

7.5 DESIGNATIONS

7.5.1 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 the date of notification of the Proposed District Plan, 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 designation is subject to restrictions or conditions. The activities that may be carried out in compliance with a road designation include:
 - (a) Road construction, upgrading, widening and maintenance.

- (b) Bridge, culvert and drain construction, upgrading and maintenance.
 - (c) Official and regulatory road signage
 - (d) Activities directly related to the movement of pedestrians, cyclists and motor vehicles and shall include roadside rest areas, information boards 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 2.1.5.1 - Zoning in Relation to Roads).

7.5.2 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.

7.5.2.1 SCHEDULE OF DESIGNATIONS – MINISTER OF CORRECTIONS (A)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Modification	G4	A1	Paeroa Community Work Centre	Residential	N/A

7.5.2.2 SCHEDULE OF DESIGNATIONS – MINISTER OF JUSTICE (B)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	K3 & K7	B 1	Waihi Courthouse	Town Centre	N/A

7.5.2.3 SCHEDULE OF DESIGNATIONS – HAURAKI DISTRICT COUNCIL (C)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	4, 9 & A	C 1	<i>Flood protection works – Foreshore protection</i>	Rural	N/A
Rolled-Over	1	C 2	<i>Flood protection works</i>	Rural	N/A

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	4 & A	C 3	Soil Conservation & <i>River Control</i>	Rural	N/A
Rolled-Over	4	C 4	Water Treatment	Rural	N/A
Rolled-Over	4	C 5	Local Purpose Reserve (Forestation)	Rural	N/A
Rolled-Over	5 & 11	C 6	Soil Conservation & <i>River Control</i>	Rural	N/A
Rolled-Over	5	C 7	Ngatea Sewerage Treatment	Rural	N/A
Rolled-Over	6 & B	C 8	Turua Wastewater Treatment Plant and Disposal Facility	Rural	Refer to HDC File 83.001.023
Rolled-Over	11	C 9	Refuse Disposal Site	Rural	N/A
Rolled-Over	12 & D	C 10	Kerepehi Sewerage Treatment	Rural	N/A
Rolled-Over	12 & D	C 11	Stratified <i>Designation</i> Soil Conservation/ Kerepehi Sewerage Treatment	Rural	N/A
Rolled-Over	12 & 13	C 12	Soil Conservation & <i>River Control</i>	Rural	N/A
Rolled-Over	13	C 13	Kaimanawa Maratoto Water Supply Catchment Reserve	Rural & Conservation (Indigenous Forest)	N/A
Rolled-Over	13 & 19	C 14	Ohinemuri Water Supply Catchment Reserve	Conservation (Indigenous Forest)	N/A
Rolled-Over	13	C 15	Paeroa Sewage Treatment Plant and Disposal Facility	Rural	Refer to HDC File 83.349.010
Rolled-Over	14, 20 & K1	C 16	Waihi Water Supply Catchment Reserve	Conservation (Indigenous Forest)	N/A
Rolled-Over	19 & 20	C 17	Waikino Water Supply Catchment Reserve	Conservation (Indigenous Forest) & Rural	N/A
Rolled-Over	20 & K3	C 18	Waihi Sewage Treatment Plant and Disposal Facility	Rural	Refer to HDC File 83.654.021
Rolled-Over	G6	C 19	Cemetery	Rural	N/A
Rolled-Over	A	C 20	Waitakaruru Sewage Treatment	Rural	Refer to HDC File 83.028.024

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	C	C 21	Works Depot	Town Centre	N/A
Rolled-Over	C	C 22	Hauraki District Council Pound	Town Centre	N/A
Rolled-Over	D	C 23	Water Treatment	Industrial	N/A
Rolled-Over	E	C 24	Whiritoa Sewerage Treatment	Coastal	N/A
Rolled-Over	G1 & G3	C 25	Refuse Disposal Site	Rural/Flood Ponding	N/A
Rolled-Over	G1 & G3	C 26	Stratified <i>Designation</i> Paeroa Sewerage Treatment/ Animal Pound	Rural/ Flood Ponding	N/A
Rolled-Over	G6	C 27	Water Treatment	Rural	N/A
Rolled-Over	31 & G6	C 28	Cemetery	Rural	N/A
Rolled-Over	H1	C 29	Water Supply	Rural/ Karangahake Gorge	N/A
Rolled-Over	K1	C 30	Water Treatment	Rural	N/A
Rolled-Over	K1	C 31	Refuse Disposal Site	Rural	N/A
Rolled-Over	K1	C 32	Refuse Disposal Site – Stormwater Sedimentation Ponds	Rural	N/A
Rolled-Over	K5	C 33	Stock Pound	Residential	N/A
Rolled-Over	K6	C 34	Pumping Station	Rural	N/A

7.5.2.4 SCHEDULE OF DESIGNATIONS – METEOROLOGICAL SERVICE OF NEW ZEALAND LIMITED (D)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	G2 & G4	D 1	Paeroa Automatic Weather Station	Reserve (Active)	N/A

