affect the natural and physical environment or the amenity values of the District.

#### (a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (b) Require all signs to be located on the subject site, except approved temporary, directional and off site signs.

- (c) Limit the number and impact of signs by placing controls on the size, type, number and location of signs.
- (d) Provide for temporary signs while ensuring that they do not remain on individual sites for excessive periods of time.
- (e) Provide for directional signs relating to tourist attractions.
- (f) Require signs to be consistent with the amenities of the environment and the scale of the surrounding buildings.
- (g) Avoid signs which obscure or detract from important visual aspects of the District, such as scenic views of the coast, rivers, landscape features or buildings of architectural or historic value.
- (h) Encourage the amalgamation of signs onto one structure and/or the establishment of community notice boards providing travellers with information on public utilities and services and community facilities and attractions.
- (i) Encourage a high standard of sign maintenance and appearance and ensuring signs are concise and legible.

### (2) OBJECTIVE 2

To ensure that signs do not create traffic hazards nor impair the efficient functioning of State Highways and District Roads.

#### (a) Policies

Objective 2 will be achieved by the implementation of the following policies:

- (b) Ensure signs do not:
  - (i) Obstruct driver's vision.
  - (ii) Cause confusion or distraction for drivers.
  - (iii) Create a situation which is hazardous to the safe movement of traffic.

#### (c) Reasons for all Objectives and Policies

- (i) "Functional" signs which enable people to be made aware of potential hazards, move around the District or find specific properties, have to compete for people's attention due to signs displayed for other purposes (mainly advertising). To allow those "functional" signs to carry out their purpose, the number, size, location and style of the other signs needs to be controlled.
- (ii) In the commercial areas of the District, signs are an integral and essential part of the visual make up. They can add vibrancy and excitement to those areas.
- (iii) The District is traversed by a number of State Highways (including the Scenic Route), which many tourists use. Signs to direct and attract tourists to features (historic, cultural, economic or other) are required.
- (iv) Roads are a significant resource that when operated effectively, efficiently and safely, contribute to the economic and social wellbeing and the health and safety of the community. Inappropriate signs have the potential to undermine this function.

- (v) Land transport is not only a major user of fuel resources, but emissions contribute to the Greenhouse effect. Signs which facilitate efficient traffic movements also contribute to reducing the effects of emissions.

### 7.5.5 GENERAL RULES - APPLICABLE TO ALL SIGNS IN ALL ZONES

#### (1) APPLICATION OF DISTRICT PLAN RULES

The rules relating to signs set out in the District Plan shall apply to all signs located on private and public property and all signs located on road reserves.

#### (2) PURPOSE OF SIGNS

All signs shall relate to activities authorised under the District Plan and 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.

#### (3) CONTENTS OF SIGNS

Unless otherwise provided for within the District Plan all signs shall relate to the name of the property or premises or the goods and services, or business available from the property or premises on which the sign is located, or be used to direct traffic on that site.

#### (4) SITING OF SIGNS IN KARANGAHAKE GORGE ZONE AND COASTAL ZONE

Signs shall not protrude above the skyline or disrupt significant views. Existing vegetation and/or the land form is to be used to form a natural backdrop. Alternatively a backdrop is to be created using tree planting of species commonly found in the area.

#### (5) SIGN MAINTENANCE

Signs shall be maintained at all times with respect to their construction, painting, cleanliness and readability to ensure that the sign is in no way detrimental to the amenities of the area in which it is sited and/or to the area from which it can be seen.

### 7.5.6 PERMITTED ACTIVITIES

The following are permitted activities and shall comply with the performance standards specified for each activity:

- (1) **IN ALL ZONES except the Conservation Wetland and Conservation Indigenous Forest and Reserve (Active) and Reserve (Passive).**

**(a) Official and Regulatory Signs erected by or approved by the Road Controlling Authority.**

**(b) Neighbourhood Watch Signs**

Subject to compliance with the following performance standard:

- (i)** Maximum area of each sign 0.5m<sup>2</sup>.

**(c) Community Welcome to Towns and District Signs**

Subject to compliance with the following performance standards:

- (i)** One sign maximum per entrance road.
- (ii)** Maximum area of each sign 8m<sup>2</sup>.
- (iii)** Must be located on private property.
- (iv)** Must be located:
- (1) a minimum of 300 metres from any major intersection (Arterial/State Highway, Collector/Arterial)
  - (2) a minimum of 200 metres from any other intersection
  - (3) a minimum of 50 metres from any other sign
  - (4) a minimum of 200 metres from any other road feature which requires full driver attention, such as sharp bends in the road.

**(d) Temporary Signs for Auctions, for the Sale of Land/Buildings and for Trades/Consultant's Signs on Construction Sites**

Subject to compliance with the following performance standards:

- (i)** Maximum area of each sign 3m<sup>2</sup>.
- (ii)** Must be located on the subject property.
- (iii)** To be removed within seven days of completion of the activity.
- (iv)** Must be located:
- (1) a minimum of 300 metres from any major intersection (Arterial/State Highway, Collector/Arterial)
  - (2) a minimum of 200 metres from any other intersection
  - (3) a minimum of 50 metres from any other sign
  - (4) a minimum of 200 metres from any other road feature which requires full driver attention, such as sharp bends in the road.

**(e) Name Boards for:**

- (i)** Schools.
- (ii)** Churches.

- (iii) Museums.
- (iv) Marae.
- (v) Public halls.
- (vi) Hospitals.
- (vii) Libraries.
- (viii) Other community facilities.

Subject to compliance with the following performance standards:

- (ix) One sign maximum per road frontage.
- (x) Maximum area of each sign 1.5m<sup>2</sup>.
- (xi) Must be located on the subject property.
- (xii) Must be located:
  - (1) A minimum of 300 metres from any major intersection (Arterial/State Highway, Collector/Arterial).
  - (2) A minimum of 200 metres from any other intersection.
  - (3) A minimum of 50 metres from any other sign.
  - (4) A minimum of 200 metres from any other road feature which requires full driver attention, such as sharp bends in the road.

**(2) SIGNS IN ADDITION TO (1) ABOVE, FOR EACH LISTED ZONE**

**(a) Residential, Low Density Residential & Flood Ponding Zone**

- (i) One sign on the subject site, not exceeding 1m<sup>2</sup> in area, for each activity that is a permitted activity in the Residential zone or for which a resource consent has been granted.

