

PART C – CONSENT PROCESS AND GENERAL PROVISIONS

22 ASSESSMENT CRITERIA

22.1 Consents under District Wide Rules

These criteria are not exclusive, as other criteria may be considered when assessing a discretionary activity.

22.1.1 Subdivision

(a) General Assessment Criteria

- (i) Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects on the surrounding environment.
- (ii) The extent to which earthworks are required and the effects of earthworks on the site and surrounding environment.
- (iii) The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- (iv) The ability of every allotment of land to accommodate a conforming dwellinghouse or a principal building and to be utilised in a manner that can comply with the Plan provisions.
- (v) The provision to mitigate reverse sensitivity effects where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining land based primary production activities.
- (vi) The adequate and effective disposal of sewage and stormwater, or the ability of every lot to dispose of sewage and stormwater effectively without risk to public health and the environment.
- (vii) Whether the subdivision would create adverse effects on groundwater quality in areas where groundwater quality is known or likely to be a problem.
- (viii) The cumulative impacts on infrastructure and its efficient use and development, including the capacity and safety of the roading network, and the ability of the area's utility services to function efficiently.
- (ix) The provision of renewable energy and energy efficiency in the design and construction methods of the subdivision, and the consequential land use development.
- (x) The adequate provision of access within every lot to meet modern vehicular standards.
- (xi) The ability of any existing or likely proposed building to comply with all standards in this Plan.
- (xii) The extent to which the area's amenity values and character are protected and/or enhanced.
- (xiii) The extent to which existing landforms, significant trees and native vegetation are protected and/or enhanced.

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- (xiv) The effects on any historic or archaeological site and the surroundings associated with any historic or archaeological site.
 - (xv) The effect of the subdivision on the values of any waahi tapu site and any resources of significance to Tangata Whenua.
 - (xvi) Whether the proposed subdivision will create an additional lot for building/development or will change the use of the affected land.
 - (xvii) The risk where land is subject to flooding or inundation, erosion, landslip or subsidence, or is within an identified natural hazard high-risk area.
 - (xviii) The risk of fire, and whether mitigation measures will effectively mitigate this risk.
 - (xix) The provision for esplanade reserves and/or strips.
 - (xx) The effects on the safe and efficient operation of Hood Aerodrome.
 - (xxi) The extent to which the subdivision is consistent with the Development/Management/Structure Plan for the area
- (b) Contaminated Site**
- (i) The existence and nature of any hazardous substance in, on or under the site that may adversely affect the environment, and the works or other solutions proposed to avoid, remedy or mitigate those effects.
- (c) Historic Heritage Precinct**
- (i) The nature, form and extent of the proposed activity and its consistency with the environmental outcomes for the relevant precinct.
 - (ii) Any measures proposed to protect or enhance the character of the street, including the implementation of any planting or landscaping.
 - (iii) The extent to which the proposal is consistent with the principles of the South Wairarapa Town Centres Design Guide (Refer [Appendix 8](#)).
- (d) Greytown Villas Character Area**
- (i) Whether subdivision provides for lots that accord with the development shown on the Greytown Villas Indicative Concept Plan ([Appendix 9](#)), and provide for buildings that meet the special development requirements for buildings under Rule 5.5.3(c) and 5.5.4(a).
- (e) Jellicoe Residential Character Area**
- (i) Whether subdivision follows the layout, lot size, orientation, and dimensions as shown on the Jellicoe Residential Character Area Structure Plan ([Appendix 10](#)), and provides for buildings to meet the special development requirements for buildings under Rule 5.5.4(b). A subdivision proposal may reduce the total number of lots shown on the Structure Plan such that the total number of residential units is reduced.

- (ii) Any proposed restrictions on Certificates of Title that relate to controls on development, subdivision and land use should be consistent with the Structure Plan, and should not be contrary to promoting the maintenance and enhancement of amenity values within the Martinborough Residential Area.
- (iii) The provision of services and utilities to connect with the existing urban infrastructure.
- (iv) The relationship of the development with land uses on adjacent properties.
- (f) **Access to State Highway or a Limited Access Road**
 - (i) The approval of Transit New Zealand, as road controlling authority for State Highways and Limited Access Roads; or the relevant territorial authority for any Limited Access Roads not controlled by Transit New Zealand being obtained.
 - (ii) Location and design of access onto the State Highway network or Limited Access Road.
 - (iii) The extent to which the proposal is consistent with the Transit NZ Planning Policy Manual (SP/M001).
- (g) **Conservation Lots**
 - (i) The significance of the natural area/heritage feature.
 - (ii) The likelihood of separate ownership enabling the effective protection of the natural area/heritage feature, including whether the area is of sufficient size.
 - (iii) The provision of appropriate legal protection for the conservation lot, in perpetuity, on the title of the land.

22.1.2 Notable and Street Trees

- (i) The condition of the notable or street tree.
- (ii) The visual value of the tree to its surrounds and its contribution to neighbourhood amenity, and the extent to which the activity will adversely affect this.
- (iii) Whether the notable or street tree is causing or likely to cause damage to property or danger to life.
- (iv) Any adverse effects the notable or street tree is creating.
- (v) Whether the activity is likely to damage any part of the notable or street tree, including its roots, or endanger its health or stability.
- (vi) Alternative locations for conducting the activity or whether it can be undertaken without adversely affecting the notable or street tree's health or appearance.
- (vii) The extent to which excavation is necessary to preserve or maintain the efficiency or safety of any public work, network utilities or road.
- (viii) Whether a replacement tree, of appropriate size and suitability, can be established and maintained on the site.

- (ix) Whether the notable or street tree inhibits the growth of a more desirable specimen nearby.
- (x) The arboreal impact of removing one or more specimens.

22.1.3 Historic Heritage

- (i) The extent to which the heritage value, integrity and character of the site or Historic Heritage Precinct will be maintained or enhanced;
- (ii) The effect of any removal, demolition, relocation, modification, addition or alteration on the historic values of the site.
- (iii) The extent to which any proposed mitigation measures will protect or preserve the value and/or significance of the site.
- (iv) The importance of the site in its locality and its contribution to the area's amenity and character.
- (v) Where additions, alterations or the erection of new buildings are proposed, the extent to which the proposals are consistent with the original period style, design and construction of other buildings in the precinct or area.
- (vi) The immediate or cumulative effects on local heritage of the alteration, addition or modification to the site.
- (vii) Where the site is part of a group of similar features, any adverse effect on the integrity of the group.
- (viii) The extent to which the alteration, addition or modification reflects the architectural style, character and scale of the site.
- (ix) The extent to which the alteration, addition or modification preserves the typical character of building frontages in the street.
- (x) The effect of subdivision on the values of the Historic Heritage Precinct in terms of maintaining historical integrity and the curtilage of the precinct.
- (xi) Whether there are any adverse effects on the curtilage of the site.

22.1.4 Historic Heritage Precinct

- (i) The nature, form and extent of the proposed activity and the extent to which it is consistent with the environmental outcomes intended for the relevant precinct.
- (ii) Any measures proposed to protect or enhance the character of the street, including the implementation of any planting or landscaping.
- (iii) For sites within Greytown, Martinborough and Featherston, the extent to which the proposal is consistent with the principles of the South Wairarapa Town Centres Design Guide (Refer [Appendix 8](#)).

- (iv) Where a proposal involves the addition or alteration to a building, or the erection of a new building, the proposal's consistency with the original age, design and construction of the building or feature or its consistency with the other buildings in the precinct or area.
- (v) The effect of subdivision on the values of the Historic Heritage Precinct in terms of maintaining historical integrity and the curtilage of the precinct.

22.1.5 Outstanding Landscapes and Natural Features

- (i) The extent to which the landscape or natural feature will be disturbed or modified as a result of the activity or development, including earthworks.
- (ii) Mitigation to minimise adverse visual and/or landscape effects of the activity, including screening through plantings or the reinstatement of any previous plantings.
- (iii) The ability of the Outstanding Landscape or Natural Feature to absorb the overall impact of the activity or development.
- (iv) Site suitability, and the extent to which alternative sites or locations have been considered.

The following factors will be considered when assessing potential adverse effects on an Outstanding Landscape or Natural Feature or when assessing nominated areas for inclusion as such:

- Natural science factors, including geological, topographical, ecological and dynamic components;
- Aesthetic values, including memorability and naturalness;
- Transient values, including the occasional presence of wildlife or the area's values at certain times of the day or of the year;
- Expressiveness/legibility, including how obviously the landscape demonstrates the formative processes leading to it;
- Historical associations
- Value to Tangata Whenua
- Whether the values are shared and recognised.

22.1.6 Significant Natural Areas and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

- (i) Effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.
- (ii) The effectiveness of any existing or proposed protection or enhancement mechanisms.
- (iii) The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of meeting the criteria listed below for Significant Natural Areas.

Criteria for Significant Natural Areas

- Representativeness

- Contains an ecosystem that is unrepresented, uncommon or unique;
- Rarity: Contains or supports:
 - Threatened ecosystems;
 - Threatened species;
 - Endemic species;
- Diversity: Diversity of ecosystems, species, vegetation.
- Distinctiveness:
 - Large population of viable species
 - Natural state
 - Uninterrupted ecological sequence
 - Significant Landforms
- Continuity: Corridor or buffer zone present.
- Cultural Values:
 - Significant to Maori
 - Recreational
 - Landscape
 - Water catchment protection
 - Tourism
 - Aesthetic coherence
- Ecological Restoration: Contains/supports indigenous vegetation/habitat that contributes to the recovery or restoration of threatened or uncommon species. Ability of the area to be restored.
- Landscape Integrity: Represents original character of landscape.
- Sustainability: Including size, shape, activities on boundary, adjoining protected areas, links and management.

22.1.7 Archaeological and Geological Sites; and Sites of Significance to Tangata Whenua

- (i) The extent to which the site and/or feature will be disturbed or modified as a result of the activity or development, including earthworks.
- (ii) Mitigation measures to minimise adverse effects of the activity, and whether they will protect the significance of the site.
- (iii) Site suitability, and the extent to which alternative sites or locations have been considered.
- (iv) Whether the activity or development can take place on the site without adversely affecting the site's significance.

22.1.8 Surface of the Water

- (i) The scale, character and nature of the activity including the frequency and size of watercraft associated with the activity.

- (ii) Potential for conflict between the activity/structure and other users of the same waterbody.
- (iii) Effects of activities on land associated with the proposed activity including the impact on public access.
- (iv) Extent to which the activity will reduce opportunities for recreational activities.
- (v) The extent to which the structure on the surface of the water is visually dominant, particularly when viewed from any public place.
- (vi) Levels of traffic generated by the activity, its compatibility with the adjoining road and the extent to which road safety is affected.