7.5.2.5 SCHEDULE OF DESIGNATIONS – MINISTER OF EDUCATION (E)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Modified	6	E 1	Kopuarahi Primary School – <i>Education</i>	Rural	N/A
Modified	F	E 2	Kaihere Primary School – <i>Education</i>	Rural	N/A
Modified	22	E 3	Netherton Primary School – <i>Education</i>	Rural	N/A
Modified	28 & 29	E 4	Tirohia Primary School – <i>Education</i>	Rural	N/A
Modified	31	E 5	Waimata Primary School – <i>Education</i>	Rural	N/A
Modified	A	E 6	Waitakaruru Primary School – <i>Education</i>	Rural	N/A
Modified	B	E 7	Turua Primary School – <i>Education</i>	Residential	N/A
Modified	C	E 8	Ngatea Primary School – <i>Education</i>	Town Centre & Residential	N/A
Modified	C	E 9	Hauraki Plains College – <i>Education</i>	Residential & Town Centre	N/A
Modified	D	E 10	Kerepehi Primary School – <i>Education</i>	Residential	N/A
Modified	G1, G2, G3 & G4	E 11	Miller Ave Primary School & Goldfields Special School – <i>Education</i>	Residential	N/A
Modified	G5	E 12	Paeroa College – <i>Education</i>	Rural	N/A
Modified	G4 & G6	E 13	Paeroa Central Primary School – <i>Education</i>	Residential	N/A
Modified (125.1)	H1	E 14	Karangahake Primary School – <i>Education</i>	Residential	N/A
Modified	H3	E 15	Waikino Primary School – <i>Education</i>	Residential	N/A
Modified	K3	E 16	Waihi College – <i>Education</i>	Residential	N/A
Modified	K3 & K7	E 17	Waihi Central School – <i>Education</i>	Residential	N/A
Modified	K2 & K4	E 18	Waihi East School – <i>Education</i>	Residential	N/A

'Education' means for the purpose of the above Ministry of Education designations:

Includes the provision of infrastructure and/or training and may include such uses as early childhood education services, schools, community education, tertiary educational institutions,

work skills training centres, outdoor education centres, sports training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).

7.5.2.6 SCHEDULE OF DESIGNATIONS – MINISTER OF POLICE (F)

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

7.5.2.7 SCHEDULE OF DESIGNATIONS – MINISTER OF RAILWAYS (G)

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	G 1a	Railway Purposes	Rural	N/A
Rolled-Over	G1 & G5	G 1b	Railway Purposes	Reserve (Passive) (170.1)(190.9)	N/A
Rolled-Over	G1	G 1c	Railway Purposes	Industrial	N/A
Rolled-Over	G1 & G5	G 1d	Railway Purposes	Reserve (Active)	N/A

7.5.2.8 SCHEDULE OF DESIGNATIONS – MINISTER OF TRANSPORT (H)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	3	H 1	State Highway 25 Kopu Bridge	Rural	Refer to HDC File 83.925.022

7.5.2.9 SCHEDULE OF DESIGNATIONS – POWERCO LIMITED (J)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	D	J 1	Kerepehi Substation	Industrial	N/A
Rolled-Over	G5 & G6	J 2	Paeroa Substation	Rural	N/A
Rolled-Over	K6	J 3	Waihi Substation	Rural	N/A

7.5.2.10 SCHEDULE OF DESIGNATIONS – TELECOM NZ LTD (K)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Modified	A	K 1	Telecommunication and Radiocommunication and Ancillary Purposes	Township	7 proposed conditions
Modified	B	K 2	Telecommunication and Radiocommunication and Ancillary Purposes	Township	7 proposed conditions (134.1)
Modified	C	K 3	Telecommunication and Radiocommunication and Ancillary Purposes	Town Centre	7 proposed conditions
Modified	F	K 4	Telecommunication and Radiocommunication and Ancillary Purposes	Township	7 proposed conditions
Modified	G3	K 5	Telecommunication and Radiocommunication and Ancillary Purposes	Town Centre	7 proposed conditions
Modified	K3 & K7	K 6	Telecommunication and Radiocommunication and Ancillary Purposes	Town Centre	7 proposed conditions
New	22	K 7	Telecommunication and Radiocommunication and Ancillary Purposes	Rural	7 proposed conditions
New	25	K 8	Telecommunication and Radiocommunication and Ancillary Purposes	Rural	7 proposed conditions
New	16	K 9	Telecommunication and Radiocommunication and Ancillary Purposes	Rural	7 proposed conditions

7.5.2.11 SCHEDULE OF DESIGNATIONS – TRANSPOWER NEW ZEALAND LIMITED (L)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	H3	L 1	<i>Electricity Substation</i>	Rural	N/A

7.5.2.12 SCHEDULE OF DESIGNATIONS – WAIKATO REGIONAL COUNCIL (M)

New, Modified or Rolled-Over Designation	Map Ref:	Designation Number	Designation Purpose	Underlying Zoning	Specific Conditions/Lapse Period
Rolled-Over	5, 6, 7, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, A, B, C, D, G1, G2, G3, G5 & G6	M 1	Soil Conservation & <i>River Control</i>	Rural	N/A
Rolled-Over	23	M 2	Stocks Drain Pump Station	Rural	N/A
Rolled-Over	D	M 3	Works Depot for Piako & Waihou Schemes & Soil Conservation & <i>River Control</i>	Residential	N/A

7.6 SIGNS

7.6.1 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. (181.203)
- (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.

7.6.2 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. (181.204)

7.6.3 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:

- (i) Require all signs to be located on the subject site, except approved temporary, directional and off site signs.
- (ii) Limit the number and impact of signs by placing controls on the size, type, number and location of signs.
- (iii) Provide for temporary signs while ensuring that they do not remain on individual sites for excessive periods of time.
- (iv) Provide for directional signs relating to tourist attractions.
- (v) Require signs to be consistent with the amenities of the environment and the scale of the surrounding buildings.

- (vi) 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.
- (vii) 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.
- (viii) 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:

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

(b) 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. (181.206)
- (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. (181.208)

7.6.4 ENVIRONMENTAL RESULTS

- (1) A simple, readily applied regime for signs that imposes the minimum of necessary control to protect the amenity values of residential, rural and visually sensitive areas and to promote traffic safety. (181.209)

7.6.5 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.

Note: For the purpose of the *signs rules* refer to the definition of '*sign*' in Section 4.

7.6.6 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* 0.5m²

(c) **Community Welcome to Towns and District *Signs*** (181.210) Submission in opposition in relation to signs on SHWYs.

Subject to compliance with the following performance standards:

(i) One *sign* maximum per entrance *road*.

