

## **Part 15 ACTIVITIES THROUGHOUT THE DISTRICT**

Part 15 includes a range of activities that apply to all zones.

### **15.1 NETWORK AND OTHER UTILITIES AND ESSENTIAL SERVICES**

#### **Introduction**

NETWORK AND OTHER UTILITIES and other essential services are physical resources which are a means of providing for the social and economic well-being and health and safety of people and communities. They also support the functioning of other activities in the district. Part 15.1 of the plan provides a resource management framework for evaluating the effects of network utility and other essential services on the environment, and their possible adverse operational and safety effects on other activities.

The definition of NETWORK AND OTHER UTILITIES is based on the definition of "network utility operator" in section 166 of the Resource Management Act, except for airports. It also includes other essential infrastructure services which are related to network utility operations or likely to be undertaken by local authorities.

In addition to NETWORK AND OTHER UTILITIES, a wider range of essential or public services, such as sewage treatment, waste management and generation of electricity is provided for in Part 15.1.

Utilities which are designated are dealt with in Part 12 of the Plan. Although the provisions for requirements for a designation are in Part 12, the objectives and policies of Part 15.1 will be also considered where they are relevant in the assessment of any requirement.

Part 15.1 provides for roading activity which is not pursuant to a designation while policy for the construction and maintenance of roads is covered in Part 9.

#### **Issues**

The construction, operation and maintenance of NETWORK AND OTHER UTILITIES may adversely affect the environment and the health and safety of people. The Plan's provisions seek to achieve sustainable environmental outcomes while recognizing reasonable operational needs.

The issues include:

- safety e.g. protecting high pressure gas lines from loss incidents and protecting people's health and the environment from such incidents;
- amenity e.g. visual impact of masts and transmission lines, utilitarian appearance. There are often operational requirements for hilltop or other prominent siting;
- heritage values of significant conservation areas and sensitive areas such as riparian and coastal setbacks. These are protected by provisions in other parts of the Plan;
- health e.g. electric and magnetic fields around high voltage electric transmission lines and electromagnetic radiation limits for telecommunication transmitters. As scientific evaluation of these matters is still developing, a cautious approach is appropriate;
- impact on the existing physical environment;
- maintenance of water quality, e.g. in regard to overflow of sewage pumping stations. This is a regional council function;
- land disturbance and the need to reinstate land after utility construction works for amenity and sediment control reasons;
- traffic disruption when utility services in or on roads are constructed or repaired;
- noise, odour and waste disposal, dust nuisance during construction;
- incompatibilities between utility services.

### 15.1.1 OBJECTIVES, POLICIES AND METHODS

#### 15.1.1.1 Objective

To recognise the importance to the economic and social well-being of the District and the essential nature of network and other utilities and other essential services and to provide for their development, operation and maintenance.

#### 15.1.1.2 Objective

To ensure that network and other utilities and other essential services are provided in a manner that:

- does not adversely affect the health and safety of the people of the District;
- avoids, remedies or mitigates any adverse effects on the natural and physical resources;
- is sensitive to the amenity values of the District, and relevant cultural or spiritual values;
- is efficient.

#### Policies

1. Network and other utilities and essential services will be controlled according to the potential effects of the activity.
2. The continuing operation of significant infrastructure such as network and other utilities shall be protected from adverse effects from other inappropriate activity.
3. Where technically practicable and financially realistic taking into account the environmental cost of above-ground placement, utilities shall be placed underground, unless there are cultural, landscape or conservation objectives and policies that would be compromised thereby.
4. All agencies shall be encouraged or required, as circumstances permit, to co-site utility equipment and infrastructure where this is technically feasible and practical.

#### Methods and Reasons

**Policy 1** - The Activity Lists in Rule 15.1.2 make generic provision for utilities to allow for changing operations during the life of the district plan. Specific structures and activities are listed only if particular standards or assessment are necessary to avoid adverse effects, or particular exemptions from the standards applying to general activities in the zone are warranted.

Network and other utilities are classified as permitted, controlled, restricted discretionary or discretionary activities in the Activity List. The classification is based on potential effects on the environment of construction and operation, including anticipated effects on visual quality and risks to the environment from the consequences of breakdown or failure.

In order to control adverse effects on the particular values which each zone reflects, most significant utility activity is required to comply with the Development and Performance Standards of the zone.

Essential equipment is allowed if it is in keeping with the zoning in terms of the effects of activities, including the scale of structures and their location out of front yards, and compliance with coastal and riparian setbacks. Small scale buildings such as pumping stations which do not comply with the zone standards are permitted as an exception, subject to conditions including a 1.5m setback from a residential site boundary.

ELECTRIC LINES and TELECOMMUNICATION LINES in ROADS and ROAD structures such as bridges and underpasses are excluded from the plan's definition of BUILDING, and are a permitted activity unless limited by other conditions of Part Rule 15.1.2.2. Also some MASTS, poles and AERIALS are excluded from the Definition of BUILDING and are a permitted activity.

**Policy 2** - The operational efficiency of some network utility services can be adversely affected by others. For example, co-location in some circumstances may cause operational and maintenance problems. Pipes for the conveyance of hazardous substances may impose safety constraints on the siting of other activities in close proximity.

**Policy 3** - The Activity List rule provides for overhead and above-ground utilities as a permitted activity in specific circumstances where cost considerations outweigh likely environmental and community benefit. In view of the costs of underground reticulation given the customer to distance ratio, overhead lines for telecommunication and electricity distribution are a permitted activity in rural and coastal areas except in sensitive areas such as coastal and riparian setbacks or where an adjoining site could be affected.

**Policy 3, 4** - These policies shall be applied to resource consents and requirements and at the time of any discussions with service providers. As part of its information dissemination policies the Council will also bring to notice those areas in the District which would be sensitive to underground, or any other works.

**Policy 4** - The Council can enter into agreements under legislation other than the Resource Management Act with utility operators in order to control services in roads, e.g. co-location can be required.

### **Explanation**

*Empowering Acts for utility services and transmission corridors such as the Local Government Act 1974, the Land Drainage Act 1908, the Electricity Safety Regulations 2010, the Gas Act 1992 and the Telecommunications Act 2001 give authority for operators to own, construct and operate their utilities, but the environmental implications are assessed under the Resource Management Act.*

*The Conditions applying to utilities which are permitted activities are designed to control potential minor adverse effects without requiring a resource consent. Before any utility work is carried out, an occupancy right by virtue of a statutory provision or the specific approval of the landowner (in the case of a road except a State Highway or motorway, the Council), is required in addition to compliance with the Plan. The powers of the Council to lease the subsoil or the airspace of roads is contained in Sections 338 and 341 of the Local Government Act 1974.*

### **Anticipated Results**

- The provision of essential services with no significant adverse effects on the environment;
- Maintenance or enhancement of amenity values;
- Avoidance or minimisation of potential adverse effects from utility and other services on other activities.

Note: Subdivision for Network and other Utilities is provided for under Rule 22.

**15.1.2 RULE 15.1.2 - NETWORK AND OTHER UTILITIES AND ESSENTIAL SERVICES****15.1.2.0 General Rule**

- i. If an activity is specifically listed as permitted in the zone activity rules, the activity status in Rule 15.1 is overridden. However any activity which is permitted in the Rule 15.1 rules, and is not located in a road, has to comply with any specific activity status and the conditions/standards of the relevant zone unless Part 15 specifically provides for exemption.
- ii. The development controls, activity status or development standards of the zones do not apply to TELECOMMUNICATION LINES or ELECTRIC LINES.
- iii. Notwithstanding any other rules in the District Plan, all electricity transmission activities affecting National Grid assets existing as at 14 January 2010 must comply with the National Environmental Standards for Electricity Transmission Activities, and no other Rule or Rules in the Plan shall apply unless required to by virtue of a specific regulation in the National Environmental Standards for Electricity Transmission Activities.

NETWORK AND OTHER UTILITIES within the Pokeno Structure Plan Area are not subject to Part 27A (except Rule 27A.2.2), Part 29B and Part 29C of the PLAN.

NETWORK AND OTHER UTILITIES within the Motorway and Rural Services Special Zone are not subject to Part 43 of the Plan.

The National Environmental Standards for Electricity Transmission Activities (NESETA) applies for activities that relate to the operation, maintenance, upgrading, relocation or removal of an existing national grid transmission line. Where there is any conflict between provisions of this District Plan and the NESETA that apply to the operation, maintenance, upgrading, relocation or removal of existing national grid transmission lines the NESETA shall prevail.

**15.1.2.1 Permitted activities**

- The operation and maintenance of NETWORK AND OTHER UTILITIES established before May 31 1994, subject to compliance with Permitted Activity Conditions J to S inclusive of Rule 15.1.2.2;
- NETWORK AND OTHER UTILITIES which comply with all relevant Permitted Activity Conditions A to X inclusive of Part 15.1.2.2 and are either:
  - a. located in, on, over or under a ROAD or PRIVATE WAY provided that any BUILDING does not exceed:
    - 10m<sup>2</sup> GROSS FLOOR AREA, and
    - 2.5m height; or
  - b. located underground; or
  - c. located or sited on or above ground level and comply with the development standards and the performance standards for the relevant zone, (unless Permitted Activity Conditions V or X of Part 15A exempts compliance with a development standard); or
  - d. a BUILDING which does not exceed:
    - 10m<sup>2</sup> GROSS FLOOR AREA, and

- 3.0m HEIGHT;
- Recycling facilities with a GROSS FLOOR AREA not exceeding 10 square metres, and a HEIGHT no greater than 3 metres, provided that the GROSS FLOOR AREA on a SCHOOL site shall not exceed 40 square metres;
- Generation of less than 1MVA of output of electricity, not being a prohibited activity, which complies with the development standards and the performance standards for the relevant zone, and is either
  - a. from wind or solar sources; or
  - b. a temporary activity by a network utility operator (as defined in section 2 of the Electricity Act) for the purpose of maintaining line services; or
  - c. a standby service for an individual premise;
- Trig stations.
- Excavation of holes for supporting structures, directional drilling, back-filled trenches, mole ploughing or thrusting for NETWORK AND OTHER UTILITIES permitted by Rule 15.1.2.1 of the PLAN. This activity is exempt from compliance with condition 15.1.2.2J.