**(b) Rural, Coastal & Karangahake Gorge Zones**

- (i) One sign per stall/market place, not exceeding 3m<sup>2</sup> in area - to be located on private property at the entrance to the stall/market place.
- (ii) Not more than two directional signs indicating the proximity of a stall/market place, not exceeding 0.25m<sup>2</sup> per sign, located a maximum of 200 metres from the entrance to the stall/market place.
- (iii) These may be located on land other than that on which the stall/market place is located.
- (iv) One sign, on the subject site, not exceeding 1.5m<sup>2</sup> in area, bearing the occupier's and/or property's name.

- (v) One sign, on the subject site, not exceeding 1.5m<sup>2</sup> in area, for each activity that is a permitted activity in the Rural, Coastal & Karangahake Gorge Zones or for which a resource consent has been granted.
- (c) Conservation Indigenous Forest and Conservation Wetland Zones**
- (i) Road-directional, traffic safety, or name signs erected by the Road Controlling Authority.
  - (ii) One sign at each public access to the reserve, not exceeding 3m<sup>2</sup> in area, bearing the name of and information relating to the reserve.
- (d) Reserve (Passive) and (Active) Zones**
- (i) Official and regulatory signs erected or approved by the Road Controlling Authority.
  - (ii) Temporary signs relating to activities to take place on the subject reserve. These are not to exceed 3m<sup>2</sup> in area each and shall be erected no more than three months prior to the event and removed within seven days of the event.
  - (iii) Temporary signs erected in conjunction with specific events. These shall not be erected more than one day prior to the event and shall be removed on the day following the event.
  - (iv) One sign for each club or code not exceeding 4m<sup>2</sup> in area attached to the building used by the club or code on the reserve or where there is no building, the sign may be freestanding, displaying the name of the club(s) (or codes) using the building and playing fields/courts, and their sponsors.
  - (v) One sign at each public entrance to the reserve, not exceeding 3m<sup>2</sup> in area, displaying the name or particular use of the reserve.
  - (vi) Signs for commercial advertising/sponsors signs. These shall be located so that they are visible primarily to spectators of and participants in events on the reserve, and, in the case of sports field/court surrounds shall be attached to the surrounds so as to face towards the field/court. These signs shall not exceed 2m<sup>2</sup> in area each.
- (e) Marae Development Zone**
- (i) One sign for each activity that is a permitted activity in the Marae Development zone, or for which a resource consent has been granted. Such signs are to be attached to one sign board structure with a maximum cumulative total area of signs of 3m<sup>2</sup>.
- (f) Township Zone**
- (i) One sign, on the subject site, not exceeding 3.0m<sup>2</sup> in area for each activity that is a permitted activity in the Township zone or for which a resource consent has been granted.

**(g) Town Centre and Industrial Zones**

- (i)** Signs related to permitted activities and activities for which a resource consent has been granted.
- (ii)** No limit on size or number of signs attached to a building on the subject site other than along or adjacent to a residential zone boundary PROVIDED THAT:
  - (1) Signs do not protrude more than 1 metre above the roof line of the building.
  - (2) Under verandah signs must maintain a minimum of 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.
- (iii)** No limit on the number of free standing signs, PROVIDED THAT:
  - (1) Freestanding signs are not to exceed a total of 12m<sup>2</sup> in area
- (iv)** Along or adjacent to a residential zone boundary.
  - (1) No limit on number of signs.
  - (2) The cumulative total area of all signs relating to any one site facing the residential zone shall not exceed 8m<sup>2</sup>.
- (v)** All signs must be attached to a building or be located on the subject site, with the exception of one sandwich board or other freestanding sign per business which may be located on the footpath immediately outside the business premises. Each face of the sign is not to exceed 1.0m<sup>2</sup> in area.

In the case of a business on a corner site, one sandwich board or freestanding sign can be located on each of the two frontages.

## 7.5.7 CONTROLLED ACTIVITIES

The following are controlled activities, and shall comply with the performance standards specified for each sign below, and shall be assessed in relation to the criteria specified in Rule 7.5.8 below.

**(1) IN ALL ZONES except the Conservation Forest and Conservation Wetland and Reserve (Passive) and Reserve (Active) Zones**

- (a)** Temporary Signs for elections, community events, festivals, galas, reunions, bazaars, community good campaigns and the like, subject to compliance with the following performance standards:
  - (i)** Maximum area of each sign 3m<sup>2</sup>.
  - (ii)** To be erected no more than three months prior to event and removed within seven days after the event.
  - (iii)** To be erected for no more than 3 months for community good campaigns.
  - (iv)** Must be located:

- (1) A minimum of 300 metres from any major intersection (Arterial/State Highway, Collector/Arterial).
- (2) A minimum of 200 metres from any other intersection.
- (3) A minimum of 50 metres from any other sign.
- (4) A minimum of 200 metres from any other road feature which requires full driver attention, such as sharp bends in the road.

#### **7.5.8 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES**

- (1) The following will be used to assess a controlled activity:
  - (a) To what extent does the lettering, layout and other information on the sign create a potential traffic hazard due to its siting or orientation?
  - (b) Are there 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?
  - (c) Would a larger sized sign enable the information to be displayed more clearly and in a manner that promotes road safety?

#### **7.5.9 DISCRETIONARY ACTIVITIES**

- (1) The following are discretionary activities and shall be assessed in relation to the criteria specified in Rule 7.5.10 below.
  - (a) All signs other than those provided for as permitted, controlled or non complying activities.
  - (b) Community Notice Board signs up to 5m<sup>2</sup> in area.
  - (c) *Tourist facility signs.*

#### **7.5.10 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES**

- (1) The following criteria will be used to assess a discretionary activity:
  - (a) The need for the sign.
  - (b) The suitability of the location of the sign.
  - (c) The need for the size, type and number of the sign(s).
  - (d) The effects of the sign or signs on amenity values of neighbouring properties.
  - (e) The general conditions for signs.
  - (f) The effects of the sign or signs on traffic safety.
  - (g) The assessment criteria for controlled activities in Rule 7.5.8 above.

### 7.5.11 NON-COMPLYING ACTIVITIES

- (1) Signs animated by means of flashing, blinking or travelling lights, or other means not providing constant illumination.
- (2) Signs intensely lit so as, in the Council's opinion, to constitute a nuisance or hazard to vehicular traffic, pedestrians or adjacent uses.
- (3) Signs obscuring or detracting from important visual aspects of the District such as visual landmarks, or buildings of architectural or historic value.

