HDC Consents – S42A Questions

1) Section 9.0(ii) – why does the author consider that the Waikato Regional Plan is relevant in terms of s104D(1)(b)(i) RMA for applications made to the Hauraki District Council?

2) Section 10.6.3 – given that effects on individual property values are generally not considered to be an RMA effect, can the Panel impose an amended (from what was offered by the applicant) 'Top Up programme' condition, or would any amended condition need to be offered by the applicant as an *Augier* condition?

3) Section 10.11, last paragraph – the Panel makes decisions based on the evidence presented to it. In that regard, what if any additional and/or amended conditions does the author recommend?

4) Section 12.2 – would it not be normal practice for "unauthorised activities" to be dealt with under Part 12 of the RMA rather than by way of an applicant being required to hold "sufficient funds, insurances or other financial instruments" for that purpose?

5) Section 14 – if a consent duration was to be imposed, what expiry date would the author recommend?

6) Section 16.5.1, last paragraph, page 54 – is it *vires* to provide a discretionary "approval" role for a council officer in a consent condition (for example subdivision consent condition 3)?

General Conditions

7) Appendix 8a - is the base document the conditions offered by the applicant?

8) Condition 31, third item – does this relate to the maximum allowable peak particle velocity?

9) Conditions 33 and 63 – advice notes are not enforceable. Should the Advice Notes be recast as conditions?

10) Conditions 35 to 42 – in the absence of these conditions being offered by the applicant, does the Hauraki District Plan have financial contribution provisions that enable them to be imposed?

Subdivision consent conditions

11) Would it not be better (in terms of consent administration and the avoidance of duplicate conditions) to include construction noise conditions (8 to 14) in the land use consent (General Conditions 14 to 21), especially as s220 RMA does not refer to noise matters explicitly?