22.1.9 Foreshore Protection Area

- (i) The nature, form, scale and extent of the proposed building or structure.
- (ii) The necessity for the building or structure, and any alternative methods and locations available.
- (iii) The effect the building or structure will have on the visual amenity, openness and natural character of the foreshore.
- (iv) Changes to the hazard risk resulting from climate change.

22.1.10 Fault Line Hazard Area

- (i) The type and nature of ground rupture or ground deformation likely to occur as a result of movement along the fault line.
- (ii) The nature of the activity, its intended uses including whether it is temporary or permanent, and the degree to which people or property are at risk.
- (iii) The distance of any proposed structure from the fault line.
- (iv) The degree to which the effects of an earthquake or earth movement can be avoided or mitigated through structural design.

22.1.11 Flood Hazard Area

- (i) Changes to flood risk resulting from climate change, particularly, adopting the precautionary approach for the frequency and intensity of events.
- (ii) The nature of the activity, its intended uses, including whether the use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
- (iii) Any risk to the structure or proposed activity from erosion or avulsion.
- (iv) The degree to which structural design can avoid or mitigate the effects of flooding.

- (v) The degree to which the structure or activity may exacerbate or alter the effect of flooding.
- (vi) Risks to occupants.
- (vii) Whether the activity or proposal is likely to increase demand for flood protection.

22.1.12 Erosion Hazard Area

- (i) The nature of the activity, its intended uses, including whether the use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
- (ii) The degree to which structural design can avoid or mitigate the effects of erosion.
- (iii) The degree to which the structure or activity may exacerbate or alter the effect of erosion.
- (iv) Risks to occupants.
- (v) Whether the activity or proposal is likely to increase demand for erosion protection.

22.1.13 Hazardous Substances and Facilities

- (i) The systematic assessment of risks relating to the hazardous facility, including site hazards, possible accident scenarios and the likelihood of them occurring, exposure pathways (such as inhalation or ingestion), and receiving environments (people, waterways, buildings/infrastructure etc.). The risk assessment will include possible cumulative effects resulting from the proposed facility together with other facilities of similar risk profiles the vicinity.
- (ii) Proximity of the hazardous facility to sensitive areas including:
 - (1) Residential Zones;
 - (2) Lakes and waterways;
 - (3) Features of historic value, and areas of significance to Tangata Whenua, Outstanding Landscapes and Natural Features and Significant Natural Areas.
- (iii) The nature and quantity of the hazardous substance on site.
- (iv) The potential risk to terrestrial and aquatic ecosystems.
- (v) Site design and management including:
 - (1) Site drainage and off-site infrastructure e.g. stormwater and wastewater drainage systems;
 - (2) The management of wastes containing hazardous substances;
 - (3) Spill containment measures for liquid hazardous substances;
 - (4) Monitoring and maintenance measures;
 - (5) Risk mitigation and management measures including:

- (a) an emergency management plan;
 - (b) fire safety and fire water management, in particular for flammable and reactive substances;
 - (c) staff competency, training and development;
 - (d) compliance with relevant standards and codes of practice.
- (vi) Any adverse effects on the operation and safety of the roading network arising from transporting hazardous substances to and from the site, where this is a relevant part of the facility.
- (vii) Risk of natural hazards to the site, as applicable.
- (viii) Consideration of alternative locations or methods for undertaking the activity, including using substances of lesser hazard, using smaller quantities of the hazardous substances, changing the site layout or adopting processes of lower risk.

22.1.14 Contaminated Site

- (i) The nature and extent to which the site is contaminated.
- (ii) The effectiveness of a health and safety plan which addresses:
 - (1) Avoidance of off-site effects;
 - (2) Site remediation measures;
 - (3) Measures to ensure the safe operation of the activity on the contaminated site;
 - (4) Consideration of alternative locations.
- (iii) The effectiveness of measures to avoid, remedy or mitigate potential adverse environmental effects arising from the escape of the contaminant(s).

22.1.15 Network Utilities

- (i) The size and scale of proposed structures and whether they are in keeping with the size and scale of any existing development.
- (ii) Any technological or geographical reasons why the utilities including structures cannot be placed underground.
- (iii) Whether the location of new or additional network utilities, including associated structures, affect:
 - (1) road users;
 - (2) amenity values, including streetscapes;
 - (3) areas of natural and cultural heritage.
- (iv) Whether there are any significant demonstrable adverse effects on people's health and safety.
- (v) Whether alternative locations, routes or other options are physically or technically practicable.

22.1.16 Roads, Intersections, Access, Parking & Loading Areas

- (i) The position and function of the road within the road hierarchy, the actual speed environment of the road, traffic volumes and any other factors that will affect congestion and conflict between vehicles.
- (ii) The vehicle type using the site, the time of day the site is inhabited and the anticipated vehicle generation.
- (iii) The extent to which the safety and efficiency of the road network or the safety of road users may be adversely affected.
- (iv) Whether there will be any adverse effects on the safety of pedestrians using the roads, footpaths or vehicle crossings.
- (v) The adequacy of on site parking needed for the activity(s) and whether it can be demonstrated that less than normal demand is anticipated.
- (vi) Proposed methods for avoiding, remedying or mitigating any potential adverse effects including:
 - (1) Improving the visibility of vehicle crossing points;
 - (2) Alternative design, construction, or location;
 - (3) Alternative options for supplying the requisite vehicle parks.
- (vii) Whether parking can be provided on a nearby site, with the area occupied by parking being legally tied to the title of the application site.
- (viii) Whether there is sufficient off-street public parking in the vicinity.
- (ix) Whether the access, parking or loading would have an adverse effect on the special character or amenities of the site.
- (x) Whether the vehicle parking area can serve two or more individual activities which have different peak parking demands.
- (xi) Whether the parking demand can be accommodated on-street without generating adverse parking or environmental effects on other properties and activities.
- (xii) Any adverse visual effects on the amenity and character of surrounding allotments and the zone.
- (xiii) The details and outcome of any consultation undertaken with the Road Controlling Authority (Transit New Zealand and/or District Council).

22.1.17 Artificial Light

- (i) The extent to which the light will adversely affect adjoining allotments.
- (ii) The impact of light direction on the safe and efficient operation of the road network.

- (iii) The extent to which the light(s) are necessary for reasons of security, public amenity, or safety.
- (iv) The hours during which the lighting will operate.
- (v) Proposed methods to avoid, remedy or mitigate potential adverse effects including the height, orientation, angle, and shielding of the light source.

22.1.18 Coastal Environment

- (i) The actual and potential effects of the location, type and density of subdivision and development on coastal amenity, landscape, open space, heritage values, ecological values, riparian management, foreshore management, and the natural character of the rural and coastal environment.
- (ii) Whether the subdivision/development introduces built structures to the coastal environment, and their effects on the open coastal vistas from public viewpoints, in particular where public roads are in close proximity to the coastal margin.
- (iii) The cumulative effects of subdivision and development on the coastal environment and the provision of infrastructure and services.
- (iv) The risks from natural hazards.
- (v) The extent to which public access is maintained and enhanced to the coast, including the provision of esplanade reserves.
- (vi) The extent to which the subdivision and development protects historic heritage, archaeological sites and waahi tapu sites.
- (vii) Whether the area is known for its importance as a food gathering or mahinga mataitai and/or mataitai area, and the development's effects on these areas.
- (viii) The extent to which a proposal on the landward side of MHWS will affect the coastal marine area.
- (ix) The extent to which the subdivision and development is consistent with the 'Caring for our Coast' Guidelines and any applicable Management/Structure Plan.

22.1.19 Goat Farming

- (i) The proximity of the site to Forest Parks and Conservation Areas, and whether the proposed site has a contiguous boundary or natural corridor with any land managed by the Department of Conservation.
- (ii) The effect of the activity on any aspect of the natural environment including ecosystems, soils, vegetation, wildlife habitats, water quality, historic sites and sites of significance to Tangata Whenua.
- (iii) The effects on indigenous vegetation and habitats including:

- (1) The representativeness of the affected vegetation or habitat and its interrelationship with other habitats or areas of indigenous vegetation;
 - (2) Whether any affected area of vegetation is naturally occurring or has been artificially created;
 - (3) Whether the vegetation of habitat is uncommon in that part of the Wairarapa within which it is located;
 - (4) Adverse effects on the general occurrence of the species in the Wairarapa, and on landscape amenity values; and
 - (5) Whether any measures are proposed to avoid or mitigate any adverse effects and protect or enhance natural and physical resources.
- (iv) The ability to confine goats within the site, including the adequacy of fencing.

22.1.20 Wind Energy Facilities including Anemometers

- (i) The visual effects of the proposal, including:
 - (1) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas.
 - (2) The visibility of the proposal.
 - (3) The extent to which the proposal will adversely affect the natural character of the coastal environment, waterbodies, and outstanding landscape or natural features.
 - (4) The extent to which any aspects of the proposal can be sited underground.
- (ii) The ecological impact of the proposal, including the extent of disruption to vegetation, any impacts on waterways, and the likely effect on birds and other fauna.
- (iii) The effects on heritage, cultural, geological and archaeological sites.
- (iv) The effects of traffic and vehicle movements.
- (v) Noise effects, including consideration of the special audible characteristics of wind energy facilities, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:1998 *“Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators”*.
- (vi) The extent to which the proposal will adversely affect amenity values, including nuisance effects.
- (vii) The extent of any earthworks, including the construction of access tracks, roads and turbine platforms.
- (viii) The cumulative effects of the proposal.
- (ix) Operational and technical considerations.

- (x) Mitigation and rehabilitation works.

22.1.21 Activities Near High Voltage Transmission Lines

- (i) The extent to which the subdivision/building design mitigates the effects of the lines (e.g. siting of buildings, roads, reserves).
- (ii) The ability for continued access to existing transmission lines for maintenance, inspection and upgrading.
- (iii) The minimisation of risk or injury and/or property damage from such lines.
- (iv) The extent to which potential adverse visual effects are mitigated through the location of building platforms.
- (v) The extent to which any earthworks and other activities comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- (vi) The nature and location of any proposed vegetation to be planted in the vicinity of transmission lines.
- (vii) The outcome of any consultation with the affected utility operator.