## 7.6 HAZARDOUS SUBSTANCES

### 7.6.1 BACKGROUND

- (1) Hazardous substances are used by the agriculture, horticulture, forestry and industrial sectors, as well as the domestic sector (but usually only in small amounts). As such, hazardous substances are a common and important part of modern life. If properly handled, used, stored and disposed of, the risks to the environment and to human health and safety are very small. However, there are many examples both in New Zealand and internationally that illustrate the effects of accidents and inappropriate use, storage, transportation and disposal of hazardous substances.
- (2) Section 31 (1) (b) of the Resource Management Act 1991 charges district councils with the function of:

*"The control of any actual or potential effects of the use, development, or protection of land, including ..... the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances."*
- (3) This is complemented by the function given to the regional councils under Section 30(l) (c) (v) of the Act for:

*"The control of the use of land for the purpose of .... the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances."*
- (4) The Waikato Regional Policy Statement identifies that both regional and district plans will be used as one of the methods to avoid the adverse effects of the storage, use and disposal of hazardous substances.
- (5) With respect to this District Plan, the primary implementation method is generally the development of rules (regulation). In providing these rules, some of the other implementation methods will also come into play. Council recognises that a range of methods are presently and will continue to be used to control and manage the effects of hazardous substances. Many of these methods are outside the District Plan and under other legislation. Waikato Regional Council has indicated that its focus will be on the prevention and minimisation of risk to the environment and human health, through the provision of information, advocacy, coordination between agencies, provision of services and financial instruments.
- (6) Rules and other provisions in the District Plan can assist in avoiding, remedying or mitigating the adverse effects of hazardous substance activities in terms of the location of activities (especially in relation to sensitive environments or activities), protecting the main traffic routes from development that would reduce the road's safety and efficiency for transportation purposes and ensuring that appropriate performance standards are included that can be complied with.
- (7) One of the major environmental tasks presently being addressed is the "clean up" of existing contaminated sites. The District Plan should contain rules that enable this activity to be undertaken within specified criteria.

## 7.6.2 OBJECTIVES AND POLICIES

### (1) OBJECTIVE 1

To avoid, remedy or mitigate the risk of adverse effects to the environment and the community associated with the transportation of hazardous substances.

#### (a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Ensure that effects of activities on the efficiency and safety of the transport routes is avoided, remedied or mitigated (eg through access design, location and formation).
- (ii) Provide for the use, manufacture and storage of hazardous substances in locations that are readily able to gain access to the main transport routes. Where possible the hazardous facility should be located to avoid the need for transport carrying the hazardous substance to regularly pass through residential areas and other urban areas (excluding Industrial zones).
- (iii) Make one of the matters to be considered when assessing an application for a resource consent for using or storing hazardous substances, the risks associated with the transportation of the substance to the site.
- (iv) Ensure that the routes used in the transportation of hazardous substances are maintained to a standard that seeks to minimise the risk of accident as a result of the road design, formation, sign posting and other road factors.

#### (b) Reasons

- (i) The control of the actual transportation of hazardous substances rests with principally with the Commissioner of Police and the New Zealand Transport Authority under HSNO, not with the District Council.
- (ii) The District Plan has a role to play in protecting the transportation resource from the adverse effects of other adjoining activities.

### (2) OBJECTIVE 2

To minimise the risks of adverse effects to the environment and the community associated with the use and storage of hazardous substances.

#### (a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) The location of sites on which hazardous substances can be stored and on which those facilities that involve the use of hazardous substances can operate should be separated from environments that would be adversely affected by the inadvertent release of hazardous materials.
- (ii) Making the risks to the environment and community associated with the hazardous facility, one of the matters to be considered when assessing an application.

**(b) Reasons**

- (i) The potential adverse effects from the use and storage of some hazardous substances are such that in some locations (eg residential, wetlands, reserves) the risk to the environment, amenity and public health and wellbeing should be avoided.

**(3) OBJECTIVE 3**

To minimise the risk of adverse effects on the environment and the community from the disposal of hazardous substances that occurred in the past, and that will occur in the future.

**(a) Policies**

Objective 3 will be achieved by implementation of the following policies:

- (i) Exclude the disposal of hazardous substances from the provisions for general excavation and fill.
- (ii) Ensure that the remediation of any existing landfill, disposal site or other site where hazardous substances or chemicals have been used and/or accidentally spilt is under the direction of the Regional Council or the District Council.
- (iii) Discourage the disposal of any hazardous substance anywhere in the District, apart from authorised sites.
- (iv) Promote the establishment of facilities outside the District to safely dispose of hazardous substances, where such facilities are not provided in the District.

**(b) Reasons**

- (i) The integrated action of both Regional and District Councils will ensure the process to remediate contaminated sites throughout the District.
- (ii) The District Plan needs to give a clear message that the disposal of hazardous substances is not encouraged or provided for.

**(4) OBJECTIVE 4**

To increase the level of public and user knowledge, education and involvement in minimising the use of hazardous substances and the safe and correct methods of the use, storage and disposal of hazardous substances.

**(a) Policies**

Objective 4 will be achieved by implementation of the following policies:

- (i) To identify and promote suitable industrial standards and Codes of Practice to prevent or mitigate environmental effects and risks associated with hazardous substances and environmentally damaging substances and facilities.
- (ii) Ensure that any application for a resource consent or requirement involving the use, storage, disposal or transportation of hazardous substances is widely circulated to agencies with an interest in the application, as well as to the public in general.

(iii) Continue to work with organisations (eg Waikato Regional Council, District Health Board, New Zealand Police, New Zealand Chemical Industry Council) and in forums (Hamilton Hazardous Substances Technical Liaison Committee) that seek to inform and educate the specific users and the public in general on the ways in which to minimise the use and the risks associated with hazardous substances.

(iv) To promote land uses and land use practices which avoid, remedy or mitigate adverse effects from the use of hazardous substances while enabling maximum benefit to be derived from use of such substances.

**(b) Reasons**

(i) A range of methods is required to inform and educate the public and users of the risks and effects of hazardous substances.

**(5) OBJECTIVE 5**

To assist in the coordination of the agencies responsible for the control and management of hazardous substances.

