

8 Administration of the District Plan

8.1 Information Requirements for RMA Applications

8.1.1 Certificates of Compliance

An application for a Certificate of Compliance must include sufficient detail to assess whether the proposal complies fully with this plan, or with the “existing use right” provisions in Section 10 of the Act. This may include the same information specified in Rule 8.1.2a).

If existing use rights are relevant, information on the proposed activity and a site history will be required to establish pursuant to Section 10 that the effects of the proposal are of a similar character, intensity and scale to that which was lawfully established on the site.

8.1.2 Land Use Consent Applications

a) Information to be provided

- i) All applications shall be in the form specified by Regulations, and should explain:
 - a) Who is making the application, and the location of the site concerned
 - b) The nature, staging, and physical extent of the proposed activity
 - c) Relevant operational matters, staff numbers, traffic, access and parking information
 - d) Landscaping and screening proposals
 - e) The actual or potential effects that the activity may have on the environment, with an AEE report appropriate to the scale of the activity’s potential effects (See Rule 8.1.2 b) below)
 - f) The ways in which any adverse environmental effects can be mitigated
 - g) Any other resource consents that the activity may require, and whether or not such consents have been applied for.
 - h) Any resource consent application for activities requiring noise attenuation/reduction shall be accompanied by the following additional information:
 - Identification of the method of construction to be used for the purpose of noise attenuation
 - Relevant documentation, signed by an appropriately qualified professional, which confirms that the method identified will achieve the insulation ratings specified.
 - i) Any resource consent application for activities that do not comply as a permitted activity under Appendix G Hazardous Substances shall be accompanied by the following additional information:
 - Location, type and quantities of hazardous substances involved
 - Transport of hazardous substances on and off the site, and mode of transportation
 - Identification of on-site hazards, failure modes and exposure pathways from a proposed facility, including a description of the environment potentially affected
 - Proposed monitoring and maintenance schedules, contingency measures and emergency plans
 - j) Any resource consent application for a conversion of commercial forestry land for farming shall be accompanied by the following information:

- A map and aerial photograph of the property subject to conversion showing boundaries and the location of rivers and perennial streams, lakes and wetlands and with reference to their classification in the NIWA River Environmental Classification;
- Location of existing and proposed riparian areas including general dimensions, existing riparian vegetation, riparian areas proposed for fencing and other stock exclusion measures as appropriate;
- Other alternative site specific measures that will achieve riparian management.
- Locations of existing indigenous vegetation, significant natural areas, and outstanding natural features and landscapes and identified cultural sites and archaeological sites, including New Zealand Archaeological Association sites;
- A record of and results from engagement with the Raukawa Charitable Trust in regards to the location of identified recorded and unrecorded:
 - Cultural landscapes and cultural sites; and
 - Archaeological sites of Maori origin.

ADVISORY NOTE: Heritage New Zealand has statutory responsibility for the regulation of all activities (including modification or disturbance) relating to archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Applicants should seek direct guidance on such matters from Heritage New Zealand as a separate authority is required for all such activities regardless of whether works have been authorised by a resource consent issued by the District Council.

- k) A heritage assessment shall be provided for applications to undertake additions, alternations, relocations or demolition of a built heritage feature listed in Appendix B Built Heritage Inventory. The assessment shall be proportional to the scale and intensity of the effects of the works being undertaken and shall be prepared by a suitably qualified person. The heritage assessment shall address the criteria contained within Appendix F, Criteria for Determining Significance of Heritage Features. The assessment may include advice from the New Zealand Historic Places Trust. This assessment is in addition to the information requirements of 8.1.2 b) iii) d).
- l) A current Certificate of Title (printed within 3 months), which can be supplied by Council at the current fee.

ADVISORY NOTE: - Insufficient information may delay the processing of an application, or may result in Council returning it to the applicant under Section 88(3) of the Act as incomplete.

- m) Any resource consent application for the establishment of new tracks and/or fences, except where permitted under Rule 14.4.1c)(ix) within a Significant Natural Area (SNA) identified in Appendix E shall be accompanied by the following information:
- The location and size of the SNA;
 - The comparison of alternative track corridors/positions and their intended purpose and the reasons for the preferred route and the intended location of any stock proof fencing;
 - The opportunities (if any) for additional areas / habitats to be added to the SNA to enhance buffering;
 - The mitigation measures proposed including maintenance and weed and pest control;
 - An ecological assessment of the effects of the proposed works on the significant natural area including:
 - The vegetation and/or habitat type contained within the SNA
 - The extent to which the activity may cause:
 - i) fragmentation and isolation of indigenous ecosystems and habitats;

- ii) reduction in the extent of indigenous ecosystems and habitats , including the area of SNA lost;
 - iii) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats (ecological sequences from mountains to sea);
 - iv) loss or disruption to migratory pathways in water, land or air;
 - v) loss of buffering of indigenous ecosystems;
 - vi) loss of ecosystem services;
 - vii) loss, damage or disruption to ecological processes, functions and ecological integrity;
 - viii) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems;
 - ix) noise, visual and physical disturbance on indigenous species;
 - x) loss of habitat that supports or provides a key life-cycle function for indigenous species.
- n) Any resource consent application for the removal of vegetation including harvesting in a Significant Natural Area in accordance with an approved Sustainable Forest Management Plan or Permit approved by the Ministry of Primary Industries under the Forests Act 1949 shall be supported by:
- The application for approval made to the Ministry of Primary Industries
 - The location and size of the Significant Natural Area and
 - Any known record of threatened and at risk species present in the Significant Natural Area.
- ii) Changes to the design and other details of a notified application may be made before the end of a hearing, but only if the amendments are within the scope of the original application. If the changes go beyond that scope, such as by increasing the scale or intensity of the proposed activity, or by changing the character or effects of the proposal, a fresh application will be required.
- iii) Applications must include a set of drawings to explain the proposal. These drawings must be accurate, legible and capable of being readily copied, and should show, as applicable:
- a) Site location, with road name, property boundaries, and north point
 - b) Site plan at an appropriate scale, showing:
 - The location of all existing and proposed buildings and structures (including any verandahs, decks, eaves and balconies)
 - The position of any easements, and existing and proposed services
 - The position of parking and loading spaces, and proposed access and manoeuvring areas, including the location of any vehicle crossings
 - Levels on boundaries and around any buildings, plus ground contours if the site is steeper than 1 in 10
 - Proposed retaining walls, excavations and fill
 - Existing trees and areas of vegetation, and proposed landscaping
 - Watercourses within the site and proposals to manage stormwater and effluent
 - The location of utilities, including electricity lines
 - c) A floor plan of each building at an appropriate scale, showing the internal layout of the building and the use of rooms or parts of a floor

- d) Elevations of each building at an appropriate scale, showing:
- The external appearance of the building (including windows and doors)
 - The number of floors
 - Building heights and distance to any property boundary
 - How this plan's height controls apply to the building
 - Original and new ground levels underneath proposed buildings

b) Assessment of Environmental Effects

- i) Any assessment of environmental effects supplied with an application must provide enough information for anyone to understand the actual or potential effects (both positive and negative) of that activity on the environment, and the ways in which any adverse effects will be mitigated. The level of detail shall correspond with the scale and significance of those effects.
- ii) If the application is for a controlled activity or restricted discretionary activity, the assessment need only cover the matters over which Council has retained discretion.
- iii) An Assessment of Environmental Effects (AEE) should include the following, as appropriate:
- a) A description of the site and its neighbourhood
- b) A description of the proposed activity, and, if the activity may have significant adverse environmental effects, the reasons for selecting the proposed site, scale and type of activity
- c) A review of the resource management policies which apply to the proposal
- d) An assessment of the actual or potential effects on the environment of the activity, including adverse effects, benefits and cumulative effects, particularly:
- Any physical effect on the locality, including landscape and visual effects, noise, and any effects on natural hazards
 - Any effect on ecosystems, including effects on animals or plants and disturbance of habitats
 - Any effect on heritage places and areas, outstanding or significant amenity landscapes or significant natural areas identified by the plan or other places of special value to present and future generations
 - Any effect on nearby people and the wider community, including any socio-economic and cultural effects and impacts upon amenity values
 - Any effect on the efficiency of transportation, communications, network utility infrastructure and public services
 - The effect of any discharge into the environment, (subject to any Regional Plan)
 - An assessment of any risks to the environment (particularly the health and safety of people) arising from any use of hazardous substances.
- e) An Integrated Traffic Assessment for the development, prepared in accordance with the Integrated Traffic Assessment Guidelines, November 2010, NZTA Research Report 422, and/or Traffic Impact Assessment.
- f) A Cultural Impact Assessment detailing the impact of the development upon the relationship of Tangata Whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga
- g) A description of the mitigation measures (including monitoring, safeguards and contingency plans where relevant) to help prevent or reduce any adverse environmental effects, including an explanation of why these mitigation measures were preferred to others

- h) A list of persons interested or affected by the proposal, the consultation undertaken, and the results of this consultation
- i) A description of how the activity's effects are to be monitored and by whom.