22.1.22 Future Development Area

- (i) Compatibility and connectivity of the proposed development with the surrounding environment.
- (ii) The effects of traffic and vehicle movements.
- (iii) The effects on infrastructure and its efficient use and development, including the capacity and safety of the roading network, and the ability of the area's utility services to function efficiently.
- (iv) The effects on natural features, natural character, historic heritage, waahi tapu and archaeological sites.
- (v) The risks where land is subject to natural hazards, and how the risks of the hazards are to be effectively avoided, remedied or mitigated.
- (vi) Whether any reserve sensitivity issues are likely to be experienced with the proposed activities within the Future Development Area, and if so, the extent to which the Development Concept Plan mitigates the associated effects.
- (vii) The extent to which the Development Concept Plan is consistent with any Structure Plan for the area.

22.1.23 Aerodrome Protection

- (i) The proposed location of any noise sensitive activity in relation to airport activities.
- (ii) Potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids, and the potential of buildings or structures to create glare,

electromagnetic interference, smoke, mechanical turbulence, other adverse effects.

- (iii) Potential effects of airport operations, in particular noise, and health and safety effects from low flying aircraft, on any noise sensitive activity.
- (iv) Consideration of the operational requirements of the airport, particularly aircraft take-off and landing approaches, helicopter hover points, and aircraft using navigational aids/lighting.
- (v) Proposed methods for avoiding, remedying or mitigating potential adverse effects of airnoise, such as insulation, shielding or barriers.

22.1.24 Helicopter Landing Areas

- (i) The frequency and hours of flight operations.
- (ii) The extent to which the helicopter depot and flight operations will have an adverse effect, such as noise, light and dust effects, on adjacent activities.
- (iii) The necessity to locate on the site and the availability and feasibility of other alternatives.
- (iv) The ambient sound level and the impact of any cumulative increase.
- (v) The contrasts between the predicted noise of the proposed activity and the existing noise environment in terms of level, character, duration and timing.
- (vi) The level by which noise standards will be exceeded, and its duration, particularly during the hours of darkness.
- (vii) Whether the noise will detract from the amenity or general environmental quality of the surrounding zone.
- (viii) Proposed methods for avoiding, remedying or mitigating potential adverse effects including insulation, shielding and barriers.
- (ix) Use of protocols, codes of practice and industry guidelines.

22.2 Consents under Zone Rules

Note: These criteria are not exclusive as other criteria may be considered when assessing discretionary and non-complying activities.

22.2.1 Development

Whether the desired environmental outcome achieves a consistent and appropriate standard of infrastructure, such as through compliance with NZS 4404: 2004 Land Development and Subdivision Engineering, and NZS HB 44:2001 Subdivision for People and the Environment.

22.2.2 Building Height

- (i) The extent to which the extra height will:
 - (1) adversely affect the character and visual amenity of the surrounding zone and any site, feature, building or object listed in the Schedule of Natural and Cultural Heritage Sites;
 - (2) reduce the privacy of adjoining allotments;
 - (3) have an overbearing effect on proximate sites.
- (ii) Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - (1) the extent to which topography, landscape plantings or setbacks can mitigate the adverse effects of additional heights.

22.2.3 Height To Boundary

- (i) The additional shading from the projection, including the amount of shadow cast and the period of time adjacent allotments are affected.
- (ii) The nature of the activities undertaken on any affected allotments.
- (iii) The necessity for the projection due to the shape, nature or physical features of the allotment.
- (iv) The loss of privacy for adjoining allotments from the projection.
- (v) Proposed methods for avoiding, remedying or mitigating any potential adverse effects including screening, planting or alternative designs.
- (vi) Any adverse effect on the values of any adjoining property listed in the Schedule of Natural and Cultural Heritage Sites.

22.2.4 Building Setback

- (i) The extent to which the reduced setback will:

- (1) adversely affect public areas, the streetscape and openness of the area;
- (2) decrease privacy to, or visually dominate, adjoining or adjacent property;
- (3) limit vehicle visibility and safety on the subject site and adjoining allotments.
- (ii) The extent to which the reduced setback is necessary due to the shape or physical features of the allotment.
- (iii) Proposed methods for avoiding, remedying or mitigating potential adverse effects including:
 - (1) the ability of existing topography or vegetation to mitigate adverse effects on the streetscape and public areas;
 - (2) screening, planting and alternative design.

22.2.5 Noise

- (i) The ambient sound level and the impact of any cumulative increase.
- (ii) The contrasts between the predicted noise of the proposed activity and the existing noise environment in terms of level, character, duration and timing.
- (iii) The level by which noise standards will be exceeded, and its duration, particularly during the hours of darkness.
- (iv) The nature and location of nearby activities and the adverse effects of any increased noise upon them.
- (v) Whether the noise will detract from the amenity or general environmental quality of the surrounding zone.
- (vi) The site topography and any influence this may have on noise conveyance.
- (vii) Proposed methods for avoiding, remedying or mitigating potential adverse effects including insulation, shielding and barriers.
- (viii) Use of protocols, codes of practice and industry guidelines.

22.2.6 Bird Scaring Devices

- (i) Whether there is an operational necessity to operate the bird scaring device above the limits provided and, if so, whether;
 - (1) Mitigation measures are adequate to ensure that there are no potential adverse health effects. These mitigation measures may include shielding of devices, selection of the most appropriate type or types of device, and location and position of device/s;
 - (2) Hours of operation;
 - (3) Protocols, codes of practice and industry guidelines are used;

- (4) Amenity values for neighbours have been maintained;
- (ii) Consideration of the cumulative effects of multiple bird scaring devices.
- (iii) Proximity to residential area
- (iv) Presence of topographic features enhancing propagation of sound
- (v) Availability of inaudible or less noisy devices
- (vi) Unsuitability of the site due to high bird pest population
- (vii) Likelihood of use of public places where 90 dB ASEL limits otherwise restrict use of devices

22.2.7 Frost Protection Devices

- (i) Whether there is an operational necessity to operate the frost protection device above the limits provided and, if so, whether;
 - (1) Mitigation measures are adequate to ensure that there are no potential adverse health effects. These mitigation measures may include shielding of devices, selection of the most appropriate type or types of device, and location and position of device/s;
 - (2) Hours of operation;
 - (3) Protocols, codes of practice and industry guidelines are used;
 - (4) Amenity values for neighbours have been maintained;
- (ii) Consideration of the cumulative effects of multiple frost protection devices
- (iii) Proximity to residential areas
- (iv) Presence of topographic features or predominant climatic characteristics enhancing propagation of sound
- (v) Availability of inaudible or less noisy frost mitigation devices
- (vi) The unsuitability of the site due to being frost prone

22.2.8 Relocated Buildings

- (i) The proposed location of the building on the site.
- (ii) The building's current condition and design, any proposed changes to it, and the suitability of those changes to the visual amenities of the proposed location.
- (iii) The visual character and external appearance of the building, its proposed surroundings and its visibility from off-site, including landscaping.
- (iv) The route to be taken when transporting the building.
- (v) The reinstatement work to be completed.
- (vi) The time frame for completion of specified external reinstatement work.

22.2.9 Vehicle Movements

- (i) The effect on the road network's safe and efficient operation within the area, including cumulative effects and the degree to which the existing traffic flow and type will be affected by the potential traffic generated.
- (ii) Detraction from the adjoining allotments and the zone's amenity in such matters as odour, noise, glare and dust as a result of increased vehicle movements.
- (iii) The necessity for road upgrading to accommodate the increased traffic.
- (iv) The location of the unformed part of the legal road and the position of the formed carriageway.
- (v) Proposed methods to avoid, remedy or mitigate potential adverse effects, and the degree to which they would be successful.

22.2.10 Signs

- (i) The location (outside of or within the site), design and appearance of the sign.
- (ii) Whether the proposed sign will be visibly obtrusive, particularly from roads or public areas in the vicinity.
- (iii) Effects on the streetscape's openness and attractiveness.
- (iv) Effects on the amenity of adjoining allotments, including artificial light and glare.
- (v) Necessity of the sign to direct people to the activity.
- (vi) Effects on the safe and efficient operation of the road and pedestrian network including possible distraction or confusion.
- (vii) Compatibility with the scale, character, nature and proximity of other signage within the area.

22.2.11 Earthworks

- (i) Noise, silt and dust emanating from the earthworks, and effects on proximate allotments and public areas.
- (ii) The time period when the soil will be exposed.
- (iii) Proposed methods and timing to avoid, remedy or mitigate potential adverse effects including rehabilitation, re-contouring and re-vegetation or retention of existing vegetation.

22.2.12 Stormwater

- (i) Whether there will be actual or cumulative adverse effects resulting from additional private connections on the stormwater reticulation system.
- (ii) Whether the stormwater reticulation system will require upgrading if additional private connections are made.

- (iii) Proposed methods to avoid, remedy or mitigate potential adverse effects of on-site stormwater disposal.

22.2.13 Shop Frontage

- (i) Whether building design will mitigate the visual effects of a reduced area of display windows.
- (ii) The compatibility of the building with the character of the surrounding area.
- (iii) Proposed methods to avoid, remedy or mitigate potential adverse effects.

22.2.14 Verandahs

- (i) The effects of an alternative design on the character of the area.
- (ii) The effect of an alternative design on pedestrian safety, vehicle traffic and pedestrian weather protection.
- (iii) Proposed methods to avoid, remedy or mitigate potential adverse effects.

22.2.15 Plantation Forestry

- (i) Whether there are adverse effects on the surrounding environment, surrounding allotments, or the adjoining road, including shading, weed growth, or effects at the time of harvest.
- (ii) Factors in the surrounding environment and whether topographical features increase separation; for example, a river.
- (iii) Proposed methods for avoiding, remedying or mitigating potential adverse effects, and the degree to which they would be successful.

22.2.16 Intensive Farming

- (i) Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful.
- (ii) Detraction from the adjoining allotments and the Rural Zones amenity in such matters as odour, noise, glare and dust as a result of the activity.

22.2.17 Greytown Villas Character Area

- (i) The extent to which all buildings and site development conform with the indicative Concept Plan in [Appendix 9](#), which shows the broad overall concept for the development of Greytown Villas (including stages of development).

- (ii) The extent to which the development maintains the integrity of the overall landscape and amenity values of the area.
- (iii) The safety, effectiveness and efficiency of utilities and services.
- (iv) The compatibility of new buildings with existing buildings in terms of design and appearance.
- (v) The extent to which the needs of retirees are met by:
 - (1) Siting new residential villas so that their principal rooms (lounge and main bedroom) are generally oriented between 270° and 45°;
 - (2) Spacing external walls with windows to habitable rooms a minimum of 5 metres apart;
 - (3) Ensuring the minimum distance between the main glazing of the main living room and the windows to secondary rooms of another unit is generally at least 7 metres.
- (vi) Whether the external appearance of buildings relocated to the Greytown Villas Character Area are compatible with the existing character and amenity of the area, and whether any adverse effects on amenity values are adequately mitigated.
- (vii) Whether buildings and land for advanced residential health care purposes, grounds maintenance and community facilities are generally located within the areas indicated for such purposes in the Indicative Concept Plan, [Appendix 9](#).
- (viii) The extent to which buildings and land for advanced residential health care and community facilities are designed to be compatible with the existing character and amenity of the area, and provide for the needs of retirees.
- (ix) The relationship of the facilities with the surrounding open space and residential uses, and the use of planting and landscaping to maintain and enhance the amenity values of the site and the vicinity.