**(a) Policies**

Objective 5 will be achieved by implementation of the following policies:

(i) Continue to be part of and support the statutory and non statutory bodies with a responsibility for or an interest in the minimisation of the use and risks associated with hazardous substances.

(ii) Include rules in the District Plan that require hazardous substance activities (use, storage, transportation and disposal) to seek and obtain a resource consent. Part of the resource consent process involves consultation with those persons with an interest in, or who are affected by the application.

**(b) Reasons**

(i) The control and management of hazardous substances is the responsibility of a number of organisations, and coordination amongst the agencies is required to ensure that resources are not wasted due to duplication of effort.

(ii) While accepting that the methods of education, information sharing and advocacy are outside the role of the District Plan, the use of rules in the District Plan can enable these other methods to be used.

**7.6.3 ENVIRONMENTAL RESULTS**

(1) The prevention (preferable), or at least the minimisation (more likely) of adverse effects from the use, storage, disposal and transportation of hazardous substances on the environment.

(2) In conjunction with the responsibilities and work undertaken by other agencies, the awareness and knowledge of hazardous substances will be increased, and as a result of this, the risks and effects on the environment will be reduced. The integrated management of hazardous substances will also be achieved.

## 7.6.4 ACTIVITIES

### (1) INTRODUCTION

Council has adopted the "Hazardous Facilities Screening Procedure" (HFSP) contained in the document titled "Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)" as the approach to managing *hazardous facilities*. This document focuses on assessing potential adverse effects of three kinds:

- (a) effects caused by fire and/or explosion;
- (b) effects on human health;
- (c) environmental effects.

(2) Possible adverse effects of *hazardous substances* can be predicted by the level of *hazard* of the substance and the anticipated consequences of its release. Adverse effects include:

- (a) contamination of water, soil and air;
- (b) short and long term damage to ecosystems;
- (c) accumulation of persistent substances in the bodies of humans and animals, resulting in chronic and/or long term damage to their health;
- (d) acute damage to human health through exposure to substances affecting skin, mucous membranes, respiratory and digestive systems;
- (e) damage to the environment from fire or explosion events;
- (f) damage to human health and property from fire or explosion events.

(3) In order to assess the *hazard* posed by various substances and the risk they present, Council has adopted the HFSP for use in assessing hazardous activities or facilities.

### (4) HAZARDOUS FACILITY SCREENING PROCEDURE ('HFSP')

- (a) The HFSP will be applied to all proposed new *hazardous facilities* using or storing *hazardous substances*.
- (b) Existing facilities will not be subject to the HFSP unless they significantly expand or alter their operations. A significant alteration occurs when the effects of the use are not the same or similar in character, intensity or scale as previously, as is defined by Sections 10, 10A and 20 of the Resource Management Act. It is unlikely that the replacement of tanks or other equipment would attract screening by the HFSP unless this would enable a considerable increase in the storage or use of *hazardous substances*.
- (c) The HFSP will be used as a screening tool to assist in making decisions on:
  - (i) whether a proposed *hazardous facility* is permitted, subject to defined minimum performance standards; or
  - (ii) whether it requires a consent and additional, merit-based assessment of risks.

- (d) Activities involving radio-active sources are excluded from the HFSP assessment process, because they are covered under the rules of the Radiation Protection Regulations 1982. These Regulations are administered by the Ministry of Health through the National Radiation Laboratory.

### 7.6.5 PERMITTED ACTIVITIES

- (1) The following are permitted activities in all zones and shall comply with the Performance Standards specified in Rule 7.6.11 below:

- (a) Any *hazardous facility* with an Effects Ratio that equals or falls below the Effects Ratio (R) specified for the zone in which it proposes to locate, as indicated in the HFSP Consent Status Matrix in Rule 7.6.10(5) below.
- (b) Any use or storage of radio-active materials with an activity below that specified as an exempt activity in the Radiation Protection Regulations 1982.
- (c) The clean up and rehabilitation of contaminated sites by or under the control and direction of the Waikato Regional Council, or which is undertaken in accordance with the following Ministry for the Environment Series of Contaminated Land Management Guidelines:
- (i) No 1 : Reporting on Contaminated Sites in New Zealand, October 2003 (ME 492);
  - (ii) No 2 : Hierarchy and Application in New Zealand of Environmental Guideline Values, Updated June 2007 (ME 491);
  - (iii) No 3 : Risk Screening System, February 2004 (ME 502);
  - (iv) No 4: Classification and Information Management Protocols, August 2006 (ME 497); and
  - (v) No 5: Site Investigation and Analysis of Soils (February 2004, ME 497).
- (d) The co-disposal of *hazardous substance* to a *landfill* operation, but only where:
- (i) the *landfill* is operating under a resource consent or a requirement that provides for the disposal of *hazardous substances*
  - (ii) the *hazardous substance* is listed as being permitted to be disposed of in the *landfill*
  - (iii) the *hazardous substance* is within the quantities and concentrations permitted in the *landfill*
  - (iv) the disposal is undertaken and completed in accordance with the conditions controlling the *landfill* operation.

(Note: Refer to the exemptions in Rule 7.6.12)

### 7.6.6 DISCRETIONARY ACTIVITIES

- (1) The following are discretionary activities in all zones and shall be assessed in relation to the criteria in Rule 7.6.6 below:

- (a) Any *hazardous facility* with an Effects Ratio above the Effects Ratio (R) specified for the zone in which it proposes to locate, as indicated in the HFSP Consent Status Matrix in Rule 7.6.10(5) below.
  - (b) The clean up and rehabilitation of contaminated sites not provided for as a permitted activity.
  - (c) Facilities for the disposal of *hazardous substances* within the Rural Zone.
  - (d) Co-disposal in a *landfill* not provided for as a permitted activity in Rule 7.6.5(1)(d).
- (Note: Refer to the exemptions in Rule 7.6.12)

### 7.6.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) The following criteria will be used to assess a discretionary activity:
  - (a) The degree to which the location of the use or storage of the *hazardous substance/facility* in relation to other activities and environments reduces the risks of adverse effects on those activities and environments. In particular, the following will be taken into account:
    - (i) the separation distance to neighbouring activities, with emphasis on people-sensitive activities such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas;
    - (ii) the location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;
    - (iii) the distance to environmentally sensitive areas such as wildlife habitats or water catchments.
- (2) Have other actions or works been undertaken that reduce the degree of risk to a level that is acceptable in the circumstances, eg:
  - (a) identification of potential *hazards*, failure modes and exposure pathways;
  - (b) investigation of the nature of the sub-soil and the site geology;
  - (c) assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;
  - (d) identification of cumulative and/or synergistic effects;
  - (e) site drainage and off-site infrastructure, eg stormwater drainage system, sewer type and capacity.