#### 15.1.2.2 Conditions for network and other utilities which are permitted activities

The Conditions (including performance standards) for NETWORK AND OTHER UTILITIES which are permitted activities are as follows:

- A. Any activity in the Wetland Conservation and Forest Conservation Zones is a permitted activity only if it is specified as such in the zone rules.
- AA. No activity causing the modification, damage or resulting in the destruction of any part of any outstanding natural feature listed in Schedule 5A is a permitted activity.
- AB. No activity causing the modification, damage or resulting in the destruction of any part of any feature listed in Schedule 8A OR other archaeological sites is a permitted activity.
- B. Pipelines shall be underground except for connections to a single structure, gas pipeline customer metering facilities and regulator stations.
- C. Gas pipeline gauge pressure shall not exceed 2000 kilopascals.

Waikato District Plan  
(Franklin Section) and  
Hauraki District Plan  
(Franklin Section) only:

- D. ELECTRIC LINES and TELECOMMUNICATION LINES, including connections to BUILDINGS and SITES, shall be underground on land in, and on ROADS which were not formed on May 31 1994 which adjoin, the Residential, Residential 2, Village, Village Business, Rural-Residential, Motorway Service, Queens Redoubt Heritage or Recreation Zones and the Pukekohe Hill Special Policy Area;

Auckland Council  
District Plan  
(Franklin Section)  
only:

D. ELECTRIC LINES and TELECOMMUNICATION LINES, including connections to BUILDINGS and SITES, shall be underground on land in, and on ROADS which were not formed on May 31 1994 which adjoin, the Residential, Residential 2, Light Industrial (in the Kingseat Structure Plan Area), Village, Village Business, Rural-Residential, Motorway Service, or Recreation Zones and the Pukekohe Hill Special Policy Area.

**Explanation**

*The Light Industrial zone was originally created for use within the Pokeno Structure Plan Area, and has also been proposed within the Kingseat Structure Plan Area. If the Light Industrial zone is utilised in other locations then any plan change needs to consider whether the electric lines and telecommunication lines should be located aboveground or underground.*

- DD. Rule 15.1.2.2D and J do not apply to the Pokeno Structure Plan Area. Within the Pokeno Structure Plan Area ELECTRIC LINES and TELECOMMUNICATION LINES, including connections to BUILDINGS and SITES, shall be underground.
- E. Above ground transformers and ELECTRIC LINES shall not exceed a voltage of 110 kV or a total capacity of 100 MVA.
- F. No BUILDING or structure is a permitted activity in the Pukekohe Hill Special Policy Area.
- G. ROAD improvement works shall not require the acquisition of additional land.
- H. New roads shall have been granted a resource consent.
- I. Railway activity shall be on land designated at the date of public notification of the Plan.
- J. [Deleted by Plan Change 30]
- JJ. EARTHWORKS for TELECOMMUNICATION LINES or ELECTRIC LINES are permitted activities provided that they comply with Conditions AA and AB above.
- K. Rehabilitation: Ground and significant vegetation which is disturbed by construction or maintenance shall be reinstated as far as practicable, concurrently with the works being undertaken, to the condition existing prior to commencement of the work.
- KK. Network utility buildings and structures shall not inhibit or divert overland flow paths onto neighbouring properties, nor exacerbate or accelerate the flooding hazard.
- L. Stormwater control and pollution prevention: All drainage from sites other than roof water shall be directed through a staged interceptor or other system designed to remove as far as practicable petroleum products, dirt and grit from stormwater. All areas where petroleum products are used, or stored shall be separately bunded with bunds of sufficient capacity to contain the largest volume of petroleum product in any one item of equipment or storage unit within the area.
- M. Radio frequency radiation: NZ Standard 6609 Parts 1 and 2, 1990 shall be complied with.
- N. Noise and Vibration: The noise and vibration standards of the relevant zone shall be complied with.

- O. Odour: Objectionable or offensive odours shall not be detected at the boundary of the site.
- P. Air Emissions: Dust, fumes, smoke or gases shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of the area.
- Q. Lighting and Glare: External lighting for the purposes of illuminating the utility shall be directed away from or shielded from any adjacent property as far as practicable.
- R. Signs: Refer to Part 54.4

Additional conditions S to X (inclusive) apply to above-ground structures which are for NETWORK AND OTHER UTILITIES which are not located in, on or over a ROAD:

- S. Landscaping: Areas of the site which are not used for structures, the operation of the facility, access, or parking shall be landscaped for screening and amenity purposes. (This condition does not apply to a site on which the only utility structures are TELECOMMUNICATION LINES or ELECTRIC LINES).
- T. Setback from Residential sites: Any structure shall be sited at least 1.5m from the boundary of an adjoining site which is in the Residential, Residential 2, Village or Village Business Zone.
- U. Amenity setback: Any building with a gross floor area of more than 10m<sup>2</sup> shall have an amenity planting yard of not less than 3m width on any of its site's boundaries which abut or are on the opposite side of a ROAD from a Residential, Residential 2, Village, Village Business, Recreation or Business Centre Zone. This setback is to be planted and maintained.
- V. Maximum HEIGHT standards:

The maximum HEIGHT of utility structures shall be (in metres):

Zone	Average cross-sectional dimension of structure less than 1000mm	Average cross-sectional dimension of structure 1000mm or more
Rural, Rural Countryside Living Zone Coastal Business outside Centres Industrial 2 Light Industrial Tuakau Industrial Zone Tuakau Industrial Services Zone Waiuku Industrial Zone Waiuku Industrial Services Zone	25	25
Business Centres	16	10
Timber Processing	5	
Motorway Service	13.5	7.5
Recreation	12	9
Residential Residential 2 Village Village Business Rural-residential Village Countryside Living	11 (13.5 for 110kV subtransmission lines)	8

Motorway and Rural Services Special Zone	25	25
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W. Parking: Parking, loading and access shall comply with Part 51.

X. The following condition only applies to TELECOMMUNICATION LINES or ELECTRIC LINES:

Any pole shall not exceed a HEIGHT of 3m plus the shortest horizontal distance to the boundary excluding the boundary with any ROAD (HEIGHT IN RELATION TO BOUNDARY). This standard shall not apply where the written consents of the owners of the adjoining site have been obtained.

### 15.1.2.3 Controlled activities

- i. *Controlled* activities require a resource consent, but the consent *shall* be granted. An application must be submitted in the prescribed format (available from the Council).
- ii. *Applications* will be assessed only in terms of the matters set out in Rule 15.1.2.5, and any conditions of consent will only relate to those matters.
- iii. *The* information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 15.1.2.5. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- iv. An *application* for a *Controlled* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Controlled* activities if they comply with Rule 15.1.2.4 (STANDARDS).

Note: Within the list, the words in CAPITALS are defined in Rule 50.

- NETWORK AND OTHER UTILITIES which are not a permitted activity and are either:
  - a. pipelines, provided that gas pipeline gauge pressure does not exceed 2000 kilopascals, or
  - b. b.a BUILDING which does not comply with the development controls for the relevant zone and which does not exceed:
    - 20m<sup>2</sup> GROSS FLOOR AREA, and
    - 3m height.

### 15.1.2.4 Standards for network and other utilities which are controlled activities

The activities listed in 15.1.2.3 are required to comply with the following standards.

- Any activity in the Wetland Conservation and Forest Conservation Zones is a controlled activity only if it is specified as such in the zone rules.
- Any controlled activity shall comply, where relevant, with conditions AA AB C, D, E, F, I, J, L, M, N, O, P, Q, R, W, and X of the Permitted Activity Conditions of Part 15.1.



**15.1.2.5 Assessment criteria for network and other utilities which are controlled activities**

Controlled activities will be assessed against the criteria set out in Section 104 of the Act and the following matters:

- The extent of compliance, where relevant, with conditions K, S, T and U of the Permitted Activity Conditions of Part 15.1;
- Location and route of utility;
- Imposition of financial contributions in accordance with Part 10;
- Design and external appearance of buildings and structures;
- Landscape design, screening and site layout;
- Environmental effects including visual effects, noise, vibration, odour, dust, glare;
- Above-ground pipe lines crossing water courses should avoid areas of high visual amenity. Where possible such lines should be attached to existing structures.

**15.1.2.6 Restricted discretionary activities**

- i. *Restricted Discretionary* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. *Applications* will be assessed against the criteria set out in section 104 of the Act and in terms of the matters set out in Rule 15.1.2.7, and any conditions of consent will only relate to those matters.
- iii. The *information* submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 15.1.2.7. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- iv. An *application* for a *Restricted Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act (this is a *non-notified* application in terms of the Act).
- v. The activities *listed* below are *Restricted Discretionary* activities.
  - NETWORK AND OTHER UTILITIES which are a permitted activity but do not comply with either:
    - (a) the Part 15.1 conditions for permitted activities, (and are not a controlled activity), but excluding:
      - natural or manufactured gas distribution or transmission gauge pressure exceeding 2000 kilopascals.
      - above ground transformers and lines for conveying electricity which exceed a voltage of 110 kV or a total capacity of 100 MVA;
    - or:
    - (b) the development standards and the performance standards for the relevant zone.
  - Above ground ELECTRIC LINES in the Pokeno Structure Plan Area (Refer Part 54.15)

### 15.1.2.7 Assessment matters for network and other utilities which are restricted discretionary activities

Applications will be assessed against the criteria set out in section 104 of the Act and in terms of the matters set out below over which the Council has restricted its discretion.