Refer 10.10.3 also

8.1.3 Subdivision Consent Applications

- a) All applications shall be in the form specified by Regulations and should include:
 - i) Plans drawn to scale, legible and capable of being readily copied. The plans must show, as appropriate:
 - a) The address and legal description of the land being subdivided
 - b) The position of any new covenant boundaries for cross-lease and unit title subdivisions
 - c) The location of any proposed and existing easements
 - d) Abutting and underlying title boundaries, and existing building-line restrictions and easements
 - e) The balance area of the property to be subdivided showing proposals for future development (if known)
 - f) Contours or spot heights sufficient for the design of access and services, and to show the general topography of the area, particularly around proposed house sites
 - g) Any features to be protected, including vegetation or trees
 - h) The main topographic features, including water courses, trees and areas of filled ground
 - i) Existing and proposed provision for stormwater and farm drainage, and sewage disposal. For unsewered areas, evidence may be required that sewage can be adequately disposed of in an environmentally acceptable manner, without risk to health
 - j) Existing structures (including buildings), and whether such structures will be retained, shifted or removed
 - k) Existing and proposed roads, vehicle crossings, pedestrian accessways, and service lanes with relevant widths, areas and gradients
 - l) The location of utilities, including electricity transmission and distribution lines
 - m) In urban situations, the proposed location, size and grades of all utilities
 - n) Proposed areas of excavation and fill, with finished contours where significant alterations to the ground surface are proposed
 - o) Any public works designations
 - p) Any heritage places, outstanding or significant amenity landscapes or significant natural areas identified by the district plan.
 - ii) Information on:
 - a) The availability of utilities for each new lot including confirmation from the utility provider
 - b) The stability of the new lots, including the depth and compaction of any fill and the future likelihood of earth movement or erosion.
 - iii) Current Certificate of Title (within 3 months) – can be supplied by Council at the current fee
 - iv) An Assessment of Environmental Effects (see Rule 8.1.2 b) above)
 - v) A list of persons interested or affected by the proposal, the consultation undertaken, and the results of this consultation.

Include an Accidental Discovery Protocol.

Putaruru Growth Cells

- b) In addition to any relevant matters listed in 8.1.3a) above, a Development Concept Plan (DCP) shall be submitted with all subdivisions for a subject site that is wholly or partly within a Putaruru Urban Growth Cell

A DCP should show, as appropriate:

- i. All existing network utilities and infrastructure connection points to the growth cell and commentary of their level of service conditions;
- ii. Proposed ground levels and associated earthworks (cut, fill and waste for disposal) to establish the future development area of the growth cell;
- iii. Location, size and key elements of the proposed 3 waters infrastructure and the efficiency performance measures for their operation, and specific commentary on:
 - Stormwater management, connectivity, collection, treatment and disposal, and on-going maintenance requirements for the development area and its management long-term over the entire growth cell including stormwater overland flow paths and/or changed drainage patterns on adjacent land in different ownership;
 - Wastewater reticulation connectivity and treatment for the entire growth cell and any future areas;
 - Potable water supply connections, management and treatment for domestic, and/or commercial purposes, and compliance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008) for the entire growth cell.
- iv. Technical assessments including all referenced baseline data sources, assumptions, calculations and outputs for 3 Waters modelling to support the above development of the growth cell;
- v. Landscape and natural and heritage features, and sites of significance to Raukawa, including:
 - Means to integrate any such features or sites into the subdivision
 - Means to mitigate effects of the development upon the relationship of Raukawa and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga,
- vi. Natural hazards or physical constraints including means to mitigate such hazards or constraints as part of the overall development of the growth cell
- vii. Open space areas sufficient to provide neighbourhood reserves for formal and informal recreation activities, ecological enhancement and or gully restoration for the entire growth cell, and the multi-purpose uses for these areas;
- viii. Proposals for power and telecommunications services to the subdivision and for the probable future development of the entire growth cell. These proposals shall include correspondence from the service provider confirming the circumstances under which future power and telecommunications are available;
- ix. Proposals to minimise reverse sensitivity issues on the boundaries identified as requiring mitigation on the Planning Maps;
- x. Proposals to manage the cumulative impact of network utility and infrastructure services provision on the total development of the growth cell and neighbouring areas;
- xi. Commentary on transportation links intending to serve the proposed subdivision and probable future development and connectivity to the local or State Highway network, and how subdivision design and lot layout will achieve the safe and efficient operation of the road network including providing for pedestrian and cycleway opportunities. This is to include anticipated traffic generation effects associated with full development of the growth cell and any intersection design upgrades required.
- xii. Commentary on the costs, timing and funding arrangements proposed and possible public-private apportionment;

- xiii. That subdivision and development can comply with RITS or present an acceptable alternative solution.

8.1.4 Designations and Outline Plans

- a) The procedure for a notice of requirement is set down in Sections 168 to 175 of the Act.
- b) The Act states that outline plans of public works need not be submitted to Council if:
 - i) the proposed public work, project, or work has been otherwise approved under this Act or
 - ii) the details of the proposed public work, are incorporated into the designation (Section 176A) or
 - iii) the activity is necessary to remove the cause of, or mitigate any actual or likely adverse effect of, an emergency. (Section 330).
- c) Council has the right to waive the requirement for an outline plan and will consider the need for such a plan on a case by case basis upon request from the requiring authority. Outline Plans will not be required in respect of:
 - i) Any network utility and infrastructure permitted by Chapter 13 of this plan
 - ii) Such other works where it is considered impractical or unnecessary to prepare outline plans.

8.1.5 Further Information

- a) Council may, under section 92 of the Act, require applicants to supply further information which is needed to better understand:
 - i) The nature of the proposed activity
 - ii) The effects the proposed activity may have on the environment
 - iii) The ways in which any adverse environmental effects are to be mitigated.
- b) If any significant adverse effect may result from a proposal, the Council may commission a report, with the report brief prepared in consultation with the applicant, for purposes which include:
 - i) Checking the accuracy, relevance and completeness of the information provided
 - ii) Reviewing any technical or operational details of the proposal
 - iii) Identifying and assessing any natural hazard or the use or storage of any hazardous substance, including measures to mitigate any potential adverse effects
 - iv) Providing information on matters such as heritage values, amenity or cultural considerations.

8.2 Notification Considerations

- a) The Council is precluded from giving public notification of any application for a resource consent for a controlled activity or a restricted discretionary activity, except where Rule 8.2g) applies, and for applications for resource consent for non-compliance with Rules 18.4.13, 22.4.12, and 27.4.13.

ADVISORY NOTE: - Under Section 95A(2) of the Act, applications for discretionary and non-complying activities need not be notified if Council is satisfied that the adverse effects of the activity on the environment will be minor.