- (3) Are there management practices in place (and will continue to be in place) that significantly reduce the level of risk eg:
  - (a) fire safety and fire water management;
  - (b) adherence to health and safety and/or environmental management systems;
  - (c) spill contingency and emergency planning, monitoring and maintenance schedules.
  
- (4) What other alternative locations and processes were evaluated, and what were their respective benefits and costs compared with the proposal.
  
- (5) Is the level and detail of the qualitative and/or quantitative risk assessment adequate to fully assess the risk associated with the facility.
  
- (6) The level of risk associated with the transportation of *hazardous substances*, both for the roading network and for the amenity and environment through which the transport route concerned passes.
  
- (7) Will the development of the *hazardous facility* result in restrictions being imposed on the existing or potential use of adjacent land.
  
- (8) The degree to which the "direction" of the adverse effect is influenced by factors, such as topography of the site and surrounding area, and existing structures.
  
- (9) Is the rehabilitated condition of the hazardous disposal site such that the level of contamination and risk is significantly reduced, and can the activities proposed for that rehabilitated condition be carried out in a "normal" manner (ie without compromise to the "containment" of contaminants on the site).

### 7.6.8 NON COMPLYING ACTIVITIES

- (1) The following are non complying activities:
  - (a) Any *hazardous facility* in a zone not specified in the Hazardous Facilities Screening Procedure Consent Status Matrix in Rule 7.6.10(5).
  - (b) Any facility for the disposal of hazardous substances not provided in Rule 7.6.6(1)(d).
  - (c) Any use or storage of radio-active materials with an activity in excess of that specified as an exempt activity in the Radiation Protection Regulations 1989.

(Note: Refer to the exemptions in Rule 7.6.12)

### 7.6.9 PROHIBITED ACTIVITIES

- (1) There are no prohibited activities.

### 7.6.10 HAZARDOUS FACILITIES SCREENING PROCEDURE (HFSP) CONSENT STATUS MATRIX

- (1) The HFSP Consent Status Matrix in Rule 7.6.10(5) below shall be used to determine the consent status of a *hazardous facility* in the zone that it is to be located.
- (2) The calculation of the Effects Ratio (R) shall be undertaken by a person or organisation experienced, qualified and presently operating in the field of hazardous substances and facilities, using the "Hazardous Facilities Screening Procedure" contained in the document titled "Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)".
- (3) Where there is any disagreement as to the Effects Ratio (R) value, then the matter shall be referred to an independent expert agreed to by both parties for a determination.
- (4) If a zone is not included in the Matrix, or a *hazardous substance* exceeds the limit for it to be a discretionary activity, then it shall be a non complying activity. There are no prohibited activities for *hazardous substances*.
- (5) The Hazardous Facilities Screening Procedure: Consent Status Matrix

Zone	Consent Status	
	Permitted	Discretionary
Low Density Residential Residential Marae Development	$\leq 0.05$	$> 0.05$
Town Centre Rural Coastal Karangahake Township	$\leq 0.25$	$> 0.25$
Industrial	$\leq 1$	$> 1$

### 7.6.11 PERFORMANCE STANDARDS

- (1) The "Minimum Performance Requirements for Hazardous Facilities Under the RMA" set out in Section 4 of the document titled "Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)" shall apply to all *hazardous facilities* as permitted activities.

### 7.6.12 EXEMPTIONS FROM THE HFSP

(1) The following are exempt from the HFSP:

(a) Service stations in the Industrial and Town Centre Zones where the following are complied with:

(i) The retail sale of petrol, up to a storage of 100,000 litres of petrol in underground storage tanks and up to 50,000 litres of diesel, provided that the "Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems", published by the Department of Labour - OSH, is adhered to.

(ii) Retail LPG outlets, with storage of up to 6 tonnes (single vessel storage) of LPG, provided that the "Australian Standard (AS 1596-1989) for LP Gas Storage and Handling - Siting of LP Gas Automotive Retail Outlets" is adhered to.

*Reason*

Control of these developments is provided for elsewhere and well established industry codes of practice or suitable regulations exist.

(b) Trade waste sewer and waste treatment or disposal facilities.

*Reason*

The difficulty of identifying the quantity and nature of the substances involved and the conditions of consent that apply to such facilities.

(c) Storage or use of hazardous consumer products for private domestic purposes.

*Reason*

The degree of hazard is generally below the scale of potential adverse effects considered by the HFSP.

(d) Retail outlets for the domestic usage sale of *hazardous substances* (eg supermarkets, hardware shops, pharmacies).

*Reason*

Storage of hazardous substances is generally in small packages.

(e) Facilities using genetically modified or new organisms.

*Reason*

Controlled by other legislation.

(f) Developments that are or may be hazardous but do not involve *hazardous substances* (eg mineral extraction, high voltage transmission lines, radio masts, electrical substances).

*Reason*

These are controlled by other district plan provisions.

- (g) Dust explosions.

*Reason*

Controlled rules relating to discharge of contaminants to the air under the Waikato Regional Plan.

- (h) Gas and oil pipelines.

*Reason*

Controlled by other legislation and industry codes.

- (i) Fuel in motor vehicles, boats and small engines such as weedeaters, lawnmowers, chainsaws etc.

*Reason*

The degree of hazard is generally below the scale of potential effects considered by the HFSP.