(ii) Maximum area of each *sign* 8m².

(iii) Must be located on private property.

(iv) Must be located:

(1) a minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector Road/Arterial Road*)

(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** (181.211) Submission in opposition in relation to signs on SHWYs.

Subject to compliance with the following performance standards:

(i) Maximum area of each *sign* 3m².

(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 or Collector Road/State Highway, Collector/ Road/Arterial Road*)

(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: (181.212) Submission in opposition in relation to signs on SHWYs.

- Schools
- Churches
- Museums
- Marae
- Public halls
- Hospitals
- Libraries
- Other community facilities

Subject to compliance with the following performance standards:

- (i) One *sign* maximum per road frontage.
- (ii) Maximum area of each *sign* 1.5m².
- (iii) Must be located on the subject property.
- (iv) Must be located:
 - (1) A minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector Road/Arterial Road*).
 - (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 (181.217)

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

- (i) One *sign* on the subject *site*, not exceeding 1m² in area, for each activity that is a *permitted activity* in the Residential, Residential Low Density and Flood Ponding zones or for which a resource consent has been granted.

(b) Rural, Coastal & Karangahake Gorge Zones (181.217) Submission in opposition in relation to signs on SHWYs.

- (i) One *sign* per *produce stall* or *produce market*, not exceeding 3m² in area - to be located on the *site* of, and at the entrance to the *produce stall* or *produce market*.
- (ii) Not more than two directional *signs* indicating the proximity of a *produce stall* or *produce market*, not exceeding 0.25m² per *sign*, located a maximum of 200 metres from the entrance to the *produce stall* or *produce market*.

These may be located on land other than that on which the *produce stall* or *produce market* is located.

(iii) One *sign*, on the subject *site*, not exceeding 1.5m² in area, bearing the occupier's and/or property's name.

(iv) One *sign*, on the subject *site*, not exceeding 1.5m² 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) Official and *regulatory signs* erected or approved by the Road Controlling Authority.

(ii) One *sign* at each public access to the reserve, not exceeding 3m² in area, bearing the name of and information relating to the reserve.

(iii) Any directional, safety, public information *signs* approved and erected within any reserve area by or on behalf of the agency responsible for 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 3m² 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 4m² 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 playing fields/courts, and their sponsors.

(v) One *sign* at each public entrance to the reserve, not exceeding 3m² 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 2m² 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 3m².

(f) Town Centre, Township and Industrial Zones

(i) *Signs* related to *permitted activities* and activities for which a resource consent has been granted, subject to compliance with the following performance standards:

(1) No limit on size or number of *signs* attached to a *building(s)* on the subject *site* (except where the *site* adjoins or is adjacent to a Residential zone – refer to (3) below), PROVIDED THAT:

- a. *Signs* do not protrude more than 1 metre above the roof line of the *building*; and
- b. 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;

(2) No limit on the number of free standing *signs* on the subject *site*, (except where the *site* adjoins or is adjacent to a Residential zone – refer to (3) below), PROVIDED THAT:

- a. Freestanding *signs* are not to exceed a total of 12m² in area

(3) For *sites* which adjoin or are adjacent to a Residential zone, there is no limit on number of *signs* attached to *buildings* or freestanding, PROVIDED THAT:

- a. *Signs* attached to *buildings* do not protrude more than 1 metre above the roof line of the *building*; and
- b. 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; and
- c. The cumulative total area of all *signs* (attached and freestanding) relating to any one *site* shall not exceed 8m².

(4) 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 1.0m² 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.

7.6.7 CONTROLLED ACTIVITIES

(1) IN ALL ZONES except the Conservation (Indigenous 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 are a *Controlled Activity*, subject to compliance with the following performance standards: (181.218)(181.219)

(i) Maximum area of each *sign* 3m².

- (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 or Collector Road/State Highway, Collector Road/Arterial Road*).
 - (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*.

- (b) *Conditions* may be imposed in relation to the matters over which control has been reserved, as specified below:

Sign Size, Layout and Location

- (i) Would a larger sized *sign* enable the information to be displayed more clearly and in a manner that promotes road safety.
- (ii) To what extent does the lettering, layout and other information on the *sign* create a potential traffic hazard due to its siting or orientation.
- (iii) 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.

7.6.8 RESTRICTED DISCRETIONARY ACTIVITIES

- (1) There are no *restricted discretionary activities*.

7.6.9 DISCRETIONARY ACTIVITIES

- (1) The following are *discretionary activities* and shall be assessed in relation to the criteria specified in Section 7.6.12 below. (103.9)
 - (a) All *signs* other than those provided for as *permitted, controlled or non complying activities*.
 - (b) Community Notice Board *signs* up to 5m² in area.
 - (c) *Tourist facility signs*.

7.6.10 NON-COMPLYING ACTIVITIES

- (1) *Signs* animated by means of flashing, blinking or travelling lights, or other means not providing constant illumination.

- (2) Any *signs* not otherwise provided for as a *permitted, controlled, restricted discretionary or discretionary activity*.

7.6.11 PROHIBITED ACTIVITIES

- (1) There are no *prohibited activities*.

7.6.12 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 *rules* for *signs*.
 - (f) The effects of the *sign* or *signs* on traffic safety.
 - (g) The matters over which control has been reserved in Rule 7.6.7 above.