- Controlled activity matters of Part 15.1.
- Effects of modifying a standard, including effects on the existing character of the locality and amenity values, natural hazards and measures to avoid, remedy or mitigate adverse effects; and
- For above ground ELECTRIC LINES in the Pokeno Structure Plan Area (Refer Part 54.15):
  - i. the extent to which the alignment of ELECTRIC LINES do not adversely affect the achievement of the Structure Plan and the above ground ELECTRIC LINES are located in the undeveloped areas of Pokeno;
  - ii. the extent to which the proposal is temporary in the short to medium term to provide electricity to developing urban areas within the Pokeno Structure Plan and is consistent with Policy 54.15.2.4.8 Electric Lines; and
  - iii. Council has the discretion to impose conditions of consent that require undergrounding of any part of the ELECTRIC LINES when and where urban subdivision and development is occurring in the location of the above ground lines.

### 15.1.2.8 Discretionary activities

- i. *Discretionary* activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. *Applications* will be assessed in terms of the matters set out in Rule 15.1.2.9, and conditions of consent may be imposed.
- iii. The *information* submitted with the application must be in terms of Rule 52.
- iv. An *application* for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Discretionary* activities.

Note: Within the list, the words in CAPITALS are defined in Rule 50.

- NETWORK AND OTHER UTILITIES which are not permitted, controlled, or restricted discretionary activities, or prohibited activities under Part 15.3;
- Water, sewage and wastewater treatment facilities;
- Water supply facilities which are not permitted, controlled or restricted discretionary activities for the distribution of water;
- WASTE MANAGEMENT, LANDFILL and the deposition of more than 100 cubic metres of CLEANFILL.  
Note that the EARTHWORKS rule for a site may require a resource consent for cleanfill of less than 100 cubic metres volume;
- New Zealand Fire Service stations and St. Johns Ambulance Association stations.

The following are a Discretionary activity except on land which is in a Residential, Residential 2, Village, Village Business, Rural Residential, Wetland Conservation or Forest Conservation Zone or which is listed in Schedule 5A or 8A:

- Construction, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990;
- Electricity generation which is not a permitted activity or prohibited activity under Part 15.3.

#### **15.1.2.9 Assessment criteria for network and other utilities and other essential services which are Discretionary activities**

In addition to the criteria of Section 104 of the Act and Part 53, a Discretionary activity application will be assessed against the following criteria:

- Proposed location, site and route (in general high voltage lines are inappropriate in *Residential, Residential 2, Village and Village Business Zones*);
- External appearance (including screening if any);
- Effect on the health and safety of people;
- Adverse effects on the environment, and the degree to which they are remedied or mitigated;
- Alternative routes and sites available, including underground or overhead locations;
- Reasons for particular choice of site or route;
- Bulk and location of structures within the site;
- Effect on amenity values, especially visual amenities;
- Effect on Maori cultural values;
- The nature of the liquid or substance carried;
- The need for the conduit pipe and alternative proposals considered;
- Effects on the environment caused by a rupture to the conduit pipe, and the probability of a rupture occurring by accident;
- The probability of risks associated with construction and operation of the activity and any methods of avoidance or mitigation, particularly in respect of the technology used and its likely or potential effects on the health and safety of people, and the risk of rupture, breakage, collapse, failure or movement of the components of the facility as they relate to its design and maintenance;
- Vehicle generation, access, loading and parking;
- The importance of any proposed utility facility and any social and economic benefits it may have for the community;

Note: Subdivision for Network and other Utilities is provided for under Rule 22.

For the deposition of more than 100m<sup>3</sup> of CLEAN FILL:

- i. That the CLEAN FILL is established and managed in accordance with the Ministry for the Environment's Guide to the Management of Cleanfills;
- ii. That the CLEAN FILL is deposited in a location that will not increase the risks of slippage, subsidence or inundation;
- iii. That silt and sediment control and site management techniques are implemented and maintained;
- iv. The quantity and type of material to be deposited and measures employed to protect against dust nuisance;
- v. The extent, location and environment sensitivity of the area to be filled;
- vi. The design and location of access to the site and tipping areas;
- vii. The number of vehicle movements per day, including the number of vehicles on-site;
- viii. The hours of operation and duration of the operation;
- ix. Noise attenuation measures;
- x. Landscape and reinstatement measures;
- xi. Proximity to any natural features such as trees, bush, waterways and significant landforms;
- xii. The provision of a comprehensive management plan to control day to day site operations; and
- xiii. The requirement for monitoring and/or review conditions to effectively avoid, remedy or mitigate adverse environmental effects.

<b>15.2 TEMPORARY ACTIVITIES</b>
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**Issue**

The need to control the effects of temporary activities.

**15.2.1 OBJECTIVE**

To provide for temporary activities which will have only minor adverse effects and to recognise that the community may be more tolerant of activities which are of short-term duration.

**Policies**

1. The generation of significant adverse environmental effects from temporary activities shall be avoided.

**15.2.1.1 Permitted Activities**

Notwithstanding anything to the contrary in this plan, the following temporary activities shall be permitted in all zones:

- Temporary offices, storage sheds, builder's workshops, scaffolding and other similar buildings and activities which are:
  - incidental to a building or construction project on the same site; and
  - limited to the duration of the project, or for a period not exceeding twelve months (which is ever the lesser) except that the Council may grant consent to a controlled activity for a longer term;
- Temporary buildings for the purposes of constructing a boat, a caravan or other artifact associated with private leisure time or a retirement pursuit which is not intended in any way as a commercial enterprise, provided that:
  - the written consent of the owner of any abutting property and such other persons as the Council considers may be affected has been obtained unless, in the opinion of the Council, such consent has been arbitrarily or unreasonably withheld; and
  - any such consent specifies sufficient information to indicate clearly that the owner consenting is fully informed of the proposal, its size, its method of construction and finish, and its estimated duration;
  - only one temporary building shall be permitted per site;
  - the project shall be subject to a time limit to be determined by the Council;
- Any temporary storage, stacking of goods or materials for a period not exceeding six months;
- Temporary activities, including buildings, for such purposes as FESTIVALS AND EVENTS, public meetings, exhibitions, military training and recreational and sporting events provided that they:
  - do not involve the assembly of more than 500 persons;
  - do not operate outside the hours of 6.30 am to 10 p.m. except that this does not apply to military training, and

- do not exceed a total duration of 6 days in any calendar year, except that this does not apply to military training.
- comply with any controls for the land on earthworks or modification of items identified in Schedule 5A.
- comply with the following noise standards:

for military training

noise measured from a line 20 metres from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closest to the dwelling or building shall not exceed the following limits (dBA):

Time (Any Day)	L <sub>10</sub>	L <sub>95</sub>	L <sub>max</sub>
0630 - 0730	60	45	70
0730 - 1800	75	60	90
1800 - 2000	70	55	85

and the following maximum noise levels dBA shall apply in respect of the interface with Residential, Residential 2, Village and Village Business Zones from 2000 hours - 0630 hours any day

Time (Any Day)	L <sub>10</sub>
0000 - 0630	35
2000 - 2400	35

- noise arising from the use of explosives shall not exceed 122 dBC during daylight hours.

all other temporary activities

- the relevant noise standards in the zone.
- The removal or demolition of any BUILDING or structure (except as limited by the provisions of Part 8.0 Heritage, and the provisions of the Historic Places Act 1993 and the Building Act 2004).
- Filming activities with a duration of less than 3 months

#### 15.2.1.2 Controlled Activities

- Filming activities with a duration of greater than 3 months

#### 15.2.1.3 Restricted Discretionary Activities

Notwithstanding anything to the contrary in this plan, the following temporary activities shall be restricted discretionary activities in all zones:

- Temporary activities, including buildings, for such purposes as FESTIVALS AND EVENTS, public meetings, exhibitions, military training and sporting events which:
  - involve the assembly of more than 500 persons;
  - operate outside the hours of 6.30 am to 10 pm except that this does not apply to military training, and
  - exceed a total of 6 days in any calendar year.

#### 15.2.1.4 Assessment Criteria

In respect to controlled and restricted discretionary activities, Council has reserved its discretion and matters of control to the following:

- Hours of operation;
- Nuisance elements, noise, dust, litter, odour;
- Intensity of activity;
- Parking requirements and management;
- Traffic movement;
- Signage;
- Effects on cultural and natural heritage resources.

When considering a controlled or restricted discretionary resource consent application for a temporary activity, Council shall take the following into consideration:

- the structure and features that already exist on the site for the event;
- the effect of the event on the use normally made of any public open space, on its playing surface, its character and its conservation value;
- the effect of the event on the amenity of any neighbouring properties, e.g. noise, dust, litter, traffic movement, car parking;
- the impact of traffic flows and parking associated with the site on the operation and safety of the adjoining network;
- the effect of the event on public safety;
- the duration, frequency and timing of the event; and
- the involvements or approvals required of other authorities.