## 7.7 EXCAVATIONS AND PLACEMENT OF FILL (EARTHWORKS)

### 7.7.1 BACKGROUND

- (1) Section 9(4) of the Act includes the following "uses" in relation to land that require resource consent approval, unless provided for in the district plan or as an existing use:
  - (a) any excavation, drilling, tunnelling or other disturbance of the land;
  - (b) any deposit of any substance in, on or under the land.
- (2) 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 operation of the use. Where the use concerned is permitted as of right, the various activities involving excavations/filling are seen as part of that operation and are likewise permitted as of right (eg putting metal on farm races, establishing silage pits, land cultivation and "hump and hollow" formation, wintering pads). Other situations (eg road works) would normally require resource consent except where the work is provided for within the road reserve and any aspects of concern regarding the works can be addressed through that process.
- (3) The management of the principal effects (eg soil erosion, water quality control) of some earthworks are primarily the responsibility of the Waikato Regional Council.
- (4) Particularly in an urban context the management of excavations and fills on land is generally handled through either:
  - (a) Other legislation, in particular the Building Act 2004 in terms of which site works (including earthworks) require approval by Council as part of the building consent.
  - (b) The subdivision of land procedures under the Resource Management Act 1991 (eg conditions of subdivision consent relating to filling, compaction, protection against erosion) and requirement that a completion certificate confirm the works have been undertaken in conformity with such conditions.
- (5) It should also be recognised that excavations or fills on one property may affect the adjoining property (fence might fall over, trees die etc). So long as such activities fall within the general scope of an activity permitted on the land, any such disputes are to be treated as civil matters. However, should an excavation/fill in say a residential area relate mainly to an off site business which is not a permitted activity in the area, control in the Resource Management Act 1991 is available (abatement notice, enforcement order etc).
- (6) On occasions surplus cut material from road works needs to be disposed of. Such material normally comprises clean topsoil/subsoil and is valued by farmers to fill gullies, depressions etc. The disposal of such material is not considered by the Council to require land use consent (however resource consents from the Regional Council may be required).
- (7) There are however excavations and fill placements which are of concern to Council and which are best managed through the District Plan. These fall essentially into two categories:
  - (a) Where excavations cease to be minor works which are part and parcel of the principal land use (generally farming) and effectively become an extractive industry.
  - (b) Where imported spoil of various sorts is being used to fill gullies/depressions etc where this is not provided for as a refuse landfill.

- (8) In addition Council is concerned about:
- (a) fill in the Flood Ponding Zone and identified overland flow paths;
  - (b) knowing where fill sites are located to ensure future building development is undertaken appropriately; and
  - (c) the adverse effects (noise, visual, dust, length of time, traffic) associated with the excavation and placement of fill.
- (9) A distinction can be drawn between undertaking excavations and placing of fill which is sourced from within the same property as against importing large amounts of fill from another area. The former is likely to be part of a normal farming operation and no management by Council is considered necessary.

## 7.7.2 OBJECTIVES AND POLICIES

### (1) OBJECTIVE 1

To ensure site earthworks associated with land use and subdivision activities avoid, remedy or mitigate adverse off site effects.

#### (a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i) Recognising that excavations and fills are undertaken as part of legitimate land use activities.
- (ii) Ensuring that excavations are not allowed to develop into commercial mines.
- (iii) Ensuring that only clean imported fill is placed on sites.
- (iv) Ensuring that earthworks are designed to minimise the risk of instability and damage to other properties and do not increase the risk of potential flooding
- (v) Not requiring any land use consents beyond any applying to the principal activity where excavation and fills are undertaken as part of land use activities provided for in the zone.
- (vi) Accepting that, in the Rural zone, minerals may be excavated for end use on the property of source without the need for any land use consent from Council.
- (vii) Accepting that fill material sourced on a property may be moved to another location on that property without the need for a land use consent from Council.

#### (b) Reasons

- (i) Many excavations and fills are managed through land subdivision consent procedures. There is no need for any further management of these activities. Excavations and fills are often undertaken as part of legitimate land use activities and Council does not consider there is any need for management other than where volumes of material are being transported from one property to another and the excavations have become, in effect, a mine.
- (ii) However, it is noted that the provisions of the Building Act 2004 with respect to earthworks have limited scope to address the wider issues that may arise from

earthworks (eg transport of material). Accordingly, the earthworks permitted activities have been set at a level that allow for reasonable earthworks associated with permitted activities in each of the zones.

- (iii) It is noted that some excavations/fills will require authorisations from the Waikato Regional Council notwithstanding that no land use consent is required under the District Plan.
- (iv) In Rural zones the disposal of surplus clean fill from roadworks is a matter of negotiation between landowner and roading authority. Council is to be informed where larger volumes of clean material are involved.

### 7.7.3 ENVIRONMENTAL RESULTS

- (1) The resource management outcomes sought are:
  - (a) To ensure Council is fully informed regarding the placement of significant volumes of imported fill and is able to manage the placement of fill which does not comprise clean topsoil/subsoil and demolition rubble.
  - (b) The effects of the placement of significant volumes of fill will be managed to ensure the amenities of the area concerned and future building activity is not compromised.
  - (c) Adverse effects of the excavations and fill are minimised.
  - (d) Council also wishes to ensure that excavations for mineral extraction where this involves the movement of significant volumes off the property of source are treated as extractive industry.

### 7.7.4 ACTIVITY STATUS

- (1) Earthworks (excavation and/or fill) either as an accessory component of a Permitted, Controlled, Restricted Discretionary, Discretionary or Non-Complying activity or as a separate earthwork activity, according to the Activity Status Table below:

<b>(2) PERMITTED ACTIVITIES</b>
Those activities listed below are a <i>Permitted Activity</i> , unless otherwise specified and subject to compliance with the:
<ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>ALL ZONES OTHER THAN:</b>
<ul style="list-style-type: none"> <li>• Conservation Indigenous Forest;</li> <li>• Conservation Wetland; and</li> <li>• Flood Ponding.</li> </ul>
<b>P1</b> <i>Earthworks</i> proposed and approved as part of a subdivision application.
<b>P2</b> <i>Earthworks</i> proposed and approved as part of a building consent application, up to and equal to the specifications for the relevant zone set out in P4, P5 & P6 below.
<b>P3</b> <i>Earthworks</i> necessary for the establishment, operation and maintenance of any road or network utility provided for as either a Permitted or Controlled Activity in Section 7.3