7.7 HAZARDOUS SUBSTANCES AND CONTAMINATED SITES

7.7.1 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 imposes a duty on district councils to control any actual and potential effects of the use, development or protection of land. This includes preventing or mitigating any adverse effects of the storage, use, disposal or transportation of hazardous substances (s31(1)(b)(ii)) and preventing or mitigating any adverse effects of the development, subdivision, or use of contaminated land (s31(b)(ia)).
- (3) This is complemented by the functions given to the regional councils under Section 30(1)(c)(v) and 30(1)(ca) of the Act to also prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, and to undertake the investigation of land for the purposes of identifying and monitoring contaminated land.
- (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, and ensure consistent, efficient and effective approaches to the remediation and management of contaminated sites
- (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. A National Environmental Standard (NES) for Assessing and Managing Contaminants in Soils has been proposed to ensure that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained, to make the land safe for human use. The draft NES proposes to allow as permitted activities, subsurface investigations to determine the

presence, extent and nature of any contamination; and the change of land use, development or subdivision of land where there is no evidence of soil contamination or the proven levels are acceptable for the intended land use. Where site investigations for sites known or suspected to have contaminated soils, show that these exceed specified levels considered safe for human health, a resource consent for a Restricted Discretionary Activity will be required.

- (8) Until the NES for Assessing and Managing Contaminants in Soils comes into force, the District Plan should contain rules that enable and/or require the investigation and remediation of contaminated sites and that ensure the remediation is undertaken in a manner which is environmentally sound and makes the land safe for human use. Any inconsistency between the District Plan provisions and the NES will be remedied in accordance with the provisions of the RMA and the NES at the required time.

7.7.2 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 adverse effects of activities on the efficiency and safety of the transport routes are 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 principally with the Commissioner of Police and the New Zealand Transport Authority under the Hazardous Substances and New Organisms Act 1996 (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 and/or control of the Regional Council or the District Council. **(167.5)(175.5)(78.5)(179.5)**
- (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. (168.150)(87.155)(93.121)(191.121)
- (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 (such as Environmental Risk Management Authority (ERMA), Dept of Labour, Gas Association of NZ) 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. (93.122)(191.122)

(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, and the appropriate agencies are notified.

- (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.

7.7.3 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 and human health. (93.123)(191.123)
- (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.

7.7.4 ACTIVITIES

- (1) **INTRODUCTION** (93.124)(191.124)

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, digestive and other 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 20A 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.

7.7.5 PERMITTED ACTIVITIES

- (1) The following are *permitted activities* in all *zones* and shall comply with the Performance Standards specified in Rule 7.7.12 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 7.7.11(5) below.
- (b) Any use or storage of radio-active materials with a level of activity below that specified as an exempt activity in the Radiation Protection Regulations 1982.
- (c) Subsurface investigations to establish the presence, extent and nature of contaminated soils, and the clean up and rehabilitation of contaminated **sites** (167.7)(175.7)(178.7)(179.7) 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 (MfE, 2003a);
- (ii) No 2 : Hierarchy and Application in New Zealand of Environmental Guideline Values,(MfE, 2003b);
- (iii) No 3 : Risk Screening System (MfE, 2004a);
- (iv) No 4: Classification and Information Management Protocols (MfE, 2006b);

- (v) No 5: Site Investigation and Analysis of Soils (MfE, 2004b).
- (vi) Health and Environmental Guidelines for Selected Timber Treatment Chemicals, (MfE & MoH, 1997)
- (vii) Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (MfE, 1997)
- (viii) Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (MfE, 1999)
- (ix) Identifying, Investigating and Managing Risks Associated with Former Sheep-dip Sites: A Guide for Local Authorities (MfE, 2006a)
- (x) Draft Methodology for Deriving Soil Guideline Values Protective of Human Health (MfE, 2010b)

Note: (167.10)(175.10)(178.10)(179.10)

For explanation of what the above MfE Guidelines cover and their application within the assessment framework, refer to Table 10 in the Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document, February 2010 on www.mfe.govt.nz.

- (d) **Change of land use, development or subdivision of land** (87.156) that is known or is likely to be potentially affected by soil contaminants, for which a report received and ratified by the *Council* in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in (c) above, confirms there is no evidence of soil contamination or the contamination levels are acceptable for the intended land use as defined by the relevant soil guidance value in these Guidelines.

Note:

Land known or likely to be potentially affected by soil contaminants are those sites recorded on a Contaminated Site Register held either by the Regional or District Council and/or those on the Hazardous Activities and Industries List (HAIL) contained in Appendix 4 of the Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document, February 2010.

- (e) 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 7.7.13)

**7.7.6 CONTROLLED ACTIVITIES (167.12)(175.12)(178.12)(179.12),
(167.13)(175.13)(178.13)(179.13)**

(1) There are no *controlled activities*.

7.7.7 RESTRICTED DISCRETIONARY ACTIVITIES

(1) The following are *restricted discretionary activities* in all *zones* and the *Council* will restrict the exercise of its discretion to the relevant matters listed in (2) 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 7.7.11(5) below.
- (b)** Subsurface investigations to establish the presence, extent and nature of contaminated soils, and the clean up and rehabilitation of contaminated sites provided for as a *permitted activity*, that do not comply with the Performance Standards specified in Rule 7.7.12.
- (c)** Change of land use, *development* or *subdivision* of land not provided for as a *permitted activity*, which has not been cleaned up and rehabilitated in accordance with the Performance Standards specified in Rule 7.7.12.
- (d)** Facilities for the disposal of *hazardous substances* within the Rural Zone.
- (e)** Co-disposal of *hazardous substances* to a *landfill* operation, not provided for as a *permitted activity* in Rule 7.7.5(1)(e).