22.2.18 Jellicoe Residential Character Area

- (i) Land use activities should generally occur according to the layout, scale and location as shown on the Jellicoe Residential Area Structure Plan in [Appendix 10](#).
- (ii) Development should not compromise the integrity of the overall landscaping of the area, and the safety, effectiveness and efficiency of utilities and services.
- (iii) The relationship of the activity with land uses on adjacent properties. Land use activities should maintain the amenity values of properties adjoining and within the Jellicoe Residential Character Area, and provide effective visual screening for residential uses.
- (iv) The design of any buildings should be consistent with the design of other buildings within the Jellicoe Residential Character Area.

- (v) The relationship of the activity with the safety and efficiency of the roading and pedestrian network.

22.2.19 Carterton Character Area

- (i) The extent to which the proposal 'fits' and conforms to the principles of the Carterton Character Area Design Guide (Refer [Appendix 7](#)).
- (ii) The degree to which the proposed development affects the amenity values associated with the Character Area.

22.2.20 Waingawa Industrial Area

- (i) The extent to which vehicle movements from the development effects the safe and efficient operation of the transportation network, in particular State Highway 2.
- (ii) The extent of effects on infrastructure and its efficient use and development, including the capacity and safety of the roading network, and the ability of the area's utility services to function efficiently.
- (iii) Whether the buildings, structures and any outdoor areas can be effectively screened from neighbouring rural properties and public roads outside of the Industrial area.
- (iv) Whether the effects of noise, dust and odour can be effectively contained within the development site.
- (v) The extent to which the development adversely affects the values of the natural areas, in particular the Waingawa Swamp.
- (vi) The extent to which the development is consistent with the Waingawa Industrial Area Structure Plan in [Appendix 12](#).

22.2.21 Opaki Special Management Area

- (i) General Development
 - (1) Whether the height of new buildings or changes to existing buildings is generally within the height of existing buildings within the zone.
 - (2) Whether the design and appearance of new buildings includes some residential design elements in terms of roof shapes, variety in cladding, variety in external appearance (including recessed or projecting surfaces, window shapes), and other design elements.
 - (3) Whether planting and landscaped treatment is used elsewhere onsite to reduce the visual bulk of buildings and the density of development
 - (4) Whether there is existing or proposed effective screening from any residential area.
- (ii) Building Design

-
- (1) Whether the cladding and/or colour of buildings is compatible with the predominant landscape colours (i.e., greens and browns).
 - (2) Whether the design and appearance of new buildings includes some residential design elements in terms of roof shapes, variety in cladding, variety in external appearance (including recessed or projecting surfaces, window shapes), and other design elements.
 - (3) Whether new buildings avoid creating excessively long facades facing the reserve and any residentially zoned site.
 - (4) Whether design techniques are used on any façade facing the reserve or residentially zoned site to provide shape and depth to walls and a variety of relief and texture, such as using one or a combination of structural design elements, cladding and colour variations.
- (iii) Screening and Landscape Treatment
- (1) Whether landscaping is to be used in conjunction to provide screening and/or enhance the visual appearance of buildings (such as the use of creepers on walls).
 - (2) Whether loading and entrance areas are to be screened from residential areas, using planting and/or solid structures.
 - (3) Whether the southeastern boundary (adjoining the reserve) is to be planted in a manner that, on maturity, provides effective visual screening of the site from the reserve and any actual or potential residential property to the southeast.
 - (4) Whether the northwestern boundary (adjoining State Highway 2) is to be planted in a manner that, on maturity, provides an effective avenue of trees along the edge of the road, as well as other planting that may be necessary to provide an effective visual screening of buildings from the road, subject to the provisions of adequate sightlines for vehicle egress and exit onto State Highway 2.
 - (5) Whether earth-mounding is to be used to supplement the use of planting for screening and landscape treatment
 - (6) Whether planting is to be used along buildings to reduce the visual extent of external facades and the bulky appearance of buildings, and to provide visual interest and variation.
 - (7) Whether landscape treatment is to be used elsewhere on-site to reduce the visual bulk of buildings and the density of development.
- (iv) Amenity

- (1) Whether any signs are obscured or screened from any residential area.
 - (2) Whether any signs will be obtrusive to the view from any residential area.
- (v) Operational
 - (1) Whether there are practical methods for mitigating the off-site adverse effects of any noise or light source to reasonable levels.

23 FINANCIAL CONTRIBUTIONS

23.1 Introduction

As further subdivision occurs and new activities are established within the Wairarapa, the existing infrastructure and amenities come under pressure. Financial contributions are a way of ensuring that any adverse effects from subdivision and development on the environment or on community resources are minimised, including ways of offsetting any adverse effects with a contribution toward environmental improvements. Such contributions can be in the form of money, land, works or services and may include the provision of roads and services, the protection of an important historic or natural feature, the visual enhancement of a site through landscape treatment or the provision of access to a hitherto inaccessible river or stream.

Financial contributions for subdivision and land use consents may include the costs of upgrading and expanding community works and services as a result of the proposal, including (but not limited to) public roads, public water supplies, and the disposal of sewage and stormwater.

This section deals with the requirements for financial contributions, either as a standard of a permitted activity, or a land use or subdivision consent.

Where a financial contribution is required as a condition of a permitted activity or resource consent, the purpose, circumstances in which a contribution may be required, and the amount of that contribution are stated. For some types of contributions, a maximum contribution is specified to ensure such contributions are equitable and not unreasonably onerous for some forms of development.

Contributions for land use development through the resource consent process will be sought in full, unless a previous contribution has been received in the subdivision of the site. Conversely, if a contribution was paid at the time of land use development, then no contribution may be required at the time of any subsequent subdivision consent in recognition of the previous contributions.

*Refer to Section 18
Subdivision, Land
Development and Urban
Growth for the objectives and
policies on Financial
Contributions*

23.2 Reserve Contributions Standard

*Note: These financial
contributions will have
immediate effect.*

23.2.1 Circumstances when a general reserves contribution is required as a condition of a permitted activity or a resource consent:

- (a) As a condition of a land use resource consent for any additional residential unit, provided that a general reserve contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.
- (b) As a condition of subdivision resource consent for any new allotment, provided that a general reserve contribution has not already been made under the relevant Council's Long Term Council Community Plan.

- (c) As a standard of a permitted land use activity for any additional residential unit, with the payment of the contribution to be made prior to the issuance of code of compliance certificate for the building consent, provided that a general reserve contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.

23.2.2 Amount of Contribution Required as a Condition of a Permitted Activity or Resource Consent

- (a) For subdivision, 3% of the land value of each allotment to be created in the Residential, Commercial and Industrial Zones, and 2% of the land value of each allotment to be created in the Rural Zone. In the Rural Zone, the maximum amount of the total combined contribution for reserves and roading contributions shall be \$7,500 (plus GST) per allotment created by a subdivision; or
- (b) For land use development for residential purposes, 0.25% of the value of each additional residential unit.

23.2.3 Assessment Criteria for Remission or Waiver of Reserves Contribution

In determining whether to grant a remission or waiver of any reserves contribution, regard shall be had, but not limited to, the following criteria:

- (a) The activity's impacts on the reserve network and the cost to the relevant Council to avoid, remedy, or mitigate these impacts.
- (b) Measures proposed by the developer to enhance an existing reserve or the open space of the locality.
- (c) Other methods proposed by the developer to avoid, remedy or mitigate any adverse effects on the reserve network.
- (d) Whether any site of natural and cultural heritage can and should be enhanced or protected.

23.2.4 Form of Contribution

- (a) The contribution may be required in the form of money or land or any combination thereof.
 - (i) If the reserve contribution is in the form of land which is acceptable to Council, the value of the land to be vested as reserve shall be established on the basis of an registered valuer's report. Registered valuer's reports shall be produced at the consent holders cost and be no older than 3 months at the time the contribution is paid.

23.2.5 Purpose

- (a) To provide for the acquisition and development of reserves and open spaces in response to the needs arising from subdivision and development.
- (b) To protect conservation values of riparian and coastal margins, and associated water quality and aquatic habitat.
- (c) To provide opportunities for public access to and along water bodies.
- (d) To provide recreational opportunities near water bodies.

23.2.6 Contributions Payable

- (a) For permitted activities involving construction of a residential building, contributions shall be made prior to the issuance of the Code of Compliance Certificate for the Building Consent.
- (b) For land use resource consents, contributions shall be payable as and when required by any condition of that consent.
- (c) For subdivision resource consents, contributions shall be made prior to the issuance of the Completion Certificate under Section 224 of the Resource Management Act 1991.

23.3 Infrastructure Contributions Standard

23.3.1 Circumstances when a infrastructure contribution is required as a condition of a permitted activity or resource consent:

- (a) As a condition of a land use resource consent for any additional residential unit or administrative, commercial or industrial purposes, provided that an infrastructure contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.
- (b) As a condition of subdivision resource consent for any new allotment, provided that an infrastructure contribution has not already been made under the relevant Council's Long Term Council Community Plan.
- (c) As a standard of a permitted land use activity, with the payment of the contribution to be made prior to the issuance of code of compliance certificate for the building consent, provided that an infrastructure contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.

23.3.2 Amount of contribution as a condition of a permitted activity or a resource consent

- (a) The actual cost of water supply, wastewater or stormwater disposal systems to the development; and

- (b) The actual cost of all necessary water supply, wastewater or stormwater disposal reticulation within the development for each allotment or building; and
- (c) The actual cost of connections between the water supply, wastewater or stormwater disposal reticulation in the development and the Council's water supply, wastewater and stormwater disposal system; and
- (d) The actual cost of upgrading of any existing Council water supply, wastewater or stormwater disposal system to the extent that it is necessary to service the development; and
- (e) A share of the cost of the existing water supply, wastewater or stormwater disposal system where additional capacity has been created in anticipation of future development. The share will be calculated on the proportion of the additional capacity required to serve the development; and
- (f) A share of the cost of new water supply, wastewater or stormwater disposal system or upgraded water supply, wastewater or stormwater disposal system where additional capacity will be required by the cumulative effects of an area's development – the share will be calculated on the proportion of the additional capacity required by the development; and
- (g) For subdivisions, \$5000 (plus GST) per allotment for linking with public infrastructure and services; or
- (h) For land use development for residential purposes, \$5000 (plus GST) per residential unit for linking with public infrastructure and services; or
- (i) For land use development for administrative, commercial or industrial purposes, 0.5% of the assessed value of any building development in excess of \$100,000. The assessed value of the development will be based on the estimated value of the building as stipulated on the building consent application.