#### ***Explanation/Reasons***

*There are many activities of a temporary nature which occur throughout the District at different times for different purposes. Some of these activities are permitted as of right because the adverse effects are minor, however, other activities which may generate more than minor adverse effects are also permitted because such effects are normally tolerated by the community because;*

- *The activity provides a special service or fulfills a necessary function;*
- *The activity is a one off or infrequent event; and*
- *The effect is only of a short term duration.*

*The community therefore has a slightly wider margin of tolerance with temporary activities. Furthermore, the costs and practicalities of restricting temporary activities is usually outweighed by the short term duration and the social, cultural or economic benefits of such activities. However it is important to avoid temporary activities generating adverse environmental effects, and for this reason some temporary activities require a resource consent.*

<b>15.3 HAZARDOUS ACTIVITIES AND CONTAMINATED SITES THROUGHOUT THE DISTRICT</b>
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**Issue**

Potential risk of significant adverse effects on people and ecosystems from hazardous substances and from sites where the soil, groundwater or surface water resource has been contaminated as a result of their previous use for activities such as the manufacture, storage, use and disposal of hazardous substances.

**15.3.1 OBJECTIVES, POLICIES AND METHODS****Objectives**

1. To avoid significant adverse effects from hazardous activities which may have a high impact on the environment, including the release of radio-active substances.
2. To avoid, remedy or mitigate any significant adverse effects of CONTAMINATED SITES on the environment.

**Policies**

1. The consequences of the accidental release of radio-active substances are an unacceptable risk in Franklin District.
2. Policies 19.4.3(2) and 21.5(3) as appropriate.
3. All CONTAMINATED SITES in the District shall be managed in such a way that their adverse effects on human health and soil and water quality are avoided, remedied or mitigated in accordance with the best practicable option available for the site.

**Methods**

- A rule classifying some activities involving radio-active substances as a Prohibited Activity;
- The relevant methods identified under policies 19.4.3(2) and 21.5(3);
- The Council, in conjunction with the Regional Councils, will establish and maintain a non-statutory register of suspected CONTAMINATED SITES which shall include known details of the level of contamination of each site and the consequent risk to human health and the environment;
- Where contamination levels are confirmed, CONTAMINATED SITES from the Register will be identified in the District Plan along with appropriate methods to control their use and ensure their remediation;
- The Council will inform the relevant Regional Council as soon as practicable of the existence of any suspected CONTAMINATED SITES, irrespective of the suspected significance of their adverse effects.



**15.3.2 Objective – CONTAMINATED SITES****Issue**

1. Some site activities have the potential to result in contaminants being present on sites. These contaminants may be harmful to human health and require management for removal prior to the subdivision or development of the site.

**Objective**

1. To ensure that the risk to human health that may arise from previous land uses is avoided, remedied or mitigated.

**Policy**

1. Prior to subdivision or development, the presence (or otherwise) of contaminants associated with previous land uses shall be established, and appropriate works undertaken to minimise any risks to human health from the identified contaminants.

**Methods of Implementation of Policies**

1. This policy will be implemented through Subdivision Assessment Criteria.

**Reasons and Explanation for Objective, Policies and Methods**

The rezoning of rural land for urban development is based (among other things) on the confirmation through investigations of its general suitability for urban uses.

However, some parts of the District have been used for activities (such as rural service activities, agricultural activities, horticulture, storage or demolition sites), which can result in these areas being affected by localised contamination. Despite their zoning, without remedial action these contaminated areas can be unsuitable for urban uses due to potential health effects.

A precautionary approach has been adopted by the Plan, requiring soil testing, identification of the need for remedial works and (if any) the completion of these works prior to subdivision or development.

**15.3.3 RULE - PROHIBITED ACTIVITIES**

The following activities are *Prohibited* throughout the District. Consent cannot be granted for any of these activities.

- The manufacture and production of any radioactive material;
- The use of radioactive material for the purposes of power generation or heat generation.

## 15.4 SIGNS THROUGHOUT THE DISTRICT

### Introduction

The purpose of outdoor signs is to provide people with information about places, events, products and services within the Franklin District. Information on signs is predominantly aimed at road users, but is also for pedestrians in urban settings.

Types of signs include those giving direction to places, advertising a product or service, advertising an up-coming event, warning about a hazard, and promoting a person or party at electioneering time.

Signs can contribute to the character of an area by providing a colourful and informative display as a means for communication. For many businesses in the District, signs provide an important medium for attracting business, enabling them to remain viable. Signs may also be used to establish and promote community-recognised values by way of a District identity, and may be used for the purpose of advertising tourist attractions helping to bring visitors to the District.

However, too many signs, or signs that are not appropriate for the location in which they are erected, may have adverse effects on visual amenity values. A sign or signs may have an adverse visual effect on amenity values, or create a distraction/obstruction to road-users and/or pedestrian traffic.

This section of the District Plan seeks to ensure that opportunities for signs are maintained, whilst the adverse safety and visual amenity effects of signs are avoided, remedied or mitigated.

### 15.4.1 ISSUES, OBJECTIVES, POLICIES AND METHODS

#### 15.4.1.1 Issues

Significant issues relating to signs must be addressed in the Plan Objectives and Policies.

#### Issue 1

Signs are a necessary physical resource used to communicate information, and therefore appropriate provision must be made to enable their erection, maintenance and removal without undue constraint.

#### **Explanation**

*There is a need for signs because they are important tools for communicating information in the District. Lack of provision of directional signs may reduce the ability of road-users and pedestrians to find places. Inadequate provision of advertisement signs may reduce the ability of groups, organisations and businesses to promote events and advertise their products and services.*

*Therefore, signs can provide useful and/or important information about places, events, products, and services to road-users and pedestrian traffic. They may also be used to provide opportunities for promoting a Franklin District identity, and/or encourage visitors to the District through good directional and visitor information signs.*

*The degree of adverse visual effect of a sign will also depend on the amenity values of the surrounding environment. For example, a sign in a business or industrial area has less potential for adverse visual effect than the same sign in a rural area. The different Business, Industrial 2, Light Industrial, Rural, Rural Countryside Living, Coastal, Residential, Residential 2, Village and Rural-Residential Zones of the Franklin District have different amenity values and signs must be in keeping with the character and amenity values of each of these zones.*

**Issue 2**

Signs may have adverse visual effects on amenity values.

**Explanation**

*A significant issue relating to signs is the potential for signs to have adverse visual effects on aesthetic and amenity values of a place. The presence of a sign or signs has the potential to reduce people's appreciation of an area. Amenity and aesthetic values may be adversely affected by a number of features of a sign, including the size and height of a sign, illumination of it and its location.*

*The number and positioning of more than one sign also has the potential to have adverse visual effects. Too many signs may result in visual 'clutter' and have a cumulative effect on visual amenity values of the surrounding environment. The effectiveness of a sign to communicate a message will also be reduced when too many signs are located close together.*

*The degree of adverse visual effect of a sign will also depend on the amenity values of the surrounding environment. For example, a sign in a business or industrial area has less potential for adverse visual effect than the same sign in a rural area. The different Business, Industrial 2, Light Industrial, Rural, Coastal, Residential, Residential 2, Village, and Rural-Residential Zones of the Franklin District have different amenity values and signs must be in keeping with the character and amenity values of each of these zones.*

*The perceived adverse visual effect of a sign is also affected by the duration that the sign is erected. Temporary signs are generally tolerated, provided that they are erected for a limited period and taken down as soon as their purpose has been served. Election signs and real-estate signs are examples of temporary signs that might not be tolerated if they were allowed to be permanent features of the visual landscape.*

*Permanent signs may have adverse effects on visual amenity values after a period of time, if they are not designed, constructed and maintained to a high standard.*

**Issue 3**

Signs may have adverse effects on road-user and pedestrian safety.

**Explanation**

*Too many signs or signs that are located in inappropriate positions may be distracting or confusing to road-users, creating a hazard. Signs positioned too close to roads, intersections, tight curves and corners, or in inappropriate positions, have the potential to obscure sight lines, road markings, traffic signals, and road-users.*

*The impact of a sign next to a road will differ according to the type of road. State-highways and busy arterial routes will have greater volumes of traffic moving at greater speeds. Because of this, the visual distraction of a sign alongside these roads has a greater potential for creating a safety hazard than the same sign along a minor road, where traffic volumes and speeds are not as great.*

*The location of a sign/s may also have adverse safety effects if it causes a physical obstruction to pedestrian or road user traffic. Safety is also an issue with regards to the construction of a sign. A sign may have an adverse effect on road-user or pedestrian safety if it is not constructed and maintained adequately (e.g. so that a sign does not blow away or over).*

**15.4.1.2 Objectives**

1. To enable permanent and temporary signs to be erected, maintained and removed within the Franklin District in a manner that avoids, remedies or mitigates adverse environmental effects (Issue 1).
2. To avoid, remedy or mitigate the adverse visual effects of a sign or signs on amenity values of the surrounding environment (Issue 2).
3. To ensure that signs do not pose a threat to Community health and safety, and the safe and effective functioning of the road network (Issue 3).

**Principal Reasons for Adopting Objectives**

Signs are an important tool for communicating information in the Franklin District. Provision is made for the erection, maintenance and removal of both temporary and permanent signs so that information can be communicated about places, products and services, people and events.

The Council also has the responsibility to ensure that any adverse effect of a sign/s is avoided, remedied or mitigated. A sign/s may have an adverse visual effect on the amenity values of the environment within which it is erected. A sign/s also has the potential to affect the health and safety of the community by creating a visual distraction to road users, creating a traffic hazard or physically obstructing pedestrian or road-user traffic.

The objectives identified seek to provide opportunities for the use of signs for communicating information whilst avoiding, remedying or mitigating the effects that a sign/s may have on visual amenity values and/or community health and safety.