(Note: Refer to the exemptions in Rule 7.7.13)

(2) The matters over which the *Council* has restricted its discretion for the above *Restricted Discretionary Activities* are:

(a) Hazardous Substances/Facilities – Storage, Use and Disposal

- (i)** 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:
 - (1) 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;
 - (2) the location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive *environments*;
 - (3) the distance to environmentally sensitive areas such as wildlife habitats or water catchments.
- (ii)** Have other actions or works been undertaken that reduce the degree of risk to a level that is acceptable in the circumstances, eg:

- (1) identification of potential *hazards*, failure modes and exposure pathways;
 - (2) investigation of the nature of the sub-soil and the site geology;
 - (3) assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;
 - (4) identification of cumulative and/or synergistic effects;
 - (5) site drainage and off-site infrastructure, eg stormwater drainage system, sewer type and capacity.
- (iii) Are there management practices in place (and will continue to be in place) that significantly reduce the level of risk eg:
- (1) fire safety and fire water management;
 - (2) adherence to health and safety and/or environmental management systems;
 - (3) spill contingency and emergency planning, monitoring and maintenance schedules.
- (iv) What other alternative locations and processes were evaluated, and what were their respective benefits and costs compared with the proposal.
- (v) Is the level and detail of the qualitative and/or quantitative risk assessment adequate to fully assess the risk associated with the facility.
- (vi) The level of risk associated with the transportation of *hazardous substances*, both for the roading network and for the *amenity* of the *environment* through which the transport route concerned passes.
- (vii) Will the development of the *hazardous facility* result in restrictions being imposed on the existing or potential use of adjacent land.
- (viii) 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*.
- (b) CONTAMINATED SITES**
- (i) Will the non compliance with the Performance Standards in 7.7.12 create an unacceptable level of risk to human health.
 - (ii) Is the clean up and rehabilitated condition of the contaminated site such that the level of contamination and risk is significantly reduced, and can the activities proposed for the *site* be carried out in a "normal" manner (ie without compromise to the "containment" of contaminants on the *site* or risk to human health).
 - (iii) Is the nature of the land use, *development* or *subdivision* such that the process of investigation and remediation of identified contaminated soils in accordance with Ministry for the Environment Series of Contaminated Land Management Guidelines listed in 7.7.5(1)(c) is required to be undertaken as *conditions* of consent.

7.7.8 DISCRETIONARY ACTIVITIES

- (1) There are no *discretionary activities*.

7.7.9 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 7.7.11(5).
 - (b) Any facility for the disposal of *hazardous substances* not provided for as a *permitted* or *restricted discretionary activity*.
 - (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 1982. (168.151)(93.125)(191.125)

(Note: Refer to the exemptions in Rule 7.7.13)

7.7.10 PROHIBITED ACTIVITIES

- (1) There are no *prohibited activities*.

7.7.11 HAZARDOUS FACILITIES SCREENING PROCEDURE (HFSP) CONSENT STATUS MATRIX

- (1) The HFSP Consent Status Matrix in Rule 7.7.11(5) below shall be used to determine the consent status of a *hazardous facility* in the *zone* where 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 *restricted 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	Restricted Discretionary
Low Density Residential Residential <i>Marae Development</i>	≤ 0.05	> 0.05
Town Centre Rural Coastal Karangahake Township	≤ 0.25	> 0.25
Industrial	≤ 1	> 1

7.7.12 PERFORMANCE STANDARDS

- (1) The “Minimum Performance Requirements for Hazardous Substances” set out in Section 4.4 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*.
- (2) A report on the findings of subsurface investigations to establish the presence, extent and nature of contaminated soils shall be provided to the *Council* within 60 days of receiving any laboratory reports,
- (3) All reporting required for the cleanup and rehabilitation of a contaminated **site** (167.9)(175.9)(178.9)(179.9) in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in Rule 7.7.5(1)(c) shall be provided to the *Council* for auditing and ratification as set out in:

No 1: Reporting on Contaminated Sites in New Zealand (MFE 2003a)

Note: All reports submitted to the *Council* will be held on the relevant property file.

7.7.13 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: (167.11)(175.11)(178.11)(179.11)**
- (i) The retail sale of petrol, including 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/NZA 1596-2008) 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 to public sewer system 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 systems and 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 under *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. (93.127)(191.127)

Reason

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

- (j) Storage and use of LPG accessory to *residential* and rural activities, provided that the maximum volume on a *residential property* at any one time does not exceed 100kg, and on a rural property at any one time does not exceed 300kg.

Reason

The maximum volumes are typical of normal *residential* or rural use, the potential *hazard* risks are considered to be low and are controlled by other legislation and industry standards.

7.8 EXCAVATIONS AND PLACEMENT OF FILL (EARTHWORKS)

7.8.1 BACKGROUND

- (1) Section 9(3) of the RMA includes the following "uses" (by reference to the definition in Section 2 of "use") in relation to land that require resource consent approval, unless provided for in the district plan or as an existing use:
 - (a)(ii) drill, excavate or tunnel land or disturb land in a similar way:
 - (a)(iv) deposit a substance in, on or under 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 limited volumes 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 three 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.
 - (c) Excavation and fill not undertaken as part of another consented activity.
- (8) In addition Council is concerned about:
- (a) fill in the Flood Ponding Zone (and associated areas that are subject to inundation), Floodways and identified overland flow paths;
 - (b) knowing where fill sites are located to ensure future building development is undertaken appropriately;
 - (c) Earthworks within Landscape Protection Areas; and
 - (d) 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

7.8.2 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. (87.157)

(a) Policies

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

- (i) Recognise that excavations and fills are undertaken as part of legitimate land use activities.
- (ii) Ensure that excavations do not develop into commercial mines. (93.128)(191.128)
- (iii) Ensure that only clean imported fill is placed on sites.
- (iv) Limit the scale and location of earthworks to minimise the risk of instability and damage to other properties, network utilities and the environment and not increase the risk of potential flooding or reduce the function of ponding areas, overland flow paths, and spillways, and minimise amenity and public safety impacts. (87.159)

(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 in the rural area 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, amenity impacts, flood management control). Accordingly, the scale of earthworks permitted has been set at a level that allows 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. (168.154)
- (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.