- b) The Council is precluded from giving limited notification of any application for resource consent, except where Rules 8.2c) to 8.2fb) apply, where:

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- i) The application is for a controlled activity land use or subdivision consent, or
- ii) The application is for a restricted discretionary activity subdivision consent, except where the subdivision has become restricted discretionary due to its proximity to high voltage transmission lines, or sub-transmission lines, in which case the electrical line owner and/or operator will be the affected parties, or
- iii) The application is for a restricted discretionary activity land use consent except where the activity involves building setbacks from, or earthworks near, electricity transmission lines in which case the electrical line owner and/or operator will be the affected parties, or
- iv) The application is for a restricted discretionary activity land use consent which concerns non-compliance with any of the following rules:
 - Outdoor living space
 - Site Coverage
 - Density of dwellings
 - Verandah provision
 - Natural hazards
 - Scale of retail activity in Industrial zone
 - Building setbacks from rivers (except the Waikato River), lakes or wetlands
 - Earthworks or structures under Rules 14.3.1 or 14.3.2
 - Clearance of indigenous vegetation, land disturbance or drainage under Rule 14.4.1
 - Building materials and reflectivity under Rule 29.4.5.

ADVISORY NOTE: - Under Section 95E(3) of the Act, Council must decide that a person is not an affected person if that person has given their written approval to the activity.

- c) Transpower will be notified as an affected party and/or provided limited notification of resource consent applications, where these are likely to affect a National Grid Corridor as illustrated in the definitions section of this Plan.
- d) The NZ Transport Agency will be considered an affected party and/or provided limited notification of resource consent applications for:
 - i) Subdivision applications under Rule 10.3.1(b)(v).
 - ii) Land use applications seeking exemptions from the traffic generation limits and/or vehicle access requirements in the following Rules:

Tokoroa Town Centre - Rule 17.4.10

- Tokoroa Business - Rule 18.4.12
- Tokoroa Residential - Rules 20.4.1b) to e)
- Putaruru Town Centre- Rule 21.4.9
- Putaruru Business- Rule 22.4.11
- Putaruru Residential- Rules 23.4.1 b) to d)
- Tīrau Town Centre- Rule 24.4.11
- Tīrau Residential- Rules 25.4.1 b) to d)
- Industrial – Rule 27.4.12 a)
- Rural - Rule 28.4.6 g)

- Rural Residential – Rule 29.4.6 iii)
- e) Mighty River Power will be notified as an affected party for:
- i) Subdivision applications under Rule 10.3.1c)iv)
 - ii) Subdivision or land use applications seeking exemptions from:
Building setbacks from the Waikato River or hydro electric power operating easements (Rules 28.4.2a) and 29.4.2a))
Geotechnical assessments (Rules 10.6.7, 10.7.9, 28.3.3b) and 29.3.3b))
Natural hazard flood levels for the Waikato River (Rules 10.7.4b), 28.4.12 and 29.4.11).
- f) The Raukawa Charitable Trust will be notified as an affected party and receive limited notification of resource consent applications for the conversion of commercial forestry land for farming under Rule 8.3.1g), in relation to the location of identified recorded and unrecorded:
- cultural landscapes and cultural sites; and
 - archaeological sites of Maori origin.
- fa) For non-compliance with Rules 18.4.3, 22.4.12, and 27.4.13, limited notification to Iwi and Hapu is not precluded.
- fb) The Raukawa Charitable Trust and/or related iwi and hapu will not be precluded from receiving limited notification of resource consent applications for subdivision and/or development in the Putaruru Urban Growth Cells shown on the Planning Maps.
- g) Despite the above, the Council must, under Sections 95A and 95B of the Act,
- publicly notify any application if an applicant requests, and
 - must determine whether special circumstances exist in relation to the application that warrant the application being publicly notified under Section 95A(9) or limited notified under Section 95B(10). If the answer is yes, the application must be respectively publicly notified or limited notified.

8.3 Matters Where Control or Discretion is Reserved for Controlled and Restricted Discretionary Activities

(These provisions apply to the consideration of applications identified as being for a controlled (8.3.1 and 8.3.2) or restricted discretionary (8.3.3) activity under Rules 10 to 31).

8.3.1 Reservation of Control - Controlled Activity Land Use Applications

The matters in respect of which Council has reserved its control are:

- a) Dwellings, Accessory Buildings and Visitor Accommodation in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas (Rule 29.3.2):
- i) The extent to which the location of structures will make them obtrusively visible, by being sited near the skyline, on a headland, or in another prominent position
 - ii) Whether structures, and associated artificial screening and shelter belts, would obstruct views from roads, the Waikato River and other public viewpoints
 - iii) The external design, construction and finish of structures, including how closely the finish blends with background colours and nearby buildings

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- iv) The extent to which alternative mitigation options and building sites are practical, having regard to the costs and benefits involved
- v) The extent to which the development will give effect to the Vision and Strategy for the Waikato River.
- b) Marae development and papakāinga in the Rural and Rural Residential zones (Rules 28.3.2 and 29.3.2):
- i) The potential impact of the development on traffic safety and efficiency
- ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.
- ii) The effect of any educational and employment initiatives upon the amenities of nearby properties
- c) Modifications to a Built Heritage Feature identified as controlled in the relevant Heritage Inventory Record in Appendix B:
- i) The design and appearance of the modifications, and their compatibility with, and effect upon, the identified heritage values of the building concerned, as identified in the Heritage Inventory record concerned and Appendix F.
- d) Refuse transfer stations, and Recycling depots with a gross area of over 20m² (Rule 13.5 a):
- i) The potential impact of the development on traffic safety and efficiency
- ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.
- ii) Site management to minimise nuisance for nearby residents and properties, including from odour, vermin and wind-borne debris.
- e) Licensed restaurants and bars with frontage to Arapuni Road (Rule 26.3.2):
- i) The hours of operation, noise levels, parking provision and the effect of vehicular access upon traffic safety.
- f) Hazardous substance storage at a service station that contravenes a standard for a permitted activity under Appendix G:
- i) Proposed fire, safety and fire water management
- ii) Proposed spill contingency and emergency planning
- iii) Proposed monitoring and maintenance schedules.
- iv) Proposed waste management
- v) Compliance with relevant Codes of Practice and Standards.
- g) Conversion of commercial forestry land for farming:
- Measures to manage the effects on riparian margins including existing indigenous vegetation and stock access within these margins;
 - Conditions of consent that ensure performance standards in Rule 28.4 are implemented in an appropriate manner to minimise the actual and potential adverse effects including cumulative effects of the activity;
 - Measures to manage the actual and potential effects resulting from the extent of disturbance of natural character, access, amenity values and landscapes including cultural landscapes, cultural sites, and archaeological sites, and indigenous biodiversity;
 - Monitoring and/or review conditions.

- h) In relation to an application under Rule 14.4.2 for a controlled activity for the removal of vegetation including harvesting in a Significant Natural Area in accordance with an approved Sustainable Forest Management Plan or Permit or personal use approval issued by the Ministry of Primary Industries under the Forests Act 1949 under Rule 14.4.2:
- (i) The protection of the habitats of threatened or at risk species including the opportunities for the relocation of indigenous fauna (in accordance with the Wildlife Act 1953);
 - (ii) The effects on the relationship of tangata whenua with their ancestral lands, water bodies, waahi tapu, and other taonga;
 - (iii) The measures to avoid, remedy, or mitigate any adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna. This shall include but is not limited to, control over which specific tree(s) is removed, modified or not removed, the timing (for example sensitivity to roosting) and sequence of removal where relevant.
- i) Alterations to built heritage items to improve structural performance, fire safety or physical access.
- i) The design and appearance of the modifications, and their compatibility with, and effect upon, the identified heritage values of the building concerned, as identified in the Heritage Inventory record concerned and Appendix F.
- j) In assessing applications for controlled activities within Putaruru Growth Cell 4 shown on the Planning Maps, the matters in respect of which Council has reserved its control are:
- i) The degree to which the activity would contribute to a cumulative increase in vehicle movements to and from GC4 at the Princes St/SH1 Intersection at peak hours, as indicated by an Integrated Traffic Assessment prepared for the activity,
 - ii) Impacts on the safe and efficient functioning of the road network,
 - iii) Measures proposed to mitigate any adverse effects on the Princes St/SH1 intersection,
 - iv) The availability of sufficient water and wastewater infrastructure including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008), to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan.
 - v) The design and location of the legal road providing access to Princes Street shown as Possible Future Road on the Planning Maps where this has not already been vested in Council.