**15.4.1.3 Policies**

1. Provide opportunities for permanent signs in all areas of the Franklin District (Issue 1; Objective 1).
2. Provide opportunities for erecting temporary signs in all areas, provided that they are taken down once their purpose has been served (Issue 1; Objective 1).
3. Require that the visual and physical attributes of a sign, such as its size, height, colour and illumination, be in keeping with the character and amenity values of the surrounding environment (Issue 2; Objective 2).
4. Avoid the potential for visual clutter of signs in the Rural, Rural Countryside Living, Coastal Rural-Residential, Village, Village Business, Residential and Residential 2 Zones, by limiting in any one location the occurrence of multiple signs in close proximity to one another (Issue 2 and 3; Objective 2 and 3).
5. Require that all signs are constructed and maintained to a high standard of structural quality and can be clearly read (Issue 2 and 3; Objective 2 and 3).
6. Ensure that signs do not create an obstruction to road-users or pedestrian traffic (Issue 3; Objective 3).

7. Avoid the potential for visual distraction of a sign or signs adjacent to any road (Issue 3; Objective 3).
8. Ensure that the location of a sign does not obscure a road-user's visibility of any road sign, intersection, private entrance, road marking, traffic signal, pedestrian crossing or other road-user (Issue 3; Objective 3).
9. Encourage sign design and construction that is simple, legible and communicates clear information (Issue 1, 2 and 3; Objective 1, 2 and 3).

### **Principal Reasons for Adopting Policies**

Providing opportunities for permanent signs, and temporary signs with appropriate constraints on duration of erection, is driven by the recognition of the need for signs to communicate information in the Franklin District.

The physical attributes of a sign/s must also be in keeping with the surrounding environment so that any adverse visual effects of it on amenity values are avoided, remedied or mitigated. Controls on features such as size, height, colour and illumination, which are appropriate to the character of the area in which the sign is located, are the most effective way of ensuring that this is achieved.

There may also be a cumulative adverse visual effect if more than one sign is erected in one location, and 'visual clutter' occurs. The degree of adverse cumulative effect of signs is again dependent on the character of the surrounding environment. It is accepted that the amenity values associated with the Business Zone are such that the cumulative visual effect of signs is less significant. Controls on the location of multiple signs in close proximity to one another in all other zones will help to avoid the potential for adverse cumulative effects on visual amenity values.

Community health and safety may be adversely affected by a sign/s. Appropriate policy direction must be given to address the potential for a sign to be distracting to road users and to obscure sight-lines to official Road Signs, traffic signals, road markings and other road users. The health and safety of both road user and pedestrian traffic may also be adversely affected by signs in terms of the potential of a sign to physically obstruct movement and/or cause injury or damage if not constructed and maintained adequately. Controls on the visual attributes of a sign, its location, and its construction, will ensure that these potential adverse effects on community health and safety are avoided, remedied and mitigated.

The requirement to maintain or remove a sign that has been compromised over time in terms of its visual and/or structural quality will ensure that the potential for adverse visual and safety effects are avoided, remedied or mitigated.

Council also recognises the importance of achieving a high standard of visual quality of a sign to avoiding, remedying or mitigating the effect of a sign on amenity values. Visual quality is influenced by a number of design features that may be difficult to detail in regulation without restricting the potential for innovative sign design. Examples of design features include the use of colour, letter size and font and the use of figures or symbols.

Therefore it is appropriate to provide additional guidance on such design matters which will encourage simplicity, legibility, relevance, and consistency of signs in the Franklin District.

It is acknowledged that because of their temporary status, the effects of temporary signs are tolerated to a greater degree than are the effects for permanent signs. Examples of common temporary signs include signs for real-estate advertisement and election signs. Appropriate standards for the management of temporary signs is necessary to mitigate any adverse effects that they may have.

#### 15.4.1.4 Methods

The methods to be used to achieve the objectives and policies identified in this section include the following:

##### 1. Providing Guidelines

The Council will provide and make available Signs Guidelines.

- The guidelines will provide information about District Plan provisions and relevant Bylaws that manage signs;
- The guidelines will also provide information about 'good' design and construction. The design guidelines will encourage effective communication, visual quality and minimise the potential for adverse safety effects;
- The guidelines will refer the public to the New Zealand Transport Agency in relation to standards for signs along State Highways that are not placed on private property.

##### 2. Consultation and Liaison

The Council will undertake ongoing consultation and liaison with anyone who has an interest in the use of signs.

- This will assist in disseminating information about the District Plan provisions Bylaws, and Signs Guidelines;
- It will also assist in the communication of monitoring and enforcement issues and facilitate feedback about the effectiveness of both regulatory and non-regulatory methods for achieving sign objectives and policies;
- There will be on-going liaison with interested community groups and/or individuals in order to develop and promote a District identity through the use of District promotion, tourist information, and directional signs.

##### 3. Rules

The Council will adopt, implement and enforce rules to manage the effects of signs on *Private Property*, by way of performance standards for Permitted Signs (Rule 15.4.2.), and Assessment Matters for Resource Consents (Rule 15.2.3).

##### 4. Bylaws and Council Policies

The Council will adopt, implement and enforce Bylaws and Policies to manage the effects of signs erected in *Public Places* (this includes the Road Reserve), under the Local Government Act, 1974. Any sign that is placed on or over a Public Place will be subject to Council's Bylaws and Policies. Signs attached to building verandahs, which hang over a Public Place, are covered by the Bylaws.

##### 5. New Zealand Building Code

The Council will implement the standards outlined in the New Zealand Building Code, under the under the Building Act 2004, with regards to the construction of a sign. Large signs (e.g. signs higher than 2m) will require a Building Consent to ensure that they are structurally safe.

## 6. The Roothing Network

The Council has a responsibility to ensure the safe and effective functioning of its roading network. Activities occurring in the Road Reserve, including signs, are controlled to ensure that this responsibility can be met. Therefore, in addition to Bylaws and Council policies controlling signs in Public Places, further restriction over signs in the Road Reserve may be required by the District's Roothing Engineer.

### **Principal Reasons for Adopting Methods**

A combination of regulatory and non-regulatory methods recognises the value of both encouragement through raised awareness, and control by appropriate performance standards, to achieving objectives and giving effect to policies.

Regulatory methods, such as Plan rules and Bylaws, enable a balanced approach to management of signs that provides for sign erection whilst regulating to avoid, remedy or mitigate the potential adverse effects on visual amenity values and community health and safety.

The controls, expressed as rules in terms of standards for permitted signs in the District Plan, establish a baseline for the erection of signs, providing opportunities for users wishing to erect a sign whilst avoiding the potential for adverse visual effects. Different standards will apply to different zones in the District. The standards for each zone take into account the amenity and character values of that zone. There are a number of 'minor' zones in the Franklin District (e.g. Wetland Conservation Zone, Timber Processing Zone). The controls placed on signs in these zones are based on the type of activity occurring within the minor zone and the character values and zone rules that apply to the surrounding environment.

Signs that do not meet one or more of these standards will require consent from Council. Consent will be granted if it can be shown that the adverse effects of the proposed sign can be avoided, remedied or mitigated in accordance with the assessment matters set out.

The Bylaws and Policies governing signs in Public Places (e.g. Road Reserve) ensure that no sign will inhibit the Council in carrying out its functions under the Local Government Act, 1974. The Bylaw and Policies are in keeping with the District Plan provisions that apply to signs on private property. The Building Code requirements (Building Act 2004) ensure that people and property are protected by the safe construction of a sign.

Non-regulatory methods, such as the provision of Signs Guidelines, will promote signs controls whilst encouraging visual and structural quality. The benefit of non-regulatory guidance is that it can achieve a higher standard of structural and visual quality of signs without restricting innovation by undue control over design matters, such as construction materials, colour and lettering, in regulation.

Consultation and liaison with any person or group who have an interest in signs will raise awareness about signs issues and assist in communication about the enforcement of regulatory methods. On-going communication will also help Officers monitor the effectiveness of both regulatory and non-regulatory methods to achieving stated objectives and policies.

## 15.4.2 RULES

### 15.4.2.1 Permitted Activities

Any SIGN that is listed below is *Permitted*, and does not require a resource consent.

NOTE: Within the following list, the words in CAPITALS are defined in Rule 50.

- Any permanent SIGN that meets the standards set out in Rule 15.4.3.1 and Rule 15.4.3.2, and is located on private property in the following zones:
  - Rural Countryside Living Zone
  - Rural Zone
  - Coastal Zone
  - Wetland Conservation Zone
  - Forest Conservation Zone
  - Maoro Mining Zone
  - Timber Processing Zone
  - Iron and Steel Production Zone
  - Aggregate Extraction and Processing Zone
  - Queen's Redoubt Heritage Zone
- Any permanent SIGN that meets the standards set out in Rule 15.4.3.1 and Rule 15.4.3.3, and is located on private property in the following zones:
  - Residential Zone
  - Residential 2 Zone
  - Village Zone
  - Village Business Zone
  - Rural-residential Zone
  - Recreation Zone
- Any permanent SIGN located on private property in the Light Industrial, Industrial 2, Business Zone, Industrial Zone and Industrial Services Zone that meets the standards set out in Rule 15.4.3.4;
- Any permanent SIGN located on private property in the Motorway Service Zone or the Motorway and Rural Service Special Zone that meets the standards set out in Rule 15.4.3.5;
- Any temporary SIGN located on private property that meets the standards set out in Rule 15.4.3.6.

### 15.4.2.2 Discretionary Activities

- i. SIGNS that are a *Discretionary* activity require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii Applications will be assessed in terms of the matters set out in Rule 15.4.4 and Rule 53, and conditions of consent may be imposed.
- iii The information submitted with the application must be in terms of Rule 52.
- iv An application for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).



- v The SIGNS listed below are *Discretionary* activities.

Note: Within the list, the words in CAPITALS are defined in Rule 50.