7.8.3 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. (168.156)

7.8.4 ACTIVITY STATUS

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: (168.158)

Note: The location and scale of *earthworks* in high risk erosion areas and adjacent to water bodies is also controlled by the Waikato Regional Plan. (168.155)

7.8.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity*, unless otherwise specified and subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

(1) **ALL ZONES OTHER THAN: (93.129)(191.129)**

- Conservation Indigenous Forest;
- Conservation Wetland; and
- Flood Ponding.

P1	EARTHWORKS PROPOSED AND APPROVED AS PART OF A SUBDIVISION APPLICATION. (87.160)
P2	EARTHWORKS 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. (87.161)
P3	EARTHWORKS NECESSARY FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF ANY ROAD OR NETWORK UTILITY PROVIDED FOR AS EITHER A PERMITTED OR CONTROLLED ACTIVITY IN SECTION 7.4 (72.18)

(2) **RURAL ZONE (OUTSIDE FLOODWAYS, OVERLAND FLOW PATHS, SPILLWAYS & PIAKO FLOOD PONDING AREA)**

P4	EXCAVATION AND MOVEMENT OF UP TO 2000M³ OF MINERALS AND/OR CLEANFILL (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE) FOR END USE ON THE PROPERTY OF SOURCE IN ANY ONE YEAR. THE DETAILS TO BE PROVIDED ARE: (168.159)(87.162) (a) legal description of property; (b) nature and source of fill; (c) location of fill on <i>site</i> . (d) depth of fill; (e) compaction of fill. Note: Compliance is also required with the activity specific standard for land ' <i>subject to inundation</i> ' in the Rural Zone <i>rules</i> , where the land is identified on the planning maps as ' <i>subject to inundation</i> ', and may alter the activity status.
P5	IMPORTING UP TO 2000M³ OF CLEANFILL (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE) COMPRISING TOPSOIL, SUBSOIL, CUT MATERIAL FROM ROADWORKS AND/OR DEMOLITION RUBBLE ONTO A SITE WHERE COUNCIL IS INFORMED OF THE FILL ACTION BEFORE THE ACTIVITY IS CARRIED OUT. THE DETAILS TO BE PROVIDED ARE: (168.160)(87.163) (a) legal description of property; (b) nature and source of fill; (c) location of fill on <i>site</i> . (d) depth of fill; (e) compaction of fill. Note: Compliance is also required with the activity specific standard for land ' <i>subject to inundation</i> ' in the Rural Zone <i>rules</i> , where the land is identified on the planning maps as ' <i>subject to inundation</i> ', and may alter the activity status.

(3) **RESIDENTIAL, LOW DENSITY RESIDENTIAL, MARAE DEVELOPMENT, TOWNSHIP, TOWN CENTRE, INDUSTRIAL, COASTAL, KARANGHAKE GORGE, RESERVE (PASSIVE) AND RESERVE (ACTIVE) ZONES**

P6	EARTHWORKS (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE), SUBJECT TO: (a) The maximum area of the excavation not exceeding 300m ² . (b) The maximum volume of the excavation not exceeding 80m ³ .
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- (c) The maximum depth of the excavation not exceeding 0.5 metres.
 - (d) The replacement of the excavated area provided for in .a to .c above with *cleanfill* not extending above the *ground level* existing prior to the excavation by more than 0.25 metres.
 - (e) The maximum volume of *cleanfill* (comprising topsoil, subsoil and any demolition rubble) on a *site* other than as provided for in (d) above not exceeding 100m³. The *Council* must be informed of the fill action where exceeding 30m³ 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 *cleanfill*:
 - (i) legal description and street address of the property;
 - (ii) nature and source of fill;
 - (iii) location of fill on *site*;
 - (iv) depth of fill;
 - (v) compaction of fill.
 - (f) No placement of *cleanfill* provided for under (d) and (e) above shall be placed in an *overland flow path* or *ponding area*.
 - (g) No *earthworks* shall be undertaken on any part of the *site* that has a slope $\geq 18^\circ$
 - (h) All bare earth areas, including excavation and fill batter faces, are to be re vegetated within 6 months of the *earthworks* being completed.
- Note: Compliance is also required with the activity specific standard for land '*subject to inundation*' in the relevant *Zone rules*, where the land is identified on the planning maps as '*subject to inundation*', and may alter the activity status.

(4) CONSERVATION (INDIGENOUS FOREST) AND CONSERVATION (WETLAND) ZONES

P7 EARTHWORKS ASSOCIATED WITH PERMITTED ACTIVITIES LISTED IN THE ZONE RULES 5.2.4.1 AND 5.3.4.1

7.8.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*.

THERE ARE NO CONTROLLED ACTIVITIES

7.8.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity*.

THERE ARE NO RESTRICTED DISCRETIONARY ACTIVITIES

7.8.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 7.8.5.

D1 ANY EARTHWORKS NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY, EXCEPT IN THE CONSERVATION (INDIGENOUS FOREST), CONSERVATION (WETLAND) AND FLOOD PONDING ZONE.

7.8.4.5 NON COMPLYING ACTIVITIES (76.56)

Those activities listed below are a *Non Complying Activity*.

NC1	ANY EARTHWORKS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY. (87.164)
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7.8.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	EARTHWORKS IN THE CONSERVATION (WETLAND) ZONE, NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY.
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7.8.5 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 *ground level* and the effect this has on the surrounding character and *amenity values*;
 - (e) The effects on landscape, heritage and biodiversity values and in particular effects on features and areas identified in Section 6 of the District Plan, and the landscape and natural character values of the Coastal and Karangahake Gorge zones and Landscape Protection Areas.
 - (f) The effect on sensitive receivers from additional noise and dust associated with the *earthworks*;
 - (g) The time period, hours of the day and days of the week over which the excavation and fill will be undertaken;
 - (h) 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;
 - (i) Time period over which the soil will be exposed;
 - (j) The extent of modification or barriers to natural drainage and flood control systems, including *ponding areas*, *overland flowpaths*, *spillways*;

- (k) The methods to control sediment runoff;
- (l) The stability of any cut or fill and the method to achieve stability;
- (m) The nature of the fill to be used.