8.3.2 Reservation of Control – Controlled Activity Subdivision Applications

The matters in respect of which Council has reserved its control are:

- a) Provision to be made for water supply, including future fire fighting capability
- b) Provision to be made for disposal of wastewater and stormwater management and sediment control
- c) Potential impacts on the safe functioning of roads, with accessways onto roads consolidated wherever possible to minimise the number of crossing places and ensure safe sight separation distances
- d) The width, length, drainage and formation of driveways and rights-of-way
- e) The size, shape and arrangement of allotments and location of proposed boundaries
- f) The creation of appropriate easements
- g) Payment of financial contributions including reserves contribution

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- h) Providing, forming, naming and signposting new roads
- i) Preservation of existing vegetation
- j) Provision of esplanade reserves and strips
- k) Suitability of proposed allotments for subsequent buildings and future use, including the separation of proposed building sites from electricity transmission lines.
- l) Impact of subdivision upon future management of indigenous vegetation, including Significant Natural Areas, archaeological sites and areas, and upon heritage places and areas
- m) Requiring a consent notice to be placed on the titles of newly-subdivided allotments which contain an area of indigenous vegetation or a significant natural area, or requiring the covenanting of such areas, to ensure their ongoing protection and maintenance of that area
- n) Fencing off streams, rivers, wetlands and indigenous vegetation with adequate buffer zones to permanently exclude stock, protect ecological functioning of riparian margins, vegetation and aquatic habitats.
- o) The location of any proposed building platform(s) and associated works in relation to an outstanding natural landscape, feature or significant amenity landscape and associated adverse effects on the identified landscape values
- p) Subdivision design and compatibility with any probable subsequent development of further lots on the balance of land zoned Rural Residential, as illustrated by a Development Concept Plan
- pa) In relation to subdivision of land within any Putaruru Growth Cell, the degree of compliance with any Development Concept Plan prepared for the Growth Cell concerned.
- q) In respect of subdivisions which are related to the establishment of a new farming activity or forestry activity, Council has reserved its control to the maintenance and protection of existing wetlands and waterbodies, and including by:
 - i) Fencing off streams, rivers, wetlands and indigenous vegetation with adequate buffer zones to permanently exclude stock and protect riparian margins and vegetation
 - ii) Requiring a stormwater management plan to manage stormwater runoff and to design and implement sediment control measures
 - iii) Considering the extent to which the development will give effect to the objectives of the Vision and Strategy for the Waikato River.
- r) Subdivision development and associated works which may affect the adjoining land or the stability of the land being subdivided, being land disturbance, excavation and filling, and land contamination
- s) The extent of disturbance to landforms, landscapes and vegetation cover as a result of the development of accessways, building platforms and buildings including accessory buildings
- t) The adequacy of separation distances between dwellings and established rural-based activities to recognise the existing and potential adverse effects of primary production activities, rural industries and rural based recreational activities such as boating, hunting and water fowl shooting on the amenity in the local area
- u) Effects (including reverse sensitivity effects) on consented hydro-electric power generation activities, network utility infrastructure, or the ongoing operation, maintenance and upgrading of the National Grid

- v) Extent of set back from margins and easement boundaries of the Waikato River so as not to compromise existing and new walking/cycling trails
- w) Effects of the development upon the health and wellbeing of the Waikato River, considering the extent to which the development will give effect to the Objectives of the Vision and Strategy for the Waikato River. (The Objectives are set out in Chapter 1 of this plan)
- x) Any impact of subdivisional works on the severity of natural hazards, and the effects of hazards on future use of the land being subdivided
- y) Ability to connect to an adequate electricity supply
- z) Impacts on the function, and safety and efficiency of the transport network
- za) Infrastructure provision and upgrading, operation and maintenance including works to maintain the function, safety and operation and levels of service of the network utilities and infrastructure.
- zb) The results of any Integrated Transportation Assessment prepared in accordance with the Integrated Traffic Assessment Guidelines, November 2010, NZTA Research Report 422, and/or Traffic Impact Assessment
- zc) Establishment of cycleways, walkways and public transport stops
- zd) Timing and staging of development
- ze) Cumulative effects on infrastructure
- zf) The matters specified in Section 220 of the Act.
- zg) For Putāruru Growth Cell 4 (Business) as shown on the Planning Maps, the design and location of the legal road providing access to Princes Street shown as Possible Future Road on the Planning Maps where this has not already been vested in Council.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.3.3 Matters Where Discretion is Restricted - Restricted Discretionary Activities

- a) In assessing applications that have become restricted discretionary activities due to non-compliance with the plan's performance standards, but which otherwise would have been permitted activities, Council has restricted its discretion over matters related to the effect of allowing non-compliance with the particular performance standard (or standards) which the proposal has failed to meet. Conditions may be imposed to avoid, remedy or mitigate the effects of non-compliance.
- ab) In assessing applications for activities that involve new direct accesses onto state highways, or generate more than 100 additional vehicle movements in any given peak hour onto a state highway, the matters in respect of which Council has restricted its discretion are:
 - i) Location and scale of activity, and location of vehicle entrance
 - ii) Vehicle access and manoeuvring
 - iii) Impacts on the safe and efficient functioning of the road network, and
 - iv) Vehicle queuing on site
 - v) Economic development within the District including the creation of new jobs

- ac) In assessing applications for activities that generate more than 200 additional vehicle movements in any given peak hour onto a local road, the matters in respect of which Council has restricted its discretion are:
- i) Location and scale of activity
 - ii) Vehicle access and manoeuvring
 - iii) Impacts on the safe and efficient functioning of the road network, and
 - iv) Vehicle queuing on site
 - v) Capacity and ability of Council's existing roading infrastructure to accommodate additional vehicle movements
 - vi) Economic development within the District including the creation of new jobs
- ad) In assessing applications for the Tokoroa Hospital site that generate more than 50 additional vehicle movements in any given peak hour onto State Highway 32 from activities occupying additional gross floor area, the matters in respect of which Council has restricted its discretion are:
- i) location and scale of the activity
 - ii) vehicle access and manoeuvring
 - iii) impacts on the safe and efficient functioning of the State Highway network, and
 - iv) vehicle queuing on site.
- ae) In assessing applications for activities within Putaruru Growth Cell 4 shown on the Planning Maps (GC4) that do not comply with Rule 22.4.11d) because they would result in a cumulative increase in vehicle movements to and from GC4 at the Princes St/SH1 Intersection of more than 200 vehicle movements in any given peak hour, the matters in respect of which Council has restricted its discretion are:
- i) Location and scale of activity
 - ii) Vehicle access, vehicle queuing and manoeuvring on site
 - iii) Impacts on the safe and efficient functioning of the road network, and
 - iv) Capacity and ability of Council's existing roading infrastructure to accommodate additional vehicle movements
 - v) Measures to mitigate any adverse effects on the Princes St/SH1 intersection, taking into account the level of traffic generated by other land use which has been lawfully established or granted consent to establish in the Growth Cell. This mitigation could include funding physical improvements to the intersection.
 - vi) Where roading infrastructure is required to be upgraded, the preparation of an infrastructure funding agreement or other such measure that must be agreed with all relevant service providers to ensure that the infrastructure required to service the development can be funded and provided in a timely manner.
- b) In assessing applications which have become restricted discretionary activities due to non-compliance with the plan's performance standards, but which otherwise would have been controlled activities, Council has restricted its discretion over matters relating to the effect of allowing non-compliance with the particular performance standard (or standards) which the proposal has failed to meet. Council has also reserved its control over the matters in Rules 8.3.1 or 8.3.2 which relate to that type of controlled activity.
- c) In assessing applications for construction or reconstruction of buildings in the Tirau Town Centre Zone that involve an exterior wall facing toward a street boundary, Council has restricted its discretion over the design and external appearance of proposed buildings and their compatibility with the existing character of the town centre. Ultra-modern or minimalist designs with stainless steel and mirror glass will not generally be acceptable.