- Any permanent SIGN that meets the standards set out in Rule 15.4.3.1, but does not meet one or more of the standards set out in Rule 15.4.3.2 and is located on private property in the following zones:
  - Rural Countryside Living Zone
  - Rural Zone
  - Coastal Zone
  - Wetland Conservation Zone
  - Forest Conservation Zone
  - Maoro Mining Zone
  - Timber Processing Zone
  - Iron and Steel Production Zone
  - Aggregate Extraction and Processing Zone
  - Queen's Redoubt Heritage Zone
- Any permanent SIGN that meets the standards set out in Rule 15.4.3.1, but does not meet one or more of the standards set out in Rule 15.4.3.3, and is located on private property in the following zones:
  - Residential Zone
  - Residential 2 Zone
  - Village Zone
  - Village Business Zone
  - Rural-residential Zone
  - Recreation Zone
- Any permanent SIGN located on private property in the Light Industrial, Industrial 2 and Business Zone that meets the standards set out in Rule 15.4.3.4 a) – c), but does not meet the standard set out in Rule 15.4.3.4 d).
- Any permanent SIGN located on private property in the Motorway Service Zone or the Motorway and Rural Service Special Zone that meets the standards set out in Rule 15.4.3.5 a) – c), but does not meet one or more of the standards set out in Rule 15.4.3.5 d) – f).
- Any temporary SIGN located on private property that does not meet one or more of the standards set out in 15.4.3.6.

#### 15.4.2.3 Non-Complying Activities

- i. *Non-complying* SIGNS require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. *Applications* will be assessed in terms of the matters set out in Rule 15.4.4 and Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information *submitted* with the application must be in terms of Rule 52.
- iv. The SIGNS *listed* below are *Non-complying* activities.

Note: Within the list, the words in CAPITALS are defined in Rule 50.

- Any permanent SIGN that does not meet one or more of the standards set out in 15.4.3.1, and is located on private property in the following zones:

- Rural Countryside Living Zone
  - Rural Zone
  - Coastal Zone
  - Wetland Conservation Zone
  - Forest Conservation Zone
  - Maioro Mining Zone
  - Timber Processing Zone
  - Iron and Steel Production Zone
  - Aggregate Extraction and Processing Zone
  - Residential Zone
  - Residential 2 Zone
  - Village Zone
  - Village Business Zone
  - Rural-residential Zone
  - Recreation Zone
  - Queen's Redoubt Heritage Zone
- Any permanent SIGN located on private property in the Light Industrial, Industrial 2 and Business Zone that does not meet one or more of the standards set out in Rule 15.4.3.4 a) – c);
  - Any permanent SIGN located on private property in the Motorway Service Zone or the Motorway and Rural Service Special Zone that does not meet one or more of the standards set out in Rule 15.4.3.5 a) – c).
  - Any sign located in the Amenity Planting Area set out in the Motorway and Rural Service Special Zone Figure 1: Concept Plan.

### 15.4.3 PERFORMANCE STANDARDS

*Please note that sign construction and maintenance must be consistent with the Building Act (2004).*

#### 15.4.3.1 General Requirement

Any SIGN that is required to meet this rule shall meet the following standards:

- a. The sign is located wholly on private property.
- b. The sign/s is constructed and maintained so that it does not present any danger to people or property (e.g. so that it does not collapse or blow over).
- c. The sign/s is removed when the purpose of it has been served.
- d. The sign/s is located so that it does not obscure a road-user's view of any road sign, intersection, private entrance, road marking, traffic signal, or pedestrian crossing.
- e. The sign/s is not located adjacent to a bend in the road that is posted with an advisory speed road sign.
- f. The sign/s is located at least 15 metres from any road sign.
- g. The sign is located on the site where the lawfully established activity is occurring, if adjacent to a State Highway.
- h. There shall be no more than one free-standing sign on the frontage of a site located adjacent to a State Highway.

- i. If located on land adjoining a State Highway or main arterial route, the sign shall be consistent with the following standards:
  - i. The sign has a minimum lettering height of 120mm where the posted speed is less than 70 km/h and 160mm where the posted speed is 70 km/hr or greater.
  - ii. If it is a free-standing sign it must not have more than six words and/or symbols nor more than 40 characters.
  - iii. The sign is positioned so that it is faced at right angles to the road.
  - iv. The sign is located so as to provide an unrestricted view of the road to the road-user for a minimum distance of 180 metres where the posted speed limit is 70 km/h or greater.

#### 15.4.3.2 Permanent Signs

Any SIGN that is required to meet this rule shall be consistent with the following standards:

- a. The total area (excluding any supporting structure) of the sign or signs on the site is no greater than 3m<sup>2</sup>.
- b. The height (including any supporting structure) of the sign/s is no greater than 2m or if attached to a building no higher than the highest point of the building.
- c. The sign is illuminated only during the hours of operation of the lawfully established activity, and does not contain any reflectorised, flashing, intermittent or animated features.
- d. Where there are two or more signs located on the site where the lawfully established activity is occurring, the following standards shall be met:
  - i. All signs shall be located more than 200m from any other lawfully erected sign on any one frontage, and
  - ii. No additional sign shall be located within 250m of any intersection with the State Highway.
- e. The sign/s located on private property off the site from where the lawfully established activity is occurring (off-site sign) shall meet the following standards:
  - i. The sign is not located on a site adjacent to the State Highway.
  - ii. The information that is displayed on the sign shall relate only to a lawfully established activity that is occurring in the following zones of the District:
    - Rural Countryside Living Zone
    - Rural Zone
    - Coastal Zone
    - Wetland Conservation Zone
    - Forest Conservation Zone
    - Maoro Mining Zone
    - Timber Processing Zone
    - Iron and Steel Production Zone
    - Aggregate Extraction and Processing Zone
    - Queen's Redoubt Heritage Zone
  - iii. No more than 2 off-site signs for the lawfully established activity are erected in the District.
  - iv. The off-site sign displays directional information only. Directional information is limited to: the name of the business or site of activity; the product or service

provided; and/or communication of the location of the site of business or activity (e.g. '54 Greenacres Road', or '100m on the left')

- v. The off-site sign must be able to be read from a distance of 200m in a 70km/h speed zone, or 100m in a speed zone less than 70km/h.

#### 15.4.3.3 Permanent Signs

Any SIGN that is required to meet this rule shall be consistent with the following standards:

- a. The sign is located on the site where the lawfully established activity is occurring
- b. The total area of the sign is no greater than 1m<sup>2</sup>, or if it is providing construction or subdivision site details the total area the sign is no greater than 3m<sup>2</sup>.
- c. The height (including any supporting structure) is no greater than 2m or if attached to a building no higher than the highest point of the building.
- d. The sign is illuminated only during the hours of operation of the lawfully established activity and does not contain any moving parts.

#### 15.4.3.4 Permanent Signs

Any SIGN that is required to meet this rule shall be consistent with the following standards:

- a. The sign/s is located so that it does not obscure a road user's view of any road sign, intersection, private entrance, road marking, traffic signal, or pedestrian crossing.
- b. The sign/s is constructed and maintained so that it does not present any danger to people or property (e.g. so that it does not collapse or blow over).
- c. The sign is removed when the purpose of it has been served.
- d. The sign/s, if located on property adjacent to a zone which is subject to Rule 15.4.3.3, meets the following standards:
  - i. The sign is illuminated only during the hours of operation and does not contain any flashing, intermittent or animated features.
  - ii. The height of the sign is no greater than 2m, or if attached to a building is no higher than the highest point of that building.

#### 15.4.3.5 Permanent Signs

Any SIGN that is required to meet this rule shall be consistent with the following standards:

- a. The sign/s is located so that it does not obscure a road user's view of any road sign, intersection, motorway access, or road marking.
- b. The sign/s is constructed and maintained so that it does not present any danger to people or property (e.g. so that it does not collapse or blow over).
- c. The sign is removed when the purpose of it has been served.
- d. The sign, if attached or immediately adjacent to buildings, identifies the name of the premises and products or services offered, and may be illuminated provided that it is not flashing or intermittent.

- e. The sign, provided for in 'd)' above may be visible from the State Highway only if it indicates principal services.
- f. One composite sign is permitted, relating to premises on the site, for each common boundary with a road or motorway off-ramp.

#### 15.4.3.6 Temporary Signs

Any SIGN that is required to meet this rule shall be consistent with the following standards:

- a. The sign is located wholly on private property.
- b. The sign/s is located at least 15 metres from any road sign.
- c. The sign does not contain any reflectorised, illuminated, flashing, intermittent or animated features.
- d. The sign/s is located so that it does not obscure a road user's view of any road sign, intersection, private entrance, road marking, pedestrian crossing or traffic signal.
- e. The sign/s is not located adjacent to a bend in the road that is posted with an advisory speed sign.
- f. The number of signs is restricted for real-estate advertisement purposes, to 1 sign per agency, which must be located on the subject property.
- g. The height of the sign/s is no greater than 2m, or if attached to a building is no higher than the highest point of that building.
- h. The sign/s is erected for a duration of:
  - i. the period of the listing of the property if the sign is erected for the purpose of real-estate advertisement; *or*
  - ii. the 6 week period prior to election day if the sign is erected for the purpose of electioneering; *or*
  - iii. up to a total 3 months within any 12 month period.
- i. The size of the sign is no greater than:
  - i.  $1\text{m}^2$  for the purpose of real-estate advertisement, unless there is a sole agency and the sign is less than  $2\text{m}^2$ ; *or*
  - ii.  $3\text{m}^2$  for signs that are for electioneering purposes; *or*
  - iii.  $1\text{m}^2$  for for temporary signs that are not for real-estate advertising or electioneering purposes.
- j. If adjacent to a State Highway, the sign is located on the site where the lawfully established activity or temporary activity is occurring.
- k. The sign/s is located on the property where the lawfully established activity or temporary activity is occurring, OR the sign/s is located on private property other than the site where that activity or temporary activity is occurring ('off-site' sign) meets the following standards:
  - i. The off-site sign is located at least 250m from any intersection with a State Highway or main arterial route.
  - ii. The off-site sign is erected at least 200m from any other lawfully erected off-site sign on any one frontage.
  - iii. The off-site must be able to be read from a distance of 200m in a 70km/h speed zone, or 100m in a speed zone less than 70km/h.