<b>RURAL (Outside the Overland Flow Paths &amp; Piako Flood Ponding Areas) ZONE</b>	
<b>P4</b>	<p><i>Earthworks</i> including excavation and movement of up to 2000m<sup>3</sup> of <i>minerals</i> and/or <i>cleanfill</i> for end use on the property of source in any one year. The details to be provided are:</p> <ul style="list-style-type: none"> <li>(a) legal description of property;</li> <li>(b) nature and source of fill;</li> <li>(c) location of fill on <i>site</i>.</li> <li>(d) depth of fill;</li> <li>(e) compaction of fill.</li> </ul>
<b>P5</b>	<p>Up to 2000m<sup>3</sup> of imported <i>cleanfill</i> (not undertaken as part of an approved subdivision) comprising topsoil, subsoil, cut material from roadworks and/or demolition rubble may be placed on land within a <i>certificate of title</i> where <i>Council</i> is informed of the fill action before the activity is carried out. The details to be provided are:</p> <ul style="list-style-type: none"> <li>(a) legal description of property;</li> <li>(b) nature and source of fill;</li> <li>(c) location of fill on <i>site</i>.</li> <li>(d) depth of fill;</li> <li>(e) compaction of fill.</li> </ul>
<b>RESIDENTIAL, LOW DENSITY RESIDENTIAL, MARAE DEVELOPMENT, TOWNSHIP, TOWN CENTRE, INDUSTRIAL, COASTAL, KARANGHAKE GORGE, RESERVE (PASSIVE) AND RESERVE (ACTIVE) ZONES – EXCEPT IN THE PART OF THE RELEVANT ZONES THAT ARE IDENTIFIED AS BEING “SUBJECT TO FLOODING”</b>	
<b>P6</b>	<ul style="list-style-type: none"> <li>(a) The maximum area of the excavation shall not exceed 300m<sup>2</sup>.</li> <li>(b) The maximum volume of the excavation shall not exceed 80m<sup>3</sup>.</li> <li>(c) The maximum depth of the excavation shall not exceed 0.5 metres.</li> <li>(d) The replacement of the excavated area provided for in .a to .c above with <i>cleanfill</i> shall not extend above the ground level existing prior to the excavation by more than 0.25 metres.</li> <li>(e) The maximum volume of <i>cleanfill</i> (comprising topsoil, subsoil and any demolition rubble) on a site other than as provided for in (d) above shall not exceed 100m<sup>3</sup>. The Council must be informed of the fill action where exceeding 30m<sup>3</sup> before the activity is carried out and the following details are to be provided to the Council within 1 month following the placement of the <i>cleanfill</i>: <ul style="list-style-type: none"> <li>(i) legal description and street address of the property;</li> <li>(ii) nature and source of fill;</li> <li>(iii) location of fill on site;</li> <li>(iv) depth of fill;</li> <li>(v) compaction of fill.</li> </ul> </li> <li>(g) No placement of <i>cleanfill</i> provided for under (d) and (e) above shall be placed in an <i>overland flow path</i> or <i>ponding area</i>.</li> <li>(h) No <i>earthworks</i> shall be undertaken on the part of the site subject to the earthworks that has a slope <math>\geq 18^{\circ}</math></li> </ul>
<b>(3) CONTROLLED ACTIVITIES</b>	
There are no Controlled Activities.	
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b>	
There are no Restriction Discretionary Activities.	
<b>(5) DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.16.1.	
<b>D1</b>	Any Permitted Activity that exceeds the Earthworks Development Standards in Rule 7.7.4(1) for a Permitted Activity.
<b>D2</b>	<i>Earthworks</i> in the Flood Ponding Zone

<b>(6) NON COMPLYING ACTIVITIES</b>	
Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any <i>earthworks</i> not provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity.
<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Earthworks</i> in the Conservation (Wetland) Zone.

### 7.7.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant Earthworks objectives and policies, the relevant assessment criteria listed below and any other matters it considers appropriate:
- (a) The degree of slope and the extent of earthworks;
  - (b) The extent to which the earthworks will change the ground level of the site;
  - (c) The degree to which the finished ground levels reflect the contour of the development site and the adjoining sites;
  - (d) The degree to which the earthworks will enable additional built form, scale and massing below natural ground level and the effect this has on the surrounding character and amenity values;
  - (e) The effect on surrounding amenity from additional noise and dust associated with the earthworks;
  - (f) The time period, hours of the day and days of the week over which the excavation and fill will be undertaken;
  - (g) The extent to which the movement of soil or cleanfill material to and from the site may affect the roads to be travelled and the amenity of residents along the transportation route;
  - (h) Time period over which the soil will be exposed;
  - (i) The extent of modification to natural drainage systems, including ponding areas and overland flowpaths;
  - (j) The methods to control sediment runoff;
  - (k) The stability of any cut or fill and the method to achieve stability;
  - (l) The nature of the fill to be used.
- (2) In addition to the above, for earthworks in the Flood Ponding Zone *Council* shall have regard to the Flood Ponding Zone objectives and policies (refer to 5.13.2), and the Flood Ponding Zone discretionary activity assessment criteria for earthworks (refer to 5.13.9).

## 7.8 ROAD AND STREET NETWORK AND HIERARCHY

### 7.8.1 BACKGROUND

- (1) The economic wellbeing of the District is heavily dependent on an efficient transport system. Savings in fuel consumption, time and vehicle wear and tear, as well as increased convenience for all, results from having a District that is served by a network of well maintained roads and streets. Social contact is also greatly facilitated by easy access from place to place. All these factors contribute to promoting the purpose of the Act.
- (2) The management of roads, streets and the land use activities that obtain access from them are linked. As such there needs to be integrated management and control to ensure that the function of the road or street is not unduly compromised, that the adverse effects of the activities within roads and streets do not create a detriment to the environment or the amenity of land use activities, and vice versa.
- (3) Roads and streets require substantial investment of energy and other resources in their construction and maintenance. In addition, the activities (particularly movement of traffic) carried out within them, are substantial consumers of energy and other resources and also contribute to environmental degradation (eg through noise and emission of heat and gases).
- (4) The benefits of ease of travel by road, have to be measured against the costs of developing and maintaining the road and street resource. New Zealand Transport Agency and the District Council have limited resources available to construct and maintain the network. There are a number of factors within the District that influence the road and street network, including the following:
  - (a) Weather conditions, particularly flooding in the Paeroa and Waihi areas.
  - (b) The scenic corridor route through parts of the District.
  - (c) Traffic generated by the dairy, horticulture, mining and forestry industries.
  - (d) Lack of road reserve width where large drains have been formed on either side of the road. This limits the capacity of the road to accommodate large vehicles, especially the larger milk tankers.
  - (e) Peat foundation across the Hauraki Plains.
- (5) The use of a roading hierarchy is one method which can assist in:
  - (a) protecting the road/street resource;
  - (b) the integrated management of the road/street resource and activities with the land use resource and activities; and
  - (c) setting objectives and policies that clearly state the structure within which the resources (time, materials, funds) will and can be directed to achieve the most equitable and desired result.
- (6) The hierarchy is used as a tool to assist in:
  - (a) setting the strategy of zones to provide for land use activities;
  - (b) determining the status that activities have (ie the status of the road that access is obtained from, determines the activity status);