23.3.3 Form of Contribution

- (a) The contribution may be required in the form of money or works or any combination thereof.

23.3.4 Purpose

- (a) To provide a potable water supply.
- (b) To safeguard the health of inhabitants and protect the natural environment from inappropriate disposal of sewage.
- (c) To prevent damage to property or amenity from the indiscriminate and uncontrolled runoff of stormwater.
- (d) To ensure sufficient water is available for fire fighting purposes.

23.3.5 Contributions Payable

- (a) For permitted activities involving construction of a residential building, contributions shall be made prior to the issuance of the Code of Compliance Certificate for the Building Consent.
- (b) For land use resource consents, contributions shall be payable as and when required by any condition of that consent.
- (c) For subdivision resource consents, contributions shall be made prior to the issuance of the Completion Certificate under Section 224 of the Resource Management Act 1991.

23.4 Roads, Access, Parking & Loading Contributions Standard

23.4.1 Circumstances when a roads, access, parking and loading contribution is required as a condition of a permitted activity or a resource consent:

- (a) As a condition of a land use resource consent for any additional residential unit, provided that a roads, access, parking and loading contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.
- (b) As a condition of a subdivision resource consent for any new allotment, provided that a roads, access, parking and loading contribution has not already been made under the relevant Council's Long Term Council Community Plan.
- (c) As a standard of a permitted land use activity, with the payment of the contribution to be made prior to the issuance of code of compliance certificate for the building consent, provided that a roads, access, parking and loading contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.
- (d) As a condition of land use resource consent in the Commercial or Industrial Zones in which the waiver of all or some of the required on-site parking is sought.

23.4.2 Amount of contribution for roads, access, parking and loading as a condition of a permitted activity or resource consent

- (a) The actual cost of providing a road to the development concerned; and
- (b) The actual cost of all necessary roads and access within the development area for each allotment or building; and
- (c) The actual cost of road or access crossings between allotments, or buildings in the development; and
- (d) A share of the cost of the existing roads and access where additional capacity has been created in anticipation of future

subdivision or development. The share will be calculated on the proportion of that additional capacity which is to serve the development; and

- (e) A share of the cost of new or upgraded roads or access where additional capacity is necessary to accommodate the cumulative effects of the development within an area. The share will be calculated on the proportion of the additional capacity necessary to serve the development; and
- (f) The cost of forming of the parking spaces (where a waiver from the District Plan parking requirements is sought, the cost of forming a parking space is deemed to be at a rate of \$5,000 (plus GST) per space); and
- (g) For subdivision, 2% of the land value of each allotment to be created in the Residential, Commercial and Industrial Zones, and 3% of the land value of each allotment to be created in the Rural Zone. In the Rural Zone, the maximum amount of the total combined contribution for reserves and roading contributions shall be \$7,500 (plus GST) per allotment created by a subdivision.

23.4.3 Form of Contribution

- (a) The contribution may be required in the form of money or land or any combination thereof.

23.4.4 Purpose

- (a) To provide for the safe and convenient movement on roads of motor vehicles, bicycles and pedestrians within the Wairarapa.

23.4.5 Contributions Payable

- (a) For permitted activities involving construction of a residential building, contributions shall be made prior to the issuance of the Code of Compliance Certificate for the Building Consent.
- (b) For land use resource consents, contributions shall be payable as and when required by any condition of that consent.
- (c) For subdivision resource consents, contributions shall be made prior to the issuance of the Completion Certificate under Section 224 of the Resource Management Act 1991.

24 ESPLANADE RESERVES/STRIPS

24.1 Introduction

It is a matter of national importance under the Act to preserve the natural character of the margins of waterbodies (the coast, lakes and rivers) and to maintain and enhance public access to and along those water bodies (Section 6). The Act also provides for esplanade reserves in order to protect 'conservation values', including the maintenance and enhancement of the natural functioning of the adjacent sea, river or lake, water quality and aquatic habitats, and the protection of the natural values associated with the esplanade reserve or esplanade strip (Section 229). Managing the conservation values of riparian and coastal margins and public access to these, are interconnected issues, as public access and recreational activities can sometimes be contrary to the protection of conservation values.

To create a network of reserves alongside identified significant waterbodies and resources in the Wairarapa, the Act enables Council's to implement the following methods:

- *Esplanade Reserve*: A reserve alongside a waterbody that is surveyed off and vested in the Council upon subdivision. The reserve is fixed and does not move with changes in the waterbody.
- *Esplanade Strip*: A strip of land alongside a waterbody and/or the bed of a waterbody, where ownership stays with the landowner but restrictions on the use of the strip are noted on the Certificate of Title. The strip moves with changes in the waterbody and is not surveyed, although the waterbody subject to the strip must be identified on the survey plan.
- *Access Strip*: An access strip is similar to a walkway as it is surveyed, does not move with the changes of the waterbody, is recorded on the Certificate of Title, and is an easement in favour of the relevant Council. This requires a negotiated agreement between the landowner and the Council for a public pedestrian accessway across the landowner's land to, or along, a waterbody.

In creating and acquiring reserves along the margins of waterbodies, it is important to recognise the rights of landowners, and their ability to effectively use their land. In addition, the costs of implementing a programme of reserve formation and maintenance across the whole Wairarapa would be impractical and unreasonable. The most effective and efficient way of reconciling these issues is to prioritise the needs for public access or preservation.

The priorities for developing a comprehensive system of water margin protection and public access are listed in Appendix 1.9 Schedule of Significant Waterbodies. Many of these waterbodies already have protection, at least along parts of their margins. However, it is the policy of this Plan to, as the opportunity arises, acquire as needed public access to and/or effective protection of the margins of the identified rivers, lakes and other water bodies on the schedule, as well as the coastal margin. The purpose of such a policy is to ensure, over time, the establishment of a comprehensive and effective system of access and water margin protection. This will be achieved through the subdivision process, the land use consent process, or where necessary through negotiation and direct acquisition. Compensation will be provided in

circumstances where the creation of an esplanade reserve or esplanade strip extends beyond the mandatory provision of the Act.

Provision has been made for esplanade reserves or strips to be wider than 20 metres in cases where it may be desirable. Such cases include those parts of the waterbodies and their margins that have special conservation values, or where an extra buffer zone is necessary for flood protection. Likewise, there may be some circumstances in which an esplanade reserve or strip would not be appropriate along part of the margin or a water body listed in the Schedule (such as where a particular section of a river does not hold any of the values which occur elsewhere on the river). The ability to waive or reduce an esplanade reserve or strip under such circumstances will therefore be retained by the Councils.

The schedules of heritage features and natural areas are also used to identify where an access strip will be required in a subdivision or land use consent relating directly to a significant resource or feature. Situations in which this may occur are where a subdivision is proposed adjacent to a conservation area or where the nature and location of a proposed activity on a site may affect access to an historic building.

Refer to Subdivision and Land Development, Coastal Environment and Freshwater Environment sections for the objectives and policies on esplanade reserves and strips.

24.2 Esplanade Reserves/Strips – Standards

24.2.1 Allotments of 4 Hectares or More

In respect of any subdivision of land in which any allotment of 4 or more hectares is created, the following provisions shall apply.

(a) Circumstances in Which Esplanade Reserves or Esplanade Strips Must be Created

- (i) An esplanade reserve or strip shall be required in regard to any subdivision of land which includes or adjoins any part of the coastal marine area or a water body listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#); provided that this requirement shall not prevent the waiver or reduction of the width of an esplanade reserve or esplanade strip by way of a resource consent for subdivision.
- (ii) Any esplanade reserve or esplanade strip required under the above rule, in respect of any allotment of 4 hectares or more created when land is subdivided, shall be of a width of 20m, unless varied by a condition of resource consent in accordance with Rule 24.2.1(c).

(b) Circumstances in Which Esplanade Reserves or Esplanade Strips May be Created

- (i) Where it is deemed appropriate that the margin of a water body not listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#), should be protected for its conservation, recreational or other values, it is the presumption of this Plan that an esplanade strip will be required where an allotment of 4 hectares or more is created.

- (ii) Notwithstanding the provisions of the above rule, where it is deemed appropriate that the margin of a water body not listed in the Schedule of Significant Water Bodies in [Appendix 1.9](#) should be protected, Council may impose a condition of consent to require an esplanade reserve where an allotment of 4 hectares or more is created under one or more of the following circumstances:
 - (1) When the position of MHWS, the river bank or the lake margin is unlikely to change position due to erosion or deposition or permanent changes in water level;
 - (2) Where public access to the river, lake or area of coast in question is unlikely to be facilitated or promoted by the creation of an esplanade strip;
 - (3) Where there is heavy public recreational use of the river, lake or area of coast in question;
 - (4) Where the conservation values of the river, lake or area of coast would be better maintained or enhanced by the creation of an esplanade reserve;
 - (5) Where the mitigation of natural hazards would be better addressed by the creation of an esplanade reserve;
 - (6) When it is desirable for the land to be retained in public ownership to maintain or promote the values of the waterbody.
- (iii) When an esplanade strip has been created instead of an esplanade reserve, its width shall be 20m, unless varied by waiver or by a condition of resource consent.

(c) Circumstances in Which the Width of Esplanade Reserves or Esplanade Strips May be varied

- (i) The width of an esplanade reserve or esplanade strip required under Rules 24.2.1(a) and 24.2.1(b) may be varied under the following circumstances:
 - (1) Special ecological or conservation values warrant a wider esplanade reserve; or
 - (2) Topography of the siting of any building or other feature renders the 20 metre width inadequate or excessive in regard to meeting the purposes for esplanade reserve or esplanade strips under Section 229 of the Act, in terms of the protection of conservation values, public access, natural hazard mitigation or public recreation; or
 - (3) Where the sustainable functioning of an ecosystem would warrant a wider esplanade reserve or esplanade strip; or
 - (4) Access to an existing or potential future reserve or feature of public significance would be enhanced by the extra width; or
 - (5) The protection of waahi tapu, mahinga kai and other taonga, as well as the provision of access to areas of importance to Maori will be maintained or enhanced; or

- (6) The land is within a natural hazard area or where there is an identified risk from one or more natural hazards (such as coastal erosion); or
 - (7) The costs of providing and maintaining a 20m wide esplanade reserve or esplanade strip outweigh the public benefits in respect of the purposes of esplanade reserves or esplanade strips; or
 - (8) Where the creation of a 20m wide esplanade reserve or esplanade strip would create economic hardship, risks to public safety or to the security of plant, machinery, stock or other property; or
 - (9) Where no additional allotments are being created by the subdivision.
- (ii) An esplanade reserve or esplanade strip created pursuant to Rule 24.2.1(a) may not be reduced to a width of less than 3 metres.