**15.4.4 ASSESSMENT MATTERS FOR RESOURCE CONSENT APPLICATIONS**

When assessing an application for any sign that requires a Resource Consent under Rule 15.4.2, and considering the imposition of appropriate conditions of that consent, the Council will have regard to but not be restricted by the matters set out below:

- a. The extent to which the relevant standards set out in Rule 15.4.3 have been met.
- b. The extent of adverse effect that any degree of divergence from the standards for Permitted Activities may have on the surrounding environment.
- c. The extent to which the physical attributes of the sign, such as its size, height, colour and illumination are in keeping with the surrounding environment.
- d. Whether there is, or there is a potential for, adverse cumulative effect, and/or visual clutter, of a sign or signs on the surrounding environment.
- e. Whether there is, or there is the potential for a sign to create a physical obstruction to any road user or pedestrian traffic.
- f. The extent to which the location and position of the sign/s may obscure a road user's visibility of any road-marking, traffic signal, or other road user.
- g. The potential for a sign to create a safety hazard due to its construction.
- h. The potential of the sign to create a visual distraction to road users.

## 15.5 EARTHWORKS THROUGHOUT THE DISTRICT

### 15.5.1 ISSUE, OBJECTIVE AND POLICIES FOR EARTHWORKS THROUGHOUT THE DISTRICT

#### Issue

1. EARTHWORKS from development, including subdivision, can give rise to adverse effects on water quality and adjoining properties through sediment discharge during the development process. These include effects of sedimentation into nearby waterbodies and onto adjoining properties where landforms are modified for building platforms, accessways and roading. It is recognised that there are a wide range of EARTHWORKS that are also fundamental to the continuance of rural production activities. EARTHWORKS also have the potential to affect the integrity and operation of existing significant infrastructure.
2. EARTHWORKS from development including subdivision, can give rise to adverse effects on historic heritage (including, but not limited to, archaeological sites and sites of significance to Maori). These adverse effects can result from works and destroy damage or modify archaeological sites or sites of significance to Maori.

#### Objective

1. To achieve development which avoids, remedies or mitigates adverse effects from EARTHWORKS on historic heritage, water quality, significant infrastructure, and adjoining properties.

#### Policies

1. Subdivision and development should avoid, remedy or mitigate siltation and sedimentation of waterbodies and adjoining properties arising from EARTHWORKS.
2. Subdivision and development should utilise appropriate site management practices to manage EARTHWORKS activities.
3. Earthworks associated with FARMING, HORTICULTURE and FORESTRY activities should be provided for as ANCILLARY RURAL EARTHWORKS, subject to the establishment and maintenance of appropriate site management practices.
4. EARTHWORKS required for subdivision and development should avoid, remedy or mitigate adverse effects on historic heritage, including (but not limited) archaeological sites and sites of significance to Maori.
5. EARTHWORKS should be undertaken in a manner that does not affect the integrity and operation of significant infrastructure located within the Franklin District.

#### Methods

1. Apply standards for EARTHWORKS.
2. Require appropriate site management practices to be applied to all EARTHWORKS activities.
3. Apply standards for CLEAN FILL (refer Part 15.1.2.8)
4. ANCILLARY RURAL EARTHWORKS

**15.5.2 RULES – EARTHWORKS THROUGHOUT THE DISTRICT**

- i. The following standards apply to land use and subdivision activities (in all zones except for those exempt in iii. below) and shall be complied with. Where compliance is achieved, the EARTHWORKS are a permitted activity (unless resource consent is required by another RULE in the PLAN).
- ii. Where an activity does not comply with the standards, then the activity shall be deemed to require consent as a *Restricted Discretionary* activity and shall be assessed against:
  - a. the objectives and policies of Part 7;
  - b. the matters of restricted discretion below;
  - c. and any specific objectives, policies and assessment criteria relating to EARTHWORKS in the Zone within which the activity is proposed to be undertaken.
- iii. The following standards **do not** apply to NETWORK AND OTHER UTILITIES (Part 15.1), and (except for standards 15.5.2.3(i)(f) and 15.5.2.3(ii) relating to EARTHWORKS within a national grid transmission line corridor – refer Planning Maps) do not apply to the Wetland Conservation Zone (Part 24), Forest Conservation Zone (Part 25), Maioro Mining Zone (Waikato North Head) (Part 30), Timber Processing Zone (Part 31), Iron and Steel Production Zone (Part 32), Recreation Zone (Part 34) and the Aggregate Extraction and Processing Zone (Part 35) – refer to these zones for specific EARTHWORKS standards.
- iv. Refer to Part 15.1.2.8 for the standards for CLEAN FILL that apply to all zones.

**STANDARDS FOR ALL ACTIVITIES**

**15.5.2.1** All EARTHWORKS shall be undertaken with the establishment and maintenance of recognised methods and techniques for the retention of sediment on SITE and the prevention of discharges of sediment off-site or into waterbodies.

*Note:*

Recognised methods or techniques, as appropriate in the circumstances, are provided in publications by the Regional Councils and industry groups. Correctly applied and maintained, such methods or techniques constitute the 'best practicable option'.

**15.5.2.2** Vehicle movements to and from the site or the location where EARTHWORKS are being undertaken shall not result in any material being deposited on a public road creating a hazard or a nuisance to road users.

**STANDARDS FOR PERMITTED ACTIVITIES****15.5.2.3**

- i. EARTHWORKS meeting the following standards:
  - a) Maximum volume (m<sup>3</sup>) per SITE per 12 month period:
    - Rural Zone, Rural Countryside Living Zone and Coastal Zone: 250m<sup>3</sup>
    - All other zones: 100m<sup>3</sup>
  - b) Maximum depth of excavation cut or fill within a SITE: 1.5 metres
  - c) Maximum area per SITE (m<sup>2</sup>):



- Rural Zone, Rural Countryside Living Zone and Coastal Zone: 2000m<sup>2</sup>
  - All other zones: 1000m<sup>2</sup>
- d) In the Development Setback in the Rural Zone, Rural Countryside Living Zone or Coastal Zone (being 30 metres from mean high water springs or the edge of a river, lake, WETLAND or stream) or in the Setback from Water in all other zones (being 30 metres from mean high water springs or 10 metres from the edge of a river, lake, WETLAND, or stream) EARTHWORKS shall not exceed a total volume of 25m<sup>3</sup> or a total area of 250m<sup>2</sup>. This rule does not apply to artificial water retention areas (eg. ponds or sediment retention areas)
- e) Bare ground arising from any EARTHWORKS activity shall be revegetated or otherwise appropriately stabilised upon completion of the EARTHWORKS.
- f) Unless the written approval of the operator of the national grid transmission line has been obtained and provided to Council, no EARTHWORKS shall be carried out:
- i) within 12 metres of the closest visible edge of the foundation of a national grid transmission line (refer Planning Maps) support structure.
  - ii) within 12 metres from the centreline of a national grid transmission line (refer Planning Maps) where those earthworks would result in an increase in ground level greater than 300 mm (i.e. would reduce clearance distance from conductor to ground).
- ii. Standards in Rule 15.5.2.3 above, and for CLEANFILL in Rule 15.1.2.8 shall not apply with respect to the following (except where the activity does not comply with Rule 15.5.2.3(i)(f)(ii) above):
- a) CEMETERIES
  - b) Any disturbance of soil associated with cultivation, land preparation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (FARMING) and forests (FORESTRY). Refer ANCILLARY RURAL EARTHWORKS.
  - c) Maintenance and construction of facilities typically associated with FARMING and FORESTRY activities including but not limited to farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing and sediment control measures. Refer ANCILLARY RURAL EARTHWORKS.
  - d) Flood protection, land drainage and erosion control works permitted by a RULE in the PLAN.
  - e) Driveways, vehicle access or PRIVATE WAYS in the Rural, Rural Countryside Living and Coastal Zones (not otherwise requiring resource consent pursuant to other Rules of the PLAN) where these do not result in an excavation, cut or fill greater than 300 mm.
- iii. Notwithstanding the provisions above, any EARTHWORKS activity:
- a) Is subject to RULE 8.3 relating to heritage protection and the provisions of the Historic Places Act 1993. Under this Act, no pre-1900 archaeological site may be destroyed, damaged or modified without an authority from the New Zealand Historic Places Trust. These controls apply to all archaeological sites, regardless of whether they are listed in the District Plan, recorded, or unrecorded.

- b) May be subject to the requirements of the relevant Regional Plan and any resource consents required thereunder.
- c) Shall apply appropriate silt and sediment control methods as set out in the Auckland Regional Council's Technical Publication 90 (Erosion and Sediment Control) 1999 or Environment Waikato's Design Guidelines for Earthworks, Tracking and Crossing 2003.

### **Explanation**

*This control seeks to ensure that the environmental effects of stormwater runoff from earthworked land is minimised by the use of techniques appropriate to the circumstances and scale of operation.*

*Acceptable methods or techniques for silt and sediment control are provided in publications by the Regional Councils. Correctly applied and maintained, such methods or techniques constitute the 'best practicable option'. The control of silt and sediment applies to all SITE works. Where resource consents are required for EARTHWORKS the Council may impose conditions in respect to the management of the operation, silt and sediment control, geotechnical considerations and the management and avoidance of hazards.*

All EARTHWORKS, including the use of mobile plant, must comply with the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP34:2001) or any subsequent Code of Practice.