- (c) obtaining financial contributions for activities that generate significant levels of traffic; and
  - (d) developing the Asset Management Plan as it applies to roading and the LTCCP and Annual Plan for the allocation of funds to upgrade and/or maintain roads.
- (7) The roading hierarchy has been developed from the information concerning existing traffic movement patterns, traffic types (eg light or heavy, seasonal or constant) and volumes, and the potential changes in this existing traffic. The traffic information determines the road and street design characteristics (eg width, speed, gradients, number of lanes, formation), which is reflected in the status of the road or street in the hierarchy.
- (8) **PROTECTING THE ROAD RESOURCE**
- (a) The status of roads as designations and providing for roading activities "as of right" within the designation, gives roads a statutory authorisation that recognises their importance to the District's functioning.
  - (b) The use of zones and rules to control and manage land use activities adjacent to roads. With respect to zones, there are two aspects to this method. One is to zone land for activities that are not affected by the activities within the road (eg residential zones immediately adjoining a Strategic Highway are avoided), thereby allowing the road to operate without restraint. The other is to avoid allowing land use activities that generate significant volumes of traffic to establish without assessment through the consent process.
  - (c) In some situations (eg where the state highway goes through urban areas), the protection of the roading resource for its primary function of carrying traffic efficiently and effectively is difficult to achieve. The roading resource becomes one of the "urban infrastructure" components that are required to sustain the community resources of the District.
  - (d) With respect to rules, a range of performance standards are included in the District Plan, which are designed to protect the road resource. These include,
    - (i) Location of parking and loading spaces.
    - (ii) Vehicle access and crossings.
    - (iii) Protection of traffic sight lines.
    - (iv) Corner splays.
    - (v) Glare and lighting.
    - (vi) Signs.
    - (vii) Provision for cyclists and pedestrians.
  - (e) Compliance with these performance standards allow activities to establish and operate without unacceptable adverse effects on the roading network.

### **(9) INTEGRATED MANAGEMENT**

- (a)** Identifying the status of a road or street in the hierarchy enables developers to consider the effects that their activity may have on the hierarchy, enables New Zealand Transport Agency and Hauraki District Council to programme their funding and works for road upgrading and maintenance and gives certainty to people making investment decisions as to the likely effects that may be experienced from adjoining roads.
- (b)** Alterations in the roading hierarchy through either the resource consent, plan change and/or requirement process are open to public discussion and comment. These processes give the opportunity for Council to consider the implications of the alteration on the District Plan, as well as other facets of Council's responsibilities and functions.
- (c)** In summary, the protection and enhancement of the roading resource (being one of the physical resources of the District) has been recognised as an important objective of the District Plan. The continuation of the State Highway and District roading system to adjoining local authority areas, also makes roading a "cross boundary" issue. There is no one place in the District Plan where all of the matters relating to roading can be provided. Rather, the protection and enhancement of the roading network is a matter that is sought to be achieved by a number of methods in the Plan.

### **7.8.2 RESOURCE MANAGEMENT ISSUES**

- (1)** The provision and enhancement of a road and street network that allows for the optimum accessibility throughout the District has to be matched with the resources available to achieve this.
- (2)** Detrimental effects on the environment and amenity of the District resulting from traffic must be avoided, remedied or mitigated.
- (3)** The roads and streets of the District must be provided and maintained in a manner that is sustainable for future generations.

### **7.8.3 OBJECTIVES AND POLICIES**

#### **(1) OBJECTIVE 1**

To provide a network of roads and streets that will meet current and future demands.

#### **(2) OBJECTIVE 2**

To ensure that the planning, traffic management, road improvement and financial programming are matched with existing problems, changing traffic requirements and current and future environmental protection standards.

**(3) OBJECTIVE 3**

To ensure the detrimental effects of activities conducted within the road reserve are avoided, remedied or mitigated, and the adverse effects of activities outside the road reserve on the safety and efficiency of roads and streets are avoided, remedied or mitigated.

**(a) Policies**

Objectives 1, 2 and 3 will be achieved by implementation of the following policies:

- (i) Establish and maintain a hierarchy of roads and streets and to classify roads and streets according to their traffic and access functions and requirements.
- (ii) Develop an Asset Management Plan, LTCCP and Annual Plan process to match funding with the required standard of District road or street construction appropriate to the status of the road or street in the hierarchy.
- (iii) Develop financial and/or development contributions strategies to ensure that roads and streets are upgraded and formed to match the demands that specific subdivision and development activities will place upon them.
- (iv) Recognise that activities on a road/street may have a detrimental effect on adjacent land use activities and zoning adjoining land accordingly.
- (v) Ensure the effects of activities do not adversely affect the economic and efficient operation of the road or street.

**(b) Reasons**

- (i) The interrelationship between, and the effects of roads and streets on land use activities (and vice versa) needs to be recognised and provided for.
- (ii) The District Plan and the roading hierarchy have an important role to play in the integration of roads and streets with land use activities, so as to avoid, remedy or mitigate the effects of one on the other.

**7.8.4 ENVIRONMENTAL RESULTS**

- (1) The availability of a safe and convenient roading network for the benefit of both through and local traffic.
- (2) The avoidance, reduction or removal of adverse effects caused by activities on roads and/or caused by roads upon activities, the environment and amenity values of an area.
- (3) Integration of land use management and the physical provision and funding of roads and streets.
- (4) Development of a roading structure that best serves the community and the environment.

**7.8.5 RULES**

- (1) Rules that determine the type, scale and nature of activities permitted within the designated road reserve are contained in Section 7.3.

- (2) Performance standards are provided in Section 8.4, which set out standards required to be met in relation to avoiding, remedying or mitigating the effects of land use activities on a road or street and the effects of the use of roads on adjoining land uses.
- (3) A proposed road which is part of a subdivision or development that is a permitted, controlled, discretionary or non complying activity shall assume the same activity status as the subdivision or development, and shall be assessed accordingly.
- (4) Any proposed road that is not part of an activity as provided for in Rule 7.8.5(3) above, shall be assessed as a discretionary activity, unless the proposal is submitted as a requirement to designate or plan change or otherwise provided for in accordance with Rule 7.3.5.