24.2.2 Allotments of 4 Hectares or Less

In respect of any subdivision of land in which any allotment of 4 hectares or less is created, the following provisions shall apply.

(a) Circumstances in Which Esplanade Reserves shall be Created

- (i) An esplanade reserve shall be required in respect of any allotment of 4 hectares or less created when land is subdivided, which includes or adjoins any part of the coastal marine area or a water body listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#); provided that this requirement shall not prevent the waiver or reduction of the width of an esplanade reserve or esplanade strip by way of a resource consent for subdivision.
- (ii) Any esplanade reserve required under the above rule, in respect of any allotment of 4 hectares or less created when land is subdivided, shall be of a width of 20m, unless varied by a condition of resource consent in accordance with Rule 24.2.2(c).

(b) Circumstances in Which Esplanade Strips May be Created

- (i) Where it is deemed appropriate that the margin of a water body not listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#), should be protected for its conservation, recreational or other values, it is the presumption of this Plan that an esplanade strip will be required where an allotment of 4 hectares or less is created.
- (ii) Notwithstanding the provisions of the above rule, where it is deemed appropriate that the margin of a water body not listed in the Schedule of Significant Water Bodies in [Appendix 1.9](#) should be protected, Council may impose a condition of consent to require an esplanade strip where an allotment of 4 hectares or less is created under one or more of the following circumstances:

- (1) When the position of MHWS, the river bank or the lake margin is unlikely to change position due to erosion or deposition or permanent changes in water level;
 - (2) When it is desirable for the adjoining landowner to retain ownership of the land subject to an esplanade reserve or esplanade strip for the efficient and effective use of the adjoining land, provided the purposes of esplanade reserves or esplanade strips under Section 229 of the Act will not be significantly diminished by the creation of an esplanade strip instead of an esplanade reserve;
 - (3) When it is desirable for the adjoining landowner to retain ownership of the land subject to an esplanade reserve or esplanade strip to enable the landowner's access to the river or lake as part of the landowner's operations or livelihood, provided the purposes of the esplanade reserves or esplanade strips under Section 229 of the Act will not be significantly diminished by the creation of an esplanade strip instead of an esplanade reserve.
- (iii) When an esplanade strip has been created instead of an esplanade reserve, its width shall be 20m, unless varied by waiver or by a condition of resource consent.
- (c) **Circumstances in Which the Width of Esplanade Reserves or Esplanade Strips May be varied**
 - (i) The width of an esplanade reserve or esplanade strip required under Rules 24.2.2(a) and 24.2.2(b) may be varied after consideration of those circumstances set out in Rule 24.2.1(c) above.
 - (ii) The maximum extent of any variation shall not be less than 3 metres.

24.2.3 Creation of Esplanade Reserves and Esplanade Strips on Road Stopping

- (i) An esplanade reserve shall be required where any road or any part of a road along mean high water springs of the sea, or along the bank of a river or the margin of a lake is stopped, pursuant to Section 345(3) of the Local Government Act 1974.
- (ii) Council retains the discretion to waive by resolution the requirement to create an esplanade reserve under Section 345(3) of the Local Government Act 1974 if it is satisfied that there is adequate alternative:
 - (1) Public access; or
 - (2) Means of protecting conservation values; or
 - (3) Provision of public recreational use of the area of coast, river or lake in questions.

24.2.4 Creation of Esplanade Reserves and Esplanade Strips as a Condition of Land Use Consent

- (i) Where a land use consent application relates to a site that adjoins or includes part of a waterbody listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#), a condition of consent may be imposed requiring an esplanade reserve or esplanade strip.
- (ii) The creation of an esplanade reserve or esplanade strip as a condition of a land use consent shall be by way of a financial contribution, in accordance with Section 23.
- (iii) The width of the esplanade reserve or esplanade strip required under Rules 24.2.1(a) and 24.2.1(b) shall be 20m, unless it is varied, having regard to those matters listed under Rule 24.2.1(c), provided that such variation shall not result in an esplanade reserve or esplanade strip less than 3m or more than 50m in width.

24.2.5 Circumstances in which an Access Strip would be Appropriate

- (i) The creation of an access strip may be appropriate where land being subdivided includes, adjoins or can provide enhanced public access to a significant:
 - (1) Waterbody listed in the Schedule of Significant Waterbodies in [Appendix 1.9](#);
 - (2) Heritage Feature listed in [Appendix 1.7](#);
 - (3) Significant Natural Area listed in [Appendix 1.3](#);
 - (4) Public vista or viewshaft.
- (ii) Notwithstanding any other provisions or rules in the Plan, in respect of any unscheduled waterbody, heritage feature or area of significant conservation values, an access strip shall only be created where there is a demonstrated need for public access or protection of conservation or recreational values.

24.2.6 Vesting of Beds of Rivers or Lakes

- (i) The Councils reserve the discretion to waive the requirement to vest the bed of a river or lake in a Council, pursuant to Section 237A of the Act, where it is satisfied that the conservation values, public access or public recreational values relating to that river or lake will not be adversely affected by the waiver, or that there are exceptional circumstances, including whether the land on either side of a river is held under one title.
- (ii) The Councils reserve the discretion to impose a condition of consent that the bed will vest in a Council, pursuant to Section 237A of the Act, where no esplanade reserve is created, where it is satisfied that the conservation values, public access or public recreation values relating to that river or lake warrant protection.

25 DESIGNATIONS

25.1 Introduction

A body with financial responsibility for a public work may require land to be designated within the Plan.

A designation is a provision made in a District Plan under Part VII of the Resource Management Act to give effect to a requirement made by a requiring authority. Designations allow land to be secured for public works or other projects and facilitate the establishment of what are often necessary or essential services. These include utility services such as energy supply (gas, petroleum, geothermal and electricity), water supply, drainage, sewerage, roading, railway, airports, telecommunications and radio-communications. These utilities are generally provided by requiring authorities, which are:

- A Minister of the Crown;
- A local authority; or
- A network utility operator approved as a requiring authority under Section 167 of the Act.

Requiring authorities are able to designate land for a variety of purposes (e.g. utility structure, school, police station, council depot).

Where an organisation does not have requiring authority status, or chooses not to use the designation process, they are required to go through the resource consent process. In such cases, the proposal will need to satisfy the relevant environmental zone and district-wide rules. The procedure and requirements for making a designation are set out in Part VIII of the Act. Designated sites are identified on the Planning Maps and [Appendix 6](#) provides the details of each designation.

25.2 Designation Process

25.2.1 Existing Designations

The process for including existing designations in the Plan is described in Clause 4 of the First Schedule of the Act. Before a territorial authority publicly notifies a District Plan, it is required, by written request, to invite requiring authorities with an existing designation in the district, to give written notice to the territorial authority stating whether the requiring authority requires the designation to be included in the Proposed District Plan, with or without modification.

The territorial authority shall give the requiring authority at least 30 working days to respond and shall specify the final date for the requiring authority to provide its written notice to the territorial authority. Where the requiring authority states that a designation is to be included in the plan with modifications, it shall include in its written notice, the nature of the modifications and the reasons for the modifications.

If no notification is given to the territorial authority then no provision for the existing designation will be made in the District Plan. A designation lapses on the expiry of 5 years after the date the Plan becomes operative, unless it is

given effect to before the end of that period, the territorial authority grants an extension, or the designation specified a different period. .

25.2.2 Requirements for New Designations

The process for making new requirements for designations is set out in Part VIII of the Act. Section 168 of the Act and Form 18 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 outline the information to be supplied with new requirements. Evidence of requiring authority status is essential for all new requirements for designations.

25.2.3 Submissions

Submissions can be made in support of or opposition to any designation or requirement included in the Proposed District Plan, after the public notification of the District Plan.

25.2.4 Council Recommendation

Where any existing designation is unchallenged by submissions, the Councils can allow the designation to continue without any further recommendations. In all other cases, the Councils are required to consider any submissions, hold hearings where necessary, and make a recommendation to the requiring authority. This recommendation can be that the requirement be confirmed, modified, or withdrawn. The requiring authority then considers that recommendation and makes a decision on whether it will accept the recommendation.

25.2.5 Conditions

In considering a designation requirement, the Councils may recommend such conditions as are necessary for avoiding or mitigating any identified potential adverse environmental effects. Such conditions will be appropriate to the circumstances, and may include:

- The period within which the designation is to be given effect;
- The operation or design of the work or project;
- The maintenance of the subject land;
- The submission of outline plans regarding the development of the proposed work or project; or
- Compliance, where practicable, with any relevant rules relating to the vicinity in which the proposal is to be sited.

25.3 Outline Plans

25.3.1 Submission of Outline Plans

Outline plans are required to be submitted to Council prior to construction commencing of any public work, or work on designated land, except for works excluded under Section 176A of the Resource Management Act 1991. Any temporary work may be constructed without first advising the Councils if the body or person responsible for its construction considers the work

immediately necessary to meet an emergency situation, and if outline plans of the work are submitted to the Council as soon as practicable after the work has been commenced.

25.3.2 Information on Outline Plans

Outline plans must show, as relevant, the height, shape, and bulk of the work, its location on the site, the likely finished contours of the site, vehicular access, circulation and parking, landscaping proposed, and any other matters to avoid, remedy or mitigate any adverse effects.

25.3.3 Exclusions

The provisions of this rule shall not apply in respect of:

- (i) Any work which the person or body responsible for its construction considers is immediately necessary:
 - (1) To safeguard life or property; or
 - (2) To maintain or restore communication or transport links.
- (ii) Dams and bridges.
- (iii) Any utility listed as a permitted activity in the District-wide and Zone rules of this Plan.
- (iv) Such other works for which it is considered by the Council to be impracticable or unnecessary to prepare outline plans.

25.3.4 Modifications to Plans

The Council, after considering the proposals included within the outline plans, may, within 20 working days after receipt of the plans, request the requiring authority to make changes to details within the plans so that the proposals comply more fully with the designation conditions imposed.