ANCILLARY RURAL EARTHWORKS are permitted by the District Plan as part of FARMING and FORESTRY.

### **15.5.3 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES – EARTHWORKS THROUGHOUT THE DISTRICT**

In assessing applications for consent for *Restricted Discretionary* activities the Council will, in making a decision, restrict its assessment and the exercise of its discretion to the following matters as relevant:

- (i) methods by which EARTHWORKS are to be undertaken;
- (ii) sequence of EARTHWORKS, i.e: timing, staging;
- (iii) rate at which EARTHWORKS can be undertaken;
- (iv) proposed SITE landscape rehabilitation;
- (v) the establishment and maintenance of recognised methods and techniques for the retention of sediment on-SITE and the prevention of discharges of sediment off-SITE or into waterbodies;
- (vi) stormwater management during EARTHWORKS;
- (vii) extent and location of EARTHWORKS relative to water bodies and adjoining sites;
- (viii) nature and extent of water bodies in relation to EARTHWORKS;
- (ix) landscaping and resultant visual form;
- (x) traffic movements;
- (xi) site management methods and techniques to avoid material being deposited on a public ROAD creating a hazard or a nuisance to ROAD users;
- (xii) hours during which EARTHWORKS may be carried out;
- (xiii) off-SITE placement of fill, including means of transportation and location;

- (xiv) emergency procedures to avoid injury or property damage during EARTHWORKS;
- (xv) avoidance or exacerbation of natural hazards;
- (xvi) managing the chemical effects of exposing acid rock;
- (xvii) archaeological monitoring (and possible subsequent surveys);
- (xviii) the need for a SITE management plan to cover any or all of the above;
- (xix) retaining structures and walls;
- (xx) privacy and dominance effects from raised ground levels, BUILDINGS and SPECIFIED BUILDING AREAS;
- (xxi) the risk to the structural integrity of the national grid transmission line;
- (xxii) the effects on the ability of the national grid transmission line owner to operate, maintain and upgrade the high-voltage transmission network;
- (xxiii) the risk of electrical faults causing disruption to electricity supply;
- (xxiv) extent of compliance with NZECP34:2001.

<b>15.6 VEGETATION CLEARANCE</b>
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**15.6.1 Issue**

The District has lost a large proportion of its original native vegetation and wetlands. There is a need to manage vegetation clearance to avoid further degradation and loss of such biodiversity.

*Explanation/Reasons*

*The District has lost a large proportion of its original native vegetation and wetlands through agricultural activities, urban development, subdivision and other human activities. Therefore it is important that the areas, which remain are managed in a sympathetic manner so that indigenous vegetation and its contribution to biodiversity is retained, protected and enhanced, as is appropriate. Where adverse effects are unavoidable, remediation and mitigation measures should be undertaken to compensate for the loss or degradation of habitat.*

*(Refer also to Section 5.1.1 Indigenous ecosystems)*

**15.6.2 OBJECTIVES AND POLICIES****15.6.2.1 Objective**

To ensure that adverse effects on significant indigenous vegetation and biodiversity are avoided, remedied or mitigated.

**15.6.2.2 Policies**

1. That land use, subdivision, and development is undertaken in a manner that is sympathetic to and supports the needs of indigenous vegetation and fauna habitat, and its biodiversity and ensures that:
  - (a) habitats and ecosystems remain stable and resilient to stress;
  - (b) species which naturally occur within the habitat or ecosystem, including sensitive species, are able to survive; by avoiding the adverse effects of indigenous vegetation removal, weed invasion, and domestic animals.
2. Where avoidance is not possible, remediation or mitigation measures should be undertaken, including restoration or enhancement of indigenous vegetation and its ecosystems, and protection of natural areas.

**15.6.3 METHODS****15.6.3.1 Permitted activities**

Notwithstanding anything to the contrary in this PLAN, the following activities shall be permitted activities in all zones.

- i. The cutting, damaging or destroying of any exotic tree or area of trees not listed as protected in Schedule 5A or 8A of the PLAN.
- ii. On an URBAN ENVIRONMENT ALLOTMENT, the cutting, damaging or destroying of any individual INDIGENOUS tree or number of trees constituting INDIGENOUS bush not listed as protected in Schedule 5A or 8A of the PLAN.
- iii. The cutting or removal of vegetation planted for FARMING and FORESTRY.

- iv. The removal of vegetation (excluding removal of INDIGENOUS bush) to maintain pasture, rural production activity areas and orchards.
- v. The cutting, damaging or destroying of any INDIGENOUS vegetation understorey in any forest as part of PRODUCTION FORESTRY or CONSERVATION FORESTRY operations.
- vi. The treatment or removal of dead, damaged or diseased INDIGENOUS trees or other works relating to INDIGENOUS trees immediately necessary to avoid any actual or potential damage to the life, health or property on the SITE on which the trees are located or any adjacent site.
- vii. The operation of any statute or delegated legislation, which may conflict with this part of the PLAN or to which this part of the PLAN is subordinate.
- viii. The cutting or removal of INDIGENOUS vegetation for recreational (excluding motorised vehicles) tracks up to and including 1.7 metres in width except within areas identified in Schedules 5A or 8A of the PLAN.
- ix. The removal of any plant pest identified pursuant to the Biosecurity Act 1993 or listed as a plant pest in the Auckland Regional Pest Management Strategy 2007-2012 or Waikato Regional Pest Management Strategy 2008-2013.
- x. The cutting, damaging or destroying of any individual INDIGENOUS tree or number of INDIGENOUS trees constituting INDIGENOUS bush where the total contiguous bush area from which the tree or trees is/are to be affected is less than or equal to 1 hectare in area.
- xi. Where any area of INDIGENOUS bush is over 1 hectare in area, the clearing of a single area or a series of smaller areas of INDIGENOUS bush to a maximum of up to 2.5% of the total area of the canopy of any contiguous area of INDIGENOUS bush and other INDIGENOUS vegetation as existed on a site as at 4 November 2009.
- xii. The clearance of scattered stands of Manuka and Kanuka within areas of pasture which do not constitute INDIGENOUS forest.
- xiii. The cutting, damaging or destroying of any INDIGENOUS tree, including its root system, located within the COASTAL PROTECTION SETBACK having dimensions less than:
  - a) a height of 6 metres; and
  - b) one or more limbs when measured at 1200mm above ground level of 650mm in circumference.

### 15.6.3.2 Restricted Discretionary Activities

Notwithstanding anything to the contrary in this PLAN, the following activities shall be Restricted Discretionary activities in all zones.

- The cutting, damaging or destroying of any individual INDIGENOUS tree or number of trees constituting INDIGENOUS bush, not provided for as a permitted activity in Rule 15.6.3.1 above.

### 15.6.3.3. Matters for Discretion and Assessment Criteria

1. The Council's discretion is restricted to the following matters:
  - The scale, location and visibility of INDIGENOUS vegetation and fauna habitat removal
  - The scale of INDIGENOUS riparian vegetation removal and any wetland modification
  - The duration of works proposed
  - Protection and enhancement of existing indigenous vegetation including any adjoining ecosystems and bio-diversity
  - Visual amenity
  - Maintenance of biosecurity

2. When considering an application the Council will have regard to the following criteria:

#### **Natural Hazards**

- a) of rivers, streams, lakes, estuaries or the coastal edge.

#### **Landscape and amenity values**

- b) Whether the scale and location of the activity will adversely affect the visual quality and amenity values of the landscape, and the natural landform of any ridgeline or visually prominent areas.

#### **Ecological values of vegetation**

- c) Whether the vegetation proposed to be removed forms part of an ecological corridor, or is adjacent to a waterbody and acts as a filter for sediment and water runoff, or protects threatened plants or animal species habitats sites as identified on Planning Map 108 and the extent to which the activity could adversely affect these values.

#### **Significant Natural Areas**

- d) Whether the works proposed in an area identified as a Significant Natural Area, as defined in Schedules 5A and 8A of the PLAN, are undertaken in such a manner and at such times as to have no adverse effect, or minimum adverse effect, on the ecology and wildlife of the area and in particular, where relevant:
- (i) nesting, feeding and breeding of species;
  - (ii) biological processes;
  - (iii) connections between ecosystems;
  - (iv) the diversity of species;
  - (v) the habitat of threatened species;
  - (vi) cumulative effects.

#### **Vegetation adjacent to Significant Natural Areas**

- e) Whether the removal of bush or trees adjacent to Significant Natural Areas, as defined in Schedules 5A and 8A of the PLAN, will result in:
- (i) fragmentation of the bush and wildlife corridors.
  - (ii) edge effects from wind or light on remaining native vegetation.

#### **Conservation**

- f) Whether the activity will contribute to the greater conservation or protection of natural features within the zone as a whole.

#### **Necessity of works**

- g) Whether the work is necessary for FARMING, HORTICULTURE, NETWORK UTILITIES, PRODUCTION FORESTRY or CONSERVATION FORESTRY operations, and alternatives are not possible.

**Mitigation measures**

- h) Whether mitigation measures are proposed to minimise or mitigate adverse effects, especially in Significant Natural Areas as defined in Schedules 5A and 8A of the PLAN.

**Biosecurity**

- i) Whether a biosecurity plan has been prepared, and provision has been made for the prevention of actual or potential adverse effects from flora and fauna identified pursuant to the Biosecurity Act 1993 or listed as a pest in the Auckland Regional Pest Management Strategy 2007-2012 or Waikato Regional Pest Management Strategy 2008-2013.