7.9 TRANSPORT NETWORK (181.223)(183.54)

7.9.1 BACKGROUND (181.225)(181.226)

- (1) The economic, social and cultural wellbeing of people and communities in the District is heavily dependent on a safe, sustainable, integrated and affordable 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 and streets is affected by the land use activities that obtain access from them. As such there needs to be integrated management between land use and transportation function in the roading hierarchy, so that roads and streets are not unduly compromised. There is also a need to ensure 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 in funding, energy and other resources in their construction and maintenance. So it is important to ensure value for money. 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 contaminants to air).
- (4) The benefits of new road development 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 and tourist destinations 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 and other weak foundation conditions 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 Long Term Council Community Plan (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 State 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. (181.224)
- (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. (183.304)

- (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 transportation network (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 throughout the Plan.

7.9.2 RESOURCE MANAGEMENT ISSUES

- (1) The efficient operation of the transport network has the potential to be adversely affected by the connection between the network and adjoining land, as well as through the adverse effects of land use activities and subdivision.
- (2) Ad-hoc land use development which does not meet long term strategic planning outcomes can adversely affect the transport network. (183.305)
- (3) The multi-function use of the transport network has the potential to impact on the safe and efficient functioning of the transport network.
- (4) Sensitive land use developments in close proximity to roads carrying large volumes of traffic are exposed to nuisance effects such as noise and pollution.
- (5) The roads and streets of the District must be provided and maintained in a manner that is sustainable for future generations.

7.9.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1 (183.306)

Provide and maintain a safe and efficient transport network that will meet current and planned future demands with minimal effects on the environment and adjoining land uses.

(2) OBJECTIVE 2

Ensure the adverse effects of activities outside the road reserve on the safety and efficiency of the transport network are avoided, remedied or mitigated.

(a) Policies

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

- (i)** Establish and maintain a hierarchy of roads and streets and require the design and formation of the 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 the function of the transport network may have a detrimental effect on adjacent land use activities and manage the development of adjoining land accordingly.
- (v)** By managing land use, vehicle access and traffic management to maintain the safe and efficient operation of the transport network.

(b) Reasons

- (i)** The transport network is a significant physical resource and asset that contributes to the social and economic wellbeing of the District and Region. Managing this 'resource' and the effects associated with the use of this resource is an important element in achieving the purpose of the RMA.
- (ii)** The District Plan and the roading hierarchy have an important role to play in the integration of the transport network with land use activities, so as to avoid, remedy or mitigate the effects of one on the other. (168.161)

7.9.4 ENVIRONMENTAL RESULTS

- (1)** The availability of a safe and convenient transport 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 the transport network
- (4)** The development of a transport network that best serves the community and the environment.

7.9.5 RULES (181.223)

- (1) *Rules that determine the type, scale and nature of activities permitted within the designated road reserve are contained in Section 7.4.5.*
- (2) Performance standards are provided in Sections 8.4.1 to 8.4.8, which set out the standards required to be met in relation to avoiding, remedying or mitigating the effects of land use activities on a *road* or street, and in Section 8.4.9 which set out the standards required to be met by *roads* in avoiding, remedying or mitigating the effects of *roads* on adjoining land use activities. (168.162)
- (3) The formation and use of a proposed *road* (including an existing legal unformed *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 (including an existing legal unformed *road*) that is not part of an activity as provided for in Rule 7.9.5(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 Section 7.4.5.
- (5) *Rules in Section 7.10 – FINANCIAL CONTRIBUTIONS set out the circumstances and the method for assessing the level of contribution required to address the effects that subdivision or development place on roads.*

7.10 FINANCIAL CONTRIBUTIONS

7.10.1 BACKGROUND

- (1) Financial Contributions are a mechanism provided in the Resource Management Act to help address the adverse effects of subdivision and development.
- (2) Financial Contributions are imposed as conditions of consent, so that the costs of mitigating the offsite effects associated with subdivision and development do not fall inequitably upon the entire community. They are intended to impose a fair share of mitigating the adverse effects resulting from development on the environment, particularly network infrastructure, on the developer.
- (3) The Local Government Act 2002 requires the Council to have a policy outlining how it intends to fund additional or new infrastructure which is required by growth.
- (4) The Council has adopted a Development Contribution Policy under the Local Government Act.
- (5) Development Contributions under the Local Government Act are able to consider the wider impacts of multiple developments on the infrastructure of the District (cumulative effects). Financial Contributions under the Resource Management Act, mainly consider the direct impacts of developments based primarily on an assessment of environmental effects.
- (6) Financial Contributions can be imposed under this District Plan on the mitigation of effects on roads, water supply, stormwater and sewage disposal.
- (7) Under Section 108 of the Resource Management Act 1991, Council can impose a condition requiring a Financial Contribution on any resource consent for any purpose specified in the Plan. Contributions can be money, land or a combination of these.
- (8) The Council may require Financial Contributions for the following purposes:
Providing new or upgrading existing infrastructure such as Council owned roads, walkways, cycleways and utilities – water, stormwater, land drainage and sewage systems.
- (9) Two situations exist – provision of on site infrastructure and off site infrastructure.

(a) ON SITE

These are the infrastructure and services internal to the subdivision or development. These will be required to be provided by the developer, at the developer's cost and to the standard set out in Section 8. Generally, these facilities will be vested in Council and will be required as a normal condition on resource consents.

Where additional capacity is required to comply with a Structure Plan, the Council will forward fund the work and will be reimbursed by subsequent developers. If the Council is not in a position to do this at a particular time, the developer may forward fund the work and be reimbursed by Council once funds are available from subsequent developers.