26 INFORMATION TO BE SUPPLIED WITH RESOURCE CONSENT APPLICATIONS

26.1 Introduction

The level of detail needed to accompany a resource consent application depends upon the classification and the complexity of the activity. It is important that comprehensive information is supplied with the application to enable the relevant Council to clearly understand the activity, and to allow the potential effects to be assessed. Insufficient information may delay application processing, as the Council will not receive an application until all the information requirements have been met.

Information is required for applications under the Act for:

- Certificates of compliance;
- Land use and subdivision resource consents for controlled, restricted discretionary and discretionary activities;
- Privately initiated Plan changes;
- Requirements for designations.

All of the four following types of applications will need to show the extent to which the proposed activity complies with the relevant performance standards and then provide extra information as follows.

Permitted activity: applications made for certificates of compliance need to illustrate how the development complies with the relevant performance standards.

Controlled activity: the application for resource consent will also need to illustrate how the development complies with the relevant performance standards and refer specifically to the aspects of the proposed activity which the Council has retained control over, as listed within the rule for the activity.

Restricted discretionary activity: the application for resource consent will be more detailed again, and the application should refer specifically to the aspects of the proposed activity over which the Council has retained discretion, as listed within the rule for the activity.

Discretionary and Non-complying activities: a more thorough application for resource consent needs to address all aspects and potential effects of the activity as the 'discretionary' and 'non-complying' classifications apply to activities where there is reasonable potential for the activity to adversely affect the environment.

The "Information Required" table below indicates what type of information is required for each type of activity. Detailed guidelines are then given in the Information Schedules.

INFORMATION REQUIRED									
SCHEDULES	1	2	3	4	5	6	7	8	9
Permitted Activities (Certificates of Compliance)	✓	✓	✓	✓					
Controlled Activities	✓	✓	✓	✓	✓				
Activities involving Subdivision	✓	✓	✓	✓	✓	✓	✓		
Restricted Discretionary Activities	✓	✓	✓	✓		✓			
Discretionary & Non-Complying Activities	✓	✓	✓	✓			✓		
Privately Initiated Change to the District Plan								✓	
Designation		✓	✓	✓					✓

26.2 Statutory Requirements

The information required by Section 88 of the Resource Management Act 1991, is set out in Form 9 as prescribed in the Resource Management Act (Forms) Regulations 1991. Copies of this form may be obtained from the Council offices.

26.3 Information Schedules

26.3.1 Information Schedule 1: General Information

All applications must give a general description of the activity the consent is being applied for, covering some or all of the following, as appropriate:

- (i) A site description;
- (ii) Address and legal description of the property(ies) where the activity will take place;
- (iii) A statement setting out what other resource consents are required and whether they have been applied for;
- (iv) Existing and proposed activities, buildings and structures;

- (v) A description and evaluation of any existing indigenous flora and fauna and natural landscape features that exist on or adjoin the area where the activity is proposed, including neighbouring sites;
- (vi) Existing landscaping to be retained and any proposed landscaping;
- (vii) Parking, access and loading space required for vehicles;
- (viii) Extent of any previous or proposed earthworks including filling and excavation measured horizontally and vertically, and the program of restoration;
- (ix) Provision and availability of utility services such as water supply and disposal of sewer and stormwater;
- (x) Any known sites of natural and cultural heritage;
- (xi) Any known natural hazards or hazard-prone areas;
- (xii) Designations or heritage orders that apply to the site;
- (xiii) Hazardous substance contamination of the site;
- (xiv) Easements or other restrictions over the site;
- (xv) Any public infrastructure and open drains;
- (xvi) Performance standard information, where appropriate

26.3.2 Information Schedule 2: Plans

In addition to the above information, any application for resource consent for land use and subdivision shall include a set of plans illustrating the proposal with the following, as applicable:

- (i) A plan to scale, showing the location of the site, with:
 - Road name;
 - Street number;
 - Legal description;
 - North point, and scale.
- (ii) A site plan showing:
 - Site boundary, legal boundary lengths and other dimensions in metres;
 - Location of all existing and proposed buildings with distances marked from the buildings to boundaries (including any eaves, decks, or other features) and to neighbouring structures and/or activities;
 - Proposed use of each building;
 - Position of all utility services (public and private);
 - Vehicle parking, access and loading areas;
 - Existing ground level and contours;
 - Proposed retaining walls, excavations, land filling and resultant contours;
 - Location of natural water courses;

- Position of any easements and other restrictions over the allotment;
- Existing and proposed landscaping;
- Existing and proposed sealed areas.
- (iii) A floor plan of any proposed building(s) showing:
 - Use of all parts of the building including basements, parking, lifts, storage and service areas.
- (iv) Elevations of each proposed building(s) showing:
 - Ground levels, building heights and height in relation to any boundary;
 - Maximum permitted height marked;
 - Where relevant, appropriate shadow diagrams or models showing overshadowing on adjacent properties;
 - External appearance of the building;
 - The number of floors and their proposed use.

26.3.3 Information Schedule 3: Assessment of Environmental Effects

In preparing the Assessment of Effects on the Environment, the following issues should be addressed in conjunction with the Fourth Schedule of the Resource Management Act 1991, and in relation to the provisions of the Plan:

- (i) Environmental effects of the proposal on affected persons(s);
- (ii) Effects of the proposal on the natural and cultural heritage environment;
- (iii) Evidence of consultation where it has been carried out with any affected person(s);
- (iv) Visual impact of the proposal on the surrounding landscape and environment;
- (v) Amenity values existing in the area and the proposals effect on these values;
- (vi) An assessment of effects on the reticulation network, which will be referred to the relevant controlling authority for written comment and recommendations unless already provided with the application;
- (vii) Proposed methods to avoid, remedy or mitigate any identified adverse effects of the proposal.

26.3.4 Information Schedule 4: Subdivision

Every application for subdivision consent must include the following information, where it is appropriate:

- (i) A description of the consent being applied for;
- (ii) A site description;
- (iii) Address and legal description of the site;

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- (iv) A current (no more than 3 months old) search copy of the Certificate(s) of Title for the land to be subdivided, a copy of the Deposited Plan for that Title(s) and any covenants, Consent Notices or easement documents registered on the Title(s).
 - (v) A statement specifying what other resource consents are required and whether they have been applied for;
 - (vi) All abutting and underlying title boundaries, and identification of all existing easements, rights of ways, covenants and building line restrictions;
 - (vii) Proposed and existing activities, buildings and structures;
 - (viii) Existing services including water supply, electricity, gas and telephone services within or adjacent to the proposed subdivision, and indicative servicing proposals;
 - (ix) Existing and proposed sewer and stormwater systems including invert and manhole levels;
 - (x) A description and evaluation of any existing indigenous flora and fauna and natural landscape features;
 - (xi) Any known natural hazards or hazard prone areas,
 - (xii) The numbers, areas and dimensions of all proposed lots;
 - (xiii) Proposed roads, accessways, service lanes, access lots, and private ways with relevant width, areas and proposed gradients;
 - (xiv) Proposed reserves with suggested classifications and improvements (pathways, rest areas, play areas, landscaping etc);
 - (xv) Proposed esplanade reserves, esplanade strips and access strips;
 - (xvi) Proposed easements (drainage, rights of way etc) with suitable memorandum and/or schedule;
 - (xvii) Proposed areas of excavation and filling, together with proposed finished contours where earthworks involving cuts and/or fills exceeding 1 metre are proposed;
 - (xviii) Watercourses, including ephemeral watercourses;
 - (xix) For Rural (Primary Production) Zone subdivision, information on water supply and waste water disposal, identification of house/building sites, and evidence that the proposed building sites are suitable for buildings in relation to land stability and the proposed waste water disposal system;
 - (xx) For subdivision outside of the Rural (Primary Production) Zone, outline plans of proposed development of sufficient quality and detail to demonstrate that it is practicable to construct on all allotments, as a permitted activity, a dwelling or other buildings that do not contravene any permitted activity rule or performance standard;

- (xxi) For land with access from a State Highway, evidence that the proposed subdivision has been discussed with Transit New Zealand together with the outcomes of those discussions;
- (xxii) For the balance area of the subdivider's property, where there is potential for further subdivision, indicative information about the implications of further subdivision for future services, roading and development.

26.3.5 Information Schedule 5: Controlled Activities

Additional information requirements relating to controlled activities shall be supplied as appropriate to the nature of the activity and will address those matters specified in the Plan over which Council has retained control.

(a) Subdivision

- (i) Information required in Information Schedules 1, 2, 3, 4 and 5;
- (ii) The design and location of network utilities, including information regarding continuity of existing and future network utilities, such as through adjacent blocks of land for future subdivision and development; and the locations where it is possible to underground these facilities.
- (iii) Proposed areas of earthworks, both excavation and fill, including any methods planned to avoid, remedy or mitigate any potentially adverse effects of these works;
- (iv) A description and evaluation of any indigenous flora and fauna and natural landscape features and the effect of the proposed subdivision and development on these areas;
- (v) A description and evaluation of any cultural heritage and the effect of the proposed subdivision and development on it;
- (vi) Financial contribution details and the way these contributions will avoid, remedy or mitigate any adverse effects on the environment.

(b) Natural Hazard Areas

- (i) The information required in Information Schedules 1, 5, and 6;
- (ii) Design and construction of any building and the location of all buildings and sealed surfaces within the site and the resulting effect on the building from the natural hazard area;
- (iii) Ground alteration or disturbance including any sub-surface excavation, an assessment of site stability, and the resulting effect on the proposal from the natural hazard;
- (iv) Proposed methods associated with the proposal to avoid or mitigate any adverse effects of the natural hazard;
- (v) The effect of the natural hazard on the health and safety of occupants and users of the site and the general public, as associated with the proposal.

(c) Network Utilities

- (i) Information regarding the effect of the proposal on the environment including:
 - structure size;
 - location and siting of the structure(s) within the legal road;
 - design and external appearance of the structure(s); and
 - road users safety;
 - any method to avoid, remedy or mitigate any adverse effects.

(d) Relocated Buildings

- (i) Information regarding the effects of the proposal on the surrounding Zone including:
 - Design and external appearance of the structure;
 - Any method to avoid, remedy or mitigate any adverse effects.

(e) Greytown Villas Character Area

- (i) Information regarding the relationship of the proposal for which consent is sought with the Indicative Concept Plan in [Appendix 9](#).

(f) Jellicoe Residential Character Area

- (i) Information regarding the relationship of the proposal for which consent is sought with the Jellicoe Residential Area Structure Plan in [Appendix 10](#).