- d) In assessing applications for dwelling houses on sites with a net site area of between 300m² and 450m² in Residential Zones, the matters in respect of which Council has restricted its discretion are:
- i) Separation and design of houses for visual and aural privacy, including screening, the bulk of proposed buildings in relation to neighbouring properties, and the location of open space and glazing
 - ii) Arrangement of yard space, including the use of zero lot lines, common open space and room for trees and landscaping
 - iii) The orientation, roof pitch and style, and footprint of the dwelling units, in terms of promoting a difference from other dwellings existing or proposed nearby
 - iv) The location of any garages or carports, and the layout of access drives, parking and manoeuvring spaces, in terms of maximising the amount and amenity of outdoor living space, promoting safety and minimising conflict between vehicles and people using the site and adjoining properties and roads.
- e) In assessing applications for subdivision of sites with a net site area of between 300m² and 450m² in Residential Zones, the matters in respect of which Council has restricted its discretion are:
- i) The size and shape of the proposed allotments in relation to their ability to be developed for quality housing with adequate separation from neighbouring properties for visual and aural privacy and with sufficient open space, given the land contour and its orientation to the street.
- ea) In assessing applications which have become restricted discretionary activities due to non-compliance with 10.6.5 d) the matters which Council has reserved its discretion over are:
- i) The provision of certification from a Power provider to demonstrate that connection can be made to the new allotment
 - ii) Subsequent consent notice to warn potential owners of the lack of this service.
- f) In considering any application for resource consent for activities that are not predicted to comply with the relevant zone noise controls, including activities on the surface of the water, the matters in respect of which Council has restricted its discretion are:
- i) The maximum level of noise to be generated, and its nature, character and frequency, in relation to the disturbance this may cause to people in the vicinity
 - ii) The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused
 - iii) The extent to which it is practicable to require acoustic shielding and other mitigation measures to achieve the relevant noise limits. This includes possible noise insulation of habitable buildings on other sites
 - iv) The impact of noise from surface water activities on wildlife in the area, including the timing of noise in relation to life cycle stages during which wildlife are more vulnerable to disturbance (eg nesting seasons).
- g) In assessing applications which have become restricted discretionary activities due to non-compliance with Appendix G, the matters in respect of which Council has restricted its discretion are:
- i) The location, type and quantities of hazardous substances to be used
 - ii) Mitigation of risk to people, properties and the environment generally
 - iii) Monitoring and maintenance schedules, contingency measures and emergency plans.
- h) In assessing applications which have become restricted discretionary activities due to non-compliance with parking space provision, other mitigation options that will be considered include a developer

constructing additional parking spaces on the adjoining street frontage, the sharing of parking spaces between activities on different sites, leasing of land nearby to provide parking spaces, use of stacked parking, and provision of cycle spaces or other matters recommended by a suitably-qualified Traffic Engineer (eg availability of public carparking spaces). These forms of mitigation are only likely to be appropriate where they do not adversely affect traffic safety or efficiency, and do not preclude on-street parking being available for adjoining land uses.

- i) In assessing subdivisions which have become restricted discretionary activities due to proximity to the National Grid's transmission lines, the matters in respect of which Council has restricted its discretion are:
- i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and building platforms
 - ii) The ability for maintenance and inspection of transmission lines, including ensuring access and any planned and approved upgrade of the National Grid
 - iii) The extent to which the design and development will minimise the risk of injury and/or property damage from such lines
 - iv) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms
 - v) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)
 - vi) Outcomes of any consultation with the affected utility operator.
 - vii) The risk to the structural integrity of the National Grid
 - viii) The extent to which the subdivision design and consequential development will minimise potential reverse sensitivity and nuisance effects of the National Grid.
- j) In assessing subdivisions which have become restricted discretionary activities due to proximity to sub-transmission lines, the matters in respect of which Council has restricted its discretion are:
- i) Extent of compliance with NZECP 34:2001
 - ii) The location, height, scale, orientation and use of buildings and structures to address potential adverse effects on the sub-transmission line, and/or potential risks to public or property.
- k) In assessing land use consent applications for buildings and structures which have become restricted discretionary activities due to proximity to National Grid transmission lines, the matters in respect of which Council has restricted its discretion are:
- i) The extent of compliance with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)
 - ii) The location, height, scale, orientation and use of buildings and structures to ensure effects on the following are addressed:
 - The risk to the structural integrity of the transmission line
 - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network
 - The risk of electrical hazards affecting public or individual safety, and risk of property damage
 - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk
 - Minimising the visual effects from the transmission line
 - Any other matters set out in plans for buildings and/or structures, and
 - Outcomes of any consultation with the relevant line owner

- l) In assessing land use consent applications for earthworks which have become restricted discretionary activities due to proximity to National Grid transmission lines, the matters in respect of which Council has restricted its discretion are:
- i) Any effects on the structural integrity of the transmission line
 - ii) Volume, area and location of the works, including temporary activities such as stockpiles
 - iii) Site reinstatement
 - iv) The use of mobile machinery near the transmission line which may put the line at risk
 - v) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)
 - vi) Outcomes of any consultation with the relevant line owner.
- m) In assessing applications for activities on the surface of the water, the matters in respect of which Council has restricted its discretion are:
- i) The size of any proposed structure compared to the width of the waterway (ie to ensure other users and the water flow are not impeded)
 - ii) Potential conflicts with other users (recognising other people's rights and whether compromises are needed on either side)
 - iii) Position in relation to the main channel/ main boating routes (ensuring main routes are not impeded)
 - iv) Whether public will have access to the structure.
- n) In assessing applications for new farming activities under Rule 28.3.1 that have become restricted discretionary due to non-compliance with Rule 28.4.8 and Rule 28.4.9, the matters in respect of which Council has restricted its discretion to avoid, remedy or mitigate the adverse effects are:
- i) Measures to manage the effect on natural character, indigenous biodiversity and riparian margins
 - ii) Measures to manage the effects on the health and wellbeing of the Waikato River catchment, including the objectives of the Vision and Strategy for the Waikato River. (The Objectives are set out in Chapter 1 of this plan)
 - iii) Measures to prevent or reduce stock access to the waterbody and its riparian margins
 - iv) Any monitoring and or review conditions.
- o) In assessing applications for community scale renewable energy development using hydro-electric generation, the matters in respect of which Council has restricted its discretion are:
- i) The effect on natural character and indigenous biodiversity
 - ii) The effects on the health and wellbeing of the Waikato River catchment, including the objectives of the Vision and Strategy for the Waikato River
 - iii) The effects on any outstanding natural landscape, outstanding natural feature, or significant amenity landscape identified in Appendix C
 - iv) The effects on public access to or along the Waikato River or any of the other waterways identified in Rule 10.10.2 a)
 - v) Any cultural impacts including actual or potential adverse effects on the intrinsic values or mauri of the waterway, wāhi tapu or other sites of significance to Maori
 - vi) Any cumulative effects of renewable energy development using hydro-electric generation.
- p) In assessing applications for activities which do not meet the setback requirements of Rule 28.4.2 f), the matters in respect of which Council has restricted its discretion are:

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- i) Distance between dwelling and intensive farming activity
 - ii) Effects on other land use activities, including reverse sensitivity effects
 - iii) Matters in industry Codes of Practice.
- q) In assessing applications for poultry farming, the matters over which Council has restricted its discretion are:
- Shed location, scale and design;
 - Compliance with relevant industry standards or codes of practice;
 - The extent of landscaping, and the on-going maintenance of landscaping;
 - The means of ventilation from the sheds;
 - Impacts of topography and prevailing winds;
 - Traffic effects; and
 - The provision of a Management Plan specifying how operational practices will mitigate potential adverse odour, noise and dust effects, including a waste management strategy and a complaints and monitoring procedure.
- r) In assessing applications for the establishment of new tracks and or fences within a Significant Natural Area (SNA) identified in Appendix E, the matters in which Council has restricted its discretion are:
- i) the location and purpose of the proposed track alignment and impacts including fragmentation on the SNA;
 - ii) the location and purpose of the proposed track alignment and impacts on the existing land use activities on the property;
 - iii) the size of the area, vegetation and or habitat type that is lost due to the proposed works and its representation in relation to the overall size, significance and functioning of the SNA;
 - iv) the scale of any earthworks, re-contouring and potential for land erosion affecting the site;
 - v) the mitigation measures proposed that could include some or all of the following – replanting including species selection, number and timing and maintenance within the SNA to sustain its ecological viability or on adjacent land linking to the SNA, weed and pest management control methods and their timing, and or fencing off and retiring additional land to enhance buffering and sustain the indigenous biodiversity on the property.
- s) In assessing applications for signage on buildings/structures listed in Appendix B - Built Heritage Inventory, and on the sites where those buildings/structures are located, which do not meet the requirements of Rule B1.1 of Appendix B, the matters in respect of which Council has restricted its discretion are:
- i) The extent to which any sign including supporting structures, detracts from the heritage significance or values of a heritage building.
 - ii) Whether any sign obscures or detracts from the architectural values of the building/structure including decorative detailing, structural divisions, windows or doorways.
 - iii) Whether additional signs will detract from the heritage details of the building/structure.
 - iv) The extent to which the design of the sign and the graphics and the colour are compatible with the building/structure or site.
 - v) Whether the means of fixing the sign to a scheduled building or structure, including associated cabling or wiring for illuminated signs, will adversely affect the heritage fabric and heritage values of the scheduled building or structure.

- vi) Whether the intensity of illumination will adversely affect the heritage values of the building or structure.
- t) In assessing applications for activities within Putaruru Growth Cell 4 shown on the Planning Maps that do not comply with Rule 22.4.12 relating to water supply and/or wastewater disposal, the matters in respect of which the Council has restricted its discretion are:
- i) The availability of sufficient water and wastewater infrastructure including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008), to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan.
 - ii) The feasibility of alternative measures to achieve required public wastewater and or water supply capacity,
 - iii) Whether the staging and design of development will align with the provision of infrastructure so that the overall capacity of the infrastructure is not exceeded.
 - iv) Whether temporary wastewater or water supply capacity can be provided which does not undermine the long-term solution.
 - v) Whether funding or other such measures have been agreed between the Council as service provider and the applicant to achieve the required public wastewater and or water supply capacity.
 - vi) Means to mitigate effects of the additional demand for water supply and/or wastewater disposal capacity upon the relationship of Raukawa and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- u) In assessing applications for subdivision and land use activities within Putaruru Growth Cell 1 (Overdale) or Growth Cell 2 (Ruru) that do not comply with Rules 10.4.6, 10.4.7, or 23.4.14 or 23.4.15 relating to the maximum number of HUEs to be provided for in these Growth Cells, the matters in respect of which the Council has restricted its discretion are:
- i) The availability of sufficient water and wastewater infrastructure including water supply for fire fighting in accordance with the NZ Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008), to service future subdivision and/or development throughout Putaruru, including in the residential Growth Cells identified by this Plan.
 - ii) The feasibility of alternative measures to achieve required public wastewater and or water supply capacity,
 - iii) Whether the staging and design of development will align with the provision of infrastructure so that the overall capacity of the infrastructure is not exceeded.
 - iv) Whether temporary wastewater or water supply capacity can be provided which does not undermine the long-term solution.
 - v) Whether funding or other such measures have been agreed between the Council as service provider and the applicant to achieve the required public wastewater and or water supply capacity.
 - vi) Means to mitigate effects of the additional demand for water supply and/or wastewater disposal capacity upon the relationship of Raukawa and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- v) In assessing applications which have become restricted discretionary activities due to non-compliance with 22.4.1c) the matters which Council has reserved its discretion over are:
- a) The effects on the operation of the railway network
 - b) Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

- w) In assessing the effects of non-compliance with Rules 18.4.13, 22.4.12 and 27.4.13, and in addition to criteria 8.3.4n) and 8.3.4r), Council restricts its discretion to the degree of non-compliance and the extent to which that non-compliance results in adverse effects on waterbodies, including cultural effects.

8.3.4 Additional Matters of Control and Restricted Discretion

Additional matters over which control has been reserved for all controlled activities except for resource consent applications for conversion of commercial forestry for farming which shall be exempt for consideration under R8.3.4l), and to which discretion has been restricted, for all restricted discretionary activities, are:

- a) Financial contributions in the form of money or land, or a combination of these. (Refer to Rule 10.9)
- b) Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, including provision for variation, cancellation or renewal or covenants
- c) Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council's functions under section 36 of the Act.
- d) A requirement that the consent holder supply information relating to the exercise of the consent, as detailed in section 108(3) and (4) of the Act
- e) Works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including the creation, extension or upgrading of services and systems, planting or replanting, or any other works or services necessary to ensure the avoidance, remedy or mitigation of adverse environmental effects
- f) The duration or lapsing of a consent, under sections 123 and 125 of the Act
- g) Change and cancellation of a consent, under sections 126 and 127 of the Act
- h) Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act
- i) Whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act
- j) Consent notices to secure compliance with continuing conditions under section 221 of the Act
- k) Impacts on the function, and safety and efficiency of the transport network
- l) Whether the activity involves the loss of indigenous biodiversity in areas important for any of the following:
 - i) continued functioning of ecological processes
 - ii) supporting (buffering and/or linking) ecosystems, habitats and areas identified as Significant Natural Areas
 - iii) providing ecosystem services
 - iv) the health and wellbeing of the Waikato River and its catchment
 - v) providing natural character and amenity values
 - vi) Tangata Whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment
 - vii) enhancing the density, range and survival of indigenous flora and fauna
- m) Any matters identified by the NZ Transport Agency

- n) Infrastructure provision and upgrading, operation and maintenance, including works to maintain the function, safety and operation of network utilities and infrastructure to maintain levels of service to zoned land and ensure Council's compliance with consent conditions relating to infrastructure facilities.
- o) The results of any Integrated Transportation Assessment, prepared in accordance with the Integrated Traffic Assessment Guidelines, November 2010, NZTA Research Report 422, and/or Traffic Impact Assessment
- p) Establishment of cycleways, walkways and public transport stops
- q) Timing and staging of development
- r) Cumulative effects on infrastructure, including the extent to which levels of service to zoned land and Council's compliance with existing water take or wastewater discharge consents may be impacted.
- s) Additional matters of control and discretion in respect of identified outstanding landscapes and natural features (ONL/ONF), and significant amenity landscapes (SAL), are as follows:
 - i) The extent to which the activity reduces or impacts on the qualities, values, or characteristics that have determined the locations and status as an ONFL or SAL.
 - ii) The extent to which additional buildings on site may cause adverse effects on the identified landscape.
 - iii) The extent to which the siting, orientation, design, and bulk of buildings and materials used for their construction, integrate the building into the surrounding natural environment.
 - iv) The extent to which the scale and location of earthworks associated with roads, vehicular access tracks, and building sites, or recontouring detracts from the values and character of the landscape.
 - v) The extent to which the cut and fill has been minimised and the final contours can be re-vegetated.
 - vi) The extent to which earthworks maintain the existing landform profile and align to the contour.
- t) the extent to which the location, size and colour of the signs detracts from the recognised character and values of the heritage items included in Appendix B.
- u) **Where the subdivision affects land wholly or partly within a Putaruru Growth Cell shown on the Planning Maps:**
 - i) The extent to which the application demonstrates that a habitable building site meeting the requirements of Rule 23.4.11 can be provided on each residential allotment.
 - ii) The extent to which the application demonstrates the overall compatibility of the present pattern of subdivision to possible longer-term development of the property, to ensure that subdivision and development of land will occur in a way that is or can be integrated with development of the whole of the Growth Cell for residential living or business use.
 - iii) The extent to which future building sites are safeguarded and do not compromise the DCP submitted, by means of a consent notice to be placed on newly subdivided titles within the Putaruru Growth Cells.
 - iv) The extent to which consent notices and other measures will be effective to minimise future reverse sensitivity concerns on the boundaries identified on the Planning Maps, between future occupants and existing adjoining land uses. This will usually consist of no-complaints covenants, but alternatives such as construction of solid fencing at the subdivision stage, or greater setbacks for new habitable buildings than required by Rule 23.4 may be considered by Council.
 - v) Where a staged development is proposed, the extent to which the initial stages are located as close as possible to approved connection points with trunk water, sewer and stormwater services, with subsequent stages forming successive extensions to those networks.