(b) OFF SITE

(i) Linkages

These are the facilities outside of the development required to connect the development site to existing Council owned infrastructure. Generally, the total cost of these will be paid for by the developers, and will be required as a normal condition of resource consents.

Where additional capacity is required to comply with a Structure Plan, the Council will forward fund the work and will be reimbursed by subsequent developers. If the Council is not in a position to do this at a particular time, the developer may forward fund the work and be reimbursed by Council once funds are available from subsequent developers.

(ii) Infrastructure and Services

These are facilities remote from the development, such as wastewater treatment systems and water treatment plants and the transport network. New subdivisions and developments incrementally add to usage and demand on such services.

The cost of mitigating the effects of increased usage will be recovered through a Financial Contribution in cash, payable to Council, and imposed as a condition on resource consents.

7.10.2 RESOURCE MANAGEMENT ISSUES

New subdivision, land use and development can result in adverse effects on the natural and physical resources such as adverse effects on health and safety, flooding of adjoining properties, pollution of waterways etc and result in inequities in cost sharing.

The provision of adequate infrastructure and services is an essential part of the subdivision and development process. This includes roads, wastewater systems, stormwater and land drainage systems and water supply.

7.10.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure that the District's network infrastructure is able to cater for the additional demand generated by new subdivision and development and to avoid, remedy or mitigate adverse effects on the environment.

(a) Policy

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

- (i)** Clearly identifying the adverse environmental effects of subdivision and development that can be addressed by requiring a financial contribution.

(b) Reasons

- (i) Subdivisions and developments will require the installation and/or upgrading of appropriate infrastructure to deal with additional demand and mitigate adverse effects on the environment.

(2) OBJECTIVE 2

To ensure that subdividers and developers pay a fair and reasonable share of the costs of upgrading or providing new infrastructure to meet demands generated by the development.

(a) Policies

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

- (i) Requiring subdividers and developers to meet the total cost of new and off site infrastructure associated with the development, including linkages, where the additional infrastructure is required solely to serve the proposed subdivision or development.
- (ii) Requiring subdividers and developers to contribute towards any previous upgrading of off site infrastructure when a new subdivision or development will utilize excess capacity.
- (iii) Ensuring that the amount of financial contribution required reflects the actual and potential adverse environmental effects.

(b) Reasons

- (i) The costs of installing and/or upgrading infrastructure need to be distributed equitably.

7.10.4 ENVIRONMENTAL RESULTS

- (1) The environmental results sought are that adequate infrastructure is provided at the time of subdivision and development to avoid adverse effects on natural and physical resources and on the health and safety of residents and that the costs of that infrastructure are equably distributed.

7.10.5 RULES

(1) SEWAGE

(a) New sewage works

The total cost of developing and installing new sewerage reticulation, treatment and/or disposal works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions of Existing Sewerage Works

Where any *development* or *subdivision* (either within or outside the boundary of any sewerage scheme) will cause the need to upgrade and/or extend an existing sewerage scheme (or part thereof), the financial contribution shall be calculated as the cost of upgrading and/or extending the service to the level set out under Performance Standard 8.5.1, that is directly attributable to the *development* or *subdivision*.

(2) WATER SUPPLY

(a) New Water Supply Works

The total cost of developing new water supply reticulation, treatment and/or works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Water Supply Systems

Where any *development* or *subdivision* (whether inside or outside the boundaries of the water supply scheme) will cause the need to upgrade and/or extend an existing public water supply scheme (or part thereof), the financial contribution required to be provided shall be assessed as the cost of upgrading and/or extending the service to the level set out under Performance Standard 8.5.3, that is directly attributable to the *development* or *subdivision*.

(3) STORMWATER AND LAND DRAINAGE

(a) New Stormwater and Land Drainage Works

The total cost of developing new stormwater and land drainage reticulation and/or works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Stormwater and Land Drainage Systems

Where any *development* or *subdivision* (whether inside or outside the boundaries of the stormwater or land drainage scheme) will cause the need to upgrade and/or extend an existing public stormwater or land drainage scheme (or part thereof), the financial contribution required to be provided shall be assessed as the cost of upgrading and/or extending the service to the level set out in Performance Standards 8.5.4 and 8.5.5, that is directly attributable to the *development* or *subdivision*.

(4) ROADS

(a) New Roads and Streets in all Zones

The total cost of developing new *roads* and streets (including unformed legal *roads* and streets) required to service a *development* or *subdivision* shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Roads

Where any *development* or *subdivision* in the Rural, Coastal and Karangahake Gorge Zones will cause the need to upgrade and/or extend an existing *road* (or part thereof),

the financial contribution shall be calculated as the cost of upgrading and/or extending the *road* to the level set out under Performance Standard 8.4.9, that is directly attributable to the *development* or *subdivision*.

Any cash contribution will be determined based on the following formula:

$$\begin{array}{l} \text{Estimated Cost of} \\ \text{Roading Upgrading} \end{array} \quad \times \quad \frac{\text{Additional AADT}}{\text{Existing AADT plus Additional AADT}}$$

Where AADT is the estimated annual average daily traffic for the section of *road* concerned. Each additional *lot* is deemed to generate 10 vehicle movements per day.

- (c) Where any *development* or *subdivision* in a Structure Plan area will cause the need to upgrade and/or extend an existing *road* (or part thereof), the total costs shall be met entirely as a cost to the developer.
- (d) Where any *development* or *subdivision* in the Residential or Low Density Residential Zone, will cause the need to upgrade and/or extend an existing *road* (or part thereof) to the urban standard (road width, kerb and channel, footpath, street lights) shall be calculated as the cost of upgrading and/or extending the *road* to the level set out under performance standard 8.4.9. (168.165)

Any application for a waiver for, or reduction to the level of a Financial Contribution required by Rule 7.10.5 (1) – (4) is a *Discretionary Activity*.