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- vi) Where a plan is for a subsequent stage of a subdivision for which a DCP has been submitted as part of an earlier stage, the extent to which the proposed development is consistent with the earlier DCP.
 - vii) The extent to which any alternative solutions provide the same level of urban amenity as required in RITS.
 - viii) Where the subdivision affects land wholly or partly within Putaruru Growth Cells 1, 2 or 4 shown on the Planning Maps, requiring consent notices to be placed on the titles of newly-subdivided allotments to alert prospective purchasers to the requirements of Rules 22.4.11d), 22.4.12, 23.4.14 or 23.4.15.
 - ix) Means to mitigate effects of the additional demand for water supply and/or wastewater disposal capacity upon the relationship of Raukawa and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- v) For subdivisions and land use activities locating in Putāruru Growth Cell 4 (Business) as shown on the Planning Maps, the design and location of the legal road providing access to Princes Street shown as Possible Future Road on the Planning Maps where this has not already been vested in Council.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4 Assessment Criteria for Discretionary Activities

When considering an application for a Discretionary Activity, Council must have regard to those matters specified in Section 104B of the Act, and the following matters, where applicable, will form a basis of the assessment criteria for discretionary activities.

8.4.1 General

- a) Subject to Part II of the Act, the matters specified in Section 104 of the Act
- b) Compliance or otherwise with standards applying to similar permitted or controlled activities
- c) The environmental results sought by this plan for the zones concerned as expressed in the zone statement
- d) Any potential detraction from the amenities of the area through odour, smoke, noise, or other noxiousness whether from the operation itself or any ancillary aspect
- e) Whether the proposed buildings would detract from the amenity and character of the area
- f) Parking needs will be assessed against staff numbers, likely numbers of patrons and their mode of travel. Regard will be had to how often it is used, the availability of on-street parking, and the impact of using on-street parking upon other users of the road
- g) Vehicle crossings shall be assessed in terms of the sight distance and driveway spacing guidelines contained in Chapter 11, and the seal widening and formation standards contained in the Regional Infrastructure Technical Specifications adopted by Council in July 2018.
- h) Whether there is sufficient and adequate provision for the collection or disposal of solid waste, including tailings
- i) The degree to which any waste treatment ponds are adequately separated from other activities, taking into account topography, type of waste to be treated, wind direction, tree planting and existing vegetation and the location and number of existing and future dwellings likely to be affected by such ponds

- j) Compliance or otherwise with any relevant NZ Standards, regulations or Industry Guidelines
- k) Any danger to people and property from hazardous goods and natural hazards, including any risk assessments, contingency plans and proposals to mitigate such hazards
- l) The potential possibility of any animals escaping on to adjoining properties, roads, or public places
- m) Whether any exterior lighting is to be used or installed which would tend to create a nuisance for people nearby
- n) The effect of the proposal on the heritage values and preservation of any place or object listed in Appendix B or Appendix D, or upon any significant natural area listed in Appendix E. The heritage values of the places listed in Appendix B are identified in each Heritage Inventory record, and in Appendix F
- o) Whether the proposal would have an adverse effect on the values of an outstanding natural feature or landscape, significant amenity landscapes or cultural heritage items identified by this plan (Refer: Appendices C and D)
- oa) Any logistical, locational and functional constraints of a renewable electricity generation proposal, or a mineral exploration, mining and quarrying activity.
- ob) The national, regional or local significance and or benefits of a renewable electricity generation proposal, or a mineral exploration, mining and quarrying activity.
- p) Whether the activity involves the loss of indigenous biodiversity in areas important for any of the following:
 - i) continued functioning of ecological processes
 - ii) supporting (buffering and/or linking) ecosystems, habitats and areas identified as Significant Natural Areas
 - iii) providing ecosystem services
 - iv) the health and wellbeing of the Waikato River and its catchment
 - v) providing natural character and amenity values
 - vi) Tangata Whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment
 - vii) enhancing the density, range and survival of indigenous flora and fauna
- pa) The extent to which the activity may cause:
 - i) fragmentation and isolation of indigenous ecosystems and habitats
 - ii) reduction in the extent of indigenous ecosystems and habitats
 - iii) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats (ecological sequences from mountains to sea)
 - iv) loss or disruption to migratory pathways in water, land or air
 - v) loss of buffering of indigenous ecosystems
 - vi) loss of ecosystem services
 - vii) Loss, damage or disruption to ecological processes, functions and ecological integrity
 - viii) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems
 - ix) noise, visual and physical disturbance on indigenous species
 - x) loss of habitat that supports or provides a key life-cycle function for indigenous species.
- pb) Compliance with Forest Stewardship Council certification

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- q) Any detrimental effect of the proposal upon the operation or future development of any other existing authorised use in the vicinity, including network utilities and infrastructure. This includes whether the proposal requires a level of amenity which is incompatible with the operation and management of any such authorised use
- r) Any potential adverse effects of the proposal upon the life supporting capacity of soils, or upon options for their future use, due for example to compaction, fragmentation of ownership, soil removal, coverage or risk of contamination
- s) The extent to which traffic effects day and or night time associated with the operation of the development impact on the local (including any neighbouring settlement) district, and regional roads and the state highway network
- t) The extent to which on-site stormwater management measures can be adopted to minimise stormwater runoff off-site
- u) The measures adopted to manage demand for and security of supply of potable water
- v) The extent to which power supply and upgrade requirements will provide a secure and adequate supply of network utility infrastructure such that people will be better able to provide for their economic, social and cultural wellbeing, and such that adverse effects on the environment are avoided or mitigated to the extent practicable
- w) The extent to which building mass (and bulk) impacts visually on the existing character and amenity of the local area, and the extent to which landscaping and or planting and other methods can screen site facilities from neighbouring land uses
- x) Any potential effects on the effective operation, maintenance and protection of regionally and nationally significant infrastructure.
- y) Impacts on the function, and safety and efficiency of the transport network
- z) Any matters identified by the NZ Transport Agency
- za) Infrastructure provision and upgrading, operation and maintenance, including works to maintain the function, safety and operation of the network utilities and infrastructure.
- zb) The results of any Integrated Transportation Assessment, prepared in accordance with the Integrated Traffic Assessment Guidelines, November 2010, NZTA Research Report 422, and/or Traffic Impact Assessment
- zc) Establishment of cycleways, walkways and public transport stops
- zd) Timing and staging of development
- ze) Cumulative effects on infrastructure
- zf) The risk of acting or not acting if there is uncertain or insufficient information about the environmental effects of the proposal concerned
- zg) The extent to which mātauranga Raukawa (traditional Raukawa knowledge) identifies potential adverse environmental effects of the activity and appropriate mitigation methods
- zh) The extent to which the development will give effect to the Vision and Strategy for the Waikato River.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.2 Quarrying and Cleanfill Activities

- a) The techniques to be used in the operation
- b) The likely duration of the quarrying or filling
- c) Restoration and the ultimate use of the site
- d) Adequate set-back and separation distances from roadways and adjoining uses, for visual amenity reasons and for noise attenuation
- e) Traffic management measures for heavy vehicles.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.3 Buildings Housing Animals

- a) The degree of separation proposed between any building or pen housing animals and any building, boundary or road. Council may increase or relax the separation distance where on the grounds of public health, amenity, intensity of use, odour, noise, visibility, noxiousness or other reasons it is appropriate to do so. The separation distances proposed by the Pork Industry Board's Code of Practice shall be used as a guideline for assessing the adequacy of separation around any proposed pig farming operation.

8.4.4 Service Stations

- a) The extent to which the proposal will be screened from adjacent residential uses by landscaping or fencing
- b) The effect of any access points on traffic safety and efficiency
- c) The extent to which lighting will be managed to avoid nuisance on residential properties
- d) Whether vehicle parking and manoeuvring can be accommodated on site
- e) The extent to which signs comply with general controls in the zone concerned
- f) The adequacy of proposals to collect and deal with potentially contaminated stormwater
- g) The extent to which the proposal is likely to have an effect on the amenities sought by the objectives for the zone concerned.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.5 Commercial Activities in Residential Zones and the Arapuni Village Zone

- a) Commercial activities in Residential zones, the Arapuni Village Zone, and the Rural Residential Zone (including vets/health care, offices, places of assembly, retail shops, cafes, bars and restaurants) should:
 - i) Have hours of operation that are compatible with maintaining a quiet residential environment after 2230 - Sunday to Thursday, after midnight on Fridays and Saturdays, and before 7am daily. .

(These hours of operation may be exceeded for any 24 hour period up to 5 days per calendar year).

- ii) Not create incompatible levels of traffic in local residential streets and cul-de-sacs, (eg more than one heavy vehicle visit per day, or 10 vehicle movements per day in total)
- iii) Have similar or smaller staffing levels than home occupations permitted in the zone (ie no more than four full-time equivalent staff)
- iv) In respect of the Tirau Residential zone, the degree to which the development forms a natural extension of the Town Centre zone, complements the retailing and other activity in the main street, and provides necessary services for the town's people.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.6 Marae development and papakāinga in the Residential zones and Arapuni Village zone

- a) The potential impact of the development on traffic safety and efficiency
- b) The effect of any educational and employment initiatives upon the amenities of nearby properties
- c) The extent of the potential social, economic and cultural benefits of the proposal for Tangata Whenua.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.7 Surface of the Water Activities

- a) The effect of surface water activities, particularly involving motorised vessels, on public enjoyment and recreational use of lakes, rivers and adjoining areas, including water craft operators
- b) The effect that permanent structures and surface water activities have, including positive effects, on the recreational, ecological, landscape, and cultural values of the waterbody and margins, including the significant natural areas identified in Appendix E
- c) The effect of the activity upon the health and wellbeing of the Waikato River.

8.4.8 Multiple Dwellings

- a) In relation to more than two dwellings on a site in a Residential zone, or more than one dwelling on a site in the Arapuni Village zone:
 - i) Separation and design of houses for visual and aural privacy, including screening, the bulk of proposed buildings in relation to neighbouring properties, and the location of open space and glazing
 - ii) Arrangement of yard space, including the use of zero lot lines, common open space and room for trees and landscaping
 - iii) The orientation, roof pitch and style, and footprint of the dwelling units, in terms of promoting a difference from other dwellings existing or proposed nearby
 - iv) The location of any garages or carports, and the layout of access drives, parking and manoeuvring spaces, in terms of maximising the amount and amenity of outdoor living space, promoting safety and minimising conflict between vehicles and people using the site and adjoining properties and roads.

- b) In relation to more than one dwelling on a Rural Residential site, the extent to which a semblance of rural character will be retained, including the proposed and potential future density of development compared to the 0.5ha per dwelling average sought in the zone.

8.4.9 Non-Retail Activities in the Tirau Town Centre

- a) In relation to non-retail activities in the Tirau Town Centre zone, the impact of removing the site from retail use upon the vitality of the Tirau town centre and its attractiveness to passing travellers as a place to stop.

8.4.10 Visitor Accommodation in Town Centre Zones

- a) In relation to visitor accommodation in the Tokoroa and Putaruru Town Centre zones, the effect of vehicular access and parking upon pedestrian safety and the continuity of retail frontage, and the extent to which accommodation units can be designed and acoustically insulated to provide a reasonable level of aural privacy.

8.4.11 Residential Accommodation in Business Zones

- a) The extent to which Residential accommodation in Business zones can be designed and acoustically insulated to provide a reasonable level of aural privacy and outdoor living
- b) The extent to which the presence of residential accommodation will inhibit other activities in the zone that are provided for as permitted activities.

8.4.11A Discretionary Activities in Putaruru Growth Cell 4.

- a) Retail activities, Places of Assembly and other activities which are discretionary activities in the Putaruru Business zone within Putaruru Growth Cell 4 shown on the Planning Maps, since they are not controlled activities under Rule 22.3.2A, should:
 - i) Mitigate any adverse effects on the Princes St/SH1 intersection, as demonstrated by an Integrated Traffic Assessment prepared by a suitably qualified and experienced person, taking into account the level of traffic generated by other land use which has been lawfully established or granted consent to establish in the Growth Cell. This mitigation could include funding physical improvements to the intersection.
 - ii) Complement rather than detract from the retailing and other activity in the Putaruru Town Centre zone,
- b) For Putaruru Growth Cell 4 (Business) as shown on the Planning Maps, the design and location of the legal road providing access to Princes Street shown as Possible Future Road on the Planning Maps where this has not already been vested in Council.

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.12 Industries in the Rural zone ancillary to farming or forestry activity

- a) The degree to which the proposal meets the performance standards specified for industries in the Industrial zone
- b) The effect of the activity upon the health and wellbeing of the Waikato River.

8.4.13 Subdivisions

- a) The matters listed in Rule 8.3.2 in relation to controlled activities
- b) In respect of subdivisions within 2km of Kinleith, or within 1km of the Industrial Zone or Tokoroa Airport Zone, the extent to which the presence of any resulting extra dwellings may compromise the efficient operation and/or future development of Kinleith and the other Industrial zone sites, or long-term improvements for increased air traffic at the Airport
- c) For subdivisions in a Residential zone creating sites less than 300m² in area, (if forming part of a multi-unit development that has been granted land use consent), the need for the subdivision to give effect to the land use consent, and for the units created to be provided with adequate utility services
- d) In respect of subdivisions next to the river or a hydro electric power operating easement under Rule 10.3.1c(iv), the extent to which future buildings may compromise or interfere with the consented hydro-electric generation activities or future provision of public access along the river concerned, and the hazard risks for future building occupants
- e) Also in respect of subdivisions next to the river or a hydro electric power operating easement under Rule 10.3.1c(iv), the effect of the activity upon the health and wellbeing of the Waikato River.
- f) The subdivision layout has minimised conflicts (including from reverse sensitivity effects) that can arise between existing activities and future inhabitants of dwellings permitted by the subdivision

8.4.14 Activities that are Discretionary because they are not Permitted, Controlled, Restricted Discretionary or Non-Complying.

- a) The extent to which the proposal concerns a novel or different type of land use activity that could not have been anticipated when this plan was developed.

8.5 Heritage NZ Pouhere Taonga Archaeological Discovery Protocol (Advisory Note)

In the event that an unidentified archaeological site is located during works, the following applies:

- a) Work shall cease immediately at that place and within 20m around the site.
- b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
- c) The Site Manager shall secure the site and notify the Heritage NZ Regional Archaeologist. Further assessment by an archaeologist may be required.
- d) If the site is of Māori origin, the Site Manager shall notify the Heritage NZ Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery, and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met. (Heritage NZ Pouhere Taonga Act 2014, Protected Objects Act 1975).
- e) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage NZ Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative, and the process under d) above shall apply. Remains are not to be moved until such time as iwi and Heritage NZ have responded.

- f) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage NZ gives written approval for work to continue. Further assessment by an archaeologist may be required.
- g) Where iwi so request, any information recorded as a result of the find, such as a description of location and content, is to be provided for their records.
- h) Heritage NZ will determine if an archaeological authority under the Heritage NZ Pouhere Taonga Act 2014 is required for works to continue.

It is an offence under s 87 of the Heritage NZ Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage NZ, irrespective of whether the works are permitted or a consent has been issued under the RMA.