(g) Hazardous Substances and Facilities

The AEE must be appropriate to the nature and scale of the proposed hazardous facility and its associated potential or actual environmental effects, and must include the following matters:

- (i) A description of the nature and scale of the proposed hazardous facility.
- (ii) An inventory, including quantities, of all hazardous substances proposed to be stored and/or used on the site, which is to be resubmitted at specified intervals (usually yearly);
- (iii) A description of the location of the hazardous facility in relation to more sensitive land uses (e.g., schools, rest homes etc.) or sensitive environments (aquifers, surface waters, protected eco-systems), and an evaluation of the risk from the facility;
- (iv) Proposed site management including:
 - the management of wastes containing hazardous substances;
 - monitoring and maintenance measures;
 - emergency management plan;
 - the transport of hazardous substances to and from the facility, where this forms a significant part of the operations.
- (v) Risk of natural hazards to the site, as applicable.

26.3.6 Information Schedule 6: Restricted Discretionary Activities

Additional information requirements relating to restricted discretionary activities are listed in this schedule.

(a) Natural Hazard Areas

- (i) The information required in Information Schedules 1, 5, and 6;
- (ii) The design and construction of the building and location of the building and sealed surfaces within the site and the resulting effect on the building from the natural hazard;
- (iii) The alteration or disturbance of the ground including any below ground excavation, and an evaluation of site stability and the resulting effect on the proposal from the natural hazard;
- (iv) Proposed methods associated with the proposal to avoid or mitigate any adverse effects of the natural hazard;
- (v) The effect of the natural hazard on the health and safety of occupants and users of the site and the general public, as associated with the proposal.

(b) Historic Values

- (i) Effect of the proposal on the protection of the value, integrity and character of the historic site.
- (ii) The degree of modification or disturbance resulting from the proposal on the historic site.
- (iii) A statement as to whether the activity will affect the whole or part of the listed item(s).
- (iv) Where a significant adverse effect will result, a description of any possible alternative locations or methods for undertaking the activity.
- (v) The preferred option for protecting the listed item(s).
- (vi) What consultation (if any) has occurred with Tangata Whenua if it relates to a site of significance to Maori.
- (vii) A statement of the actual and potential effects of the proposal on heritage values.

26.3.7 Information Schedule 7: Discretionary and Non-Complying Activities

Additional information requirements relating to discretionary and non-complying activities are listed in this schedule.

(a) Future Development Areas

Any Development Concept Plan submitted as part of a resource consent application must include the following:

- (i) A clear indication of the area that is to be the subject of the Comprehensive Development Plan;

- (ii) Plans showing the linkages to services, including sewerage, water supply, electricity, telecommunications and stormwater systems;
- (iii) Plans showing proposed internal roads, and linkages to external public roads;
- (iv) Plans for public open space and pedestrian access;
- (v) Details of any amenity/buffer strip with a minimum width of 50 metres, in order to minimise reverse sensitivity effects between residential and neighbouring activities;
- (vi) Details of the site's significant natural features, historic heritage, waahi tapu and archaeological sites, proposed environmental enhancement areas, and the ways these will be managed;
- (vii) The capability of the land to accommodate the proposed development, and the proposed measures, including avoidance, to address any natural hazards and/or geotechnical issues;
- (viii) Any proposed staging of the development
- (ix) An assessment of the proposal against the objectives and policies of the Plan;
- (x) An assessment of the proposal against the rules and assessment criteria of the Plan.

26.3.8 Information Schedule 8: Requests for Plan Changes

All requests for a Plan change shall provide evidence of the applicant having fulfilled the following requirements, including:

- (i) The consultation requirements set out in clause 3 of Part One of the First Schedule of the Act,
 - An assessment of the implications of the change to the Plan provisions for the matters specified in Part Two of the Act;
 - The obligations in regard to Section 32 of the Act.

26.3.9 Information Schedule 9: Requirements for Designations

In addition to the matters contained in Form 18 of the Resource Management Act 1991, the following information shall be submitted with a requirement for designation:

- (i) Sufficient drawings at appropriate scales to adequately illustrate the proposed work;
- (ii) Whether the work is a public work in terms of the Act, or is a restriction in respect of any land, water, subsoil or airspace for protecting the safe or efficient functioning of a public work, or if the requirement is for a proposed project or work by a network utility operator approved as a requiring authority under Section 167 of the Act (if an approved network utility, details of the Gazette Notice empowering the body as a requiring authority

- must also be supplied, including any specified terms and conditions);
- (iii) A statement of the objectives that the requirement is seeking to achieve;
 - (iv) The manner and degree to which the work complies with Part II of the Act;
 - (v) Whether the work is consistent with any relevant provisions of national, coastal and regional policy statements, and regional plans;
 - (vi) The manner and degree to which the work is consistent with the objectives, policies and rules of the Plan;
 - (vii) Details of the current ownership of the subject land, the proposed land acquisition programme, and site clearance proposals;
 - (viii) The proposed sequence and timing of implementation of the work or project, clearly identifying any part of the work which may not be commenced for 5 or more years;
 - (ix) Proposals for the use and maintenance of those parts of the land and associated structures which will not be developed for 5 or more years;
 - (x) Details of the effects that the work or project may have on the environment;
 - (xi) If the site is already designated, or is subject to a heritage protection order, a statement of the purpose of that designation or order, whether the designation has been fully put into effect (or the extent to which it has been put into effect), and the generated effects of the existing designation or order.

If appropriate, the requiring authority may be required to supply such further information as may be necessary to better understand the nature of the proposal, any likely adverse environmental effects, any consultation, or any mitigation measures that are proposed or may be imposed. This may include the submission of outline plans.

26.3.10 Further Information

Further information may be required from an applicant under Section 92 of the Act, where it is necessary to better understand the nature of the activity, its environmental effects, or the ways in which adverse effects may be avoided, remedied or mitigated.

27 DEFINITIONS

Accessory building means a detached structure, the use of which is ancillary and incidental to any lawful existing use on the site, and includes carports whether or not attached to the principal building.

Accessway means, in relation to a rear site, all land that provides physical and legal access for one or more properties and which is held by an individual owner or in common, and it includes entities such as a driveway, right-of-way, private way and common access lot.

Assessment of Environmental Effects (AEE) means an assessment of the environmental effects in accordance with the Fourth Schedule of the Resource Management Act 1991.

Boarding kennels – kennels that are used to accommodate dogs for short-term accommodation purposes for the payment of a charge. The dogs do not permanently reside on the subject site.

Building – means any structure, temporary or permanent, movable or immovable, and includes water tanks more than 1000 litres capacity, but excludes:

- (i) Fences or walls of 2m or less in height above ground level or retaining walls of 2m or less in depth below ground level
- (ii) Masts and poles less than 2m in height above ground level
- (iii) Radio and television aerials (excluding dish antenna greater than 1.2m in diameter) less than 2m in height
- (iv) Uncovered decks not more than 1m above ground level
- (v) Uncovered swimming pools no higher than 1m above ground level
- (vi) Up to 0.6m of overhanging eaves
- (vii) One building per allotment not exceeding 2m in height and 6m² in floor area provided the height to boundary performance standard is met
- (viii) Temporary structures associated with maintenance activities and construction works
- (ix) Structures intended primarily for erosion control or flood protection.

Building includes the construction, erection, alteration, relocation or placement of a building on an allotment.

Building coverage – the percentage of the allotment covered by buildings.

Building Setback – the distance from the boundary within which no building can be erected, and any such area shall be left unoccupied and unobstructed by any structure from the ground level upwards.

- (i) *Front boundary* – the boundary adjoining any road
- (ii) *Other boundary* – all other boundaries excluding the front boundary

- (iii) *Common wall boundary* – the boundary where two buildings join along an allotment boundary by way of a common wall.

Common wall – means any wall dividing adjoining dwelling units in a residential building or any party wall dividing accessory buildings.

Community Amenity Facilities – means any land or structures used to enhance the amenity of public areas, and includes gardens and landscaped areas, conveniences, and seating.

Community Activity – means the use of any land or premises purpose built for any activity or service which has an individual or community health, welfare, care, safety, educational, recreational, cultural, ceremonial, spiritual, art or craft purpose.

Community Facility – means any land, building or premises which provides any community activity; and includes educational facilities, places of worship, libraries, hospitals, retirement homes and rest homes, community halls, kohanga reo, and childcare centres, but excludes entertainment facilities.

Contaminated Site – A site having hazardous substances present in concentrations that are above naturally occurring background levels and pose an immediate or long term risk to the environment and/or human health and includes landfill sites.

Cottage Lot - in terms of the Jellicoe Residential Character Area, this means a lot identified on the Jellicoe Residential Area Structure Plan subdivided for the purpose of a 2 – 3 bedroom residential unit.

Cultural Heritage – Landscapes, areas, places, structures, archaeological sites, waahi tapu, and waahi tapu areas associated with human activity that are inherited from the past or are of value to current and future generations, and are considered to be of special value.

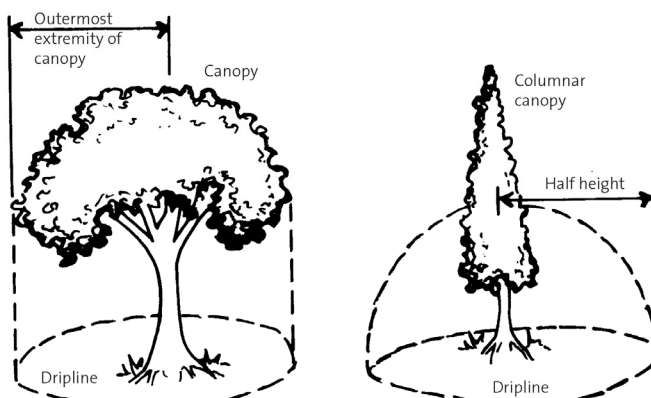
Daytime – Unless otherwise specified, 1 hour before sunrise till 1 hour after sunset.

Derelict vehicle – any car or other vehicle which does not currently have a Motor Vehicle Registration or a Warrant of Fitness, and which for the time being is unable to be driven under its own power.

Development Concept Plan (DCP) – a plan of proposed development submitted by an applicant when making a consent application within a Future Development Area.

Display windows – means windows that permit the public to view display space within a building.

Dripline – the area beneath the canopy of a tree, measured at ground level from any part of the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches.



Note: Dripline equals whichever method gives greatest measurement

Duplex – one residential building containing two residential units with each unit sharing a common wall with the other unit.

Dwelling – A self-contained residential structure designed primarily to accommodate one household. Self-contained means one kitchen only, and not less than one bathroom/toilet facility.

Earthworks – removal, deposition, or redistribution of any material on a site that alters the natural or existing ground level.

Education Facility – Any land or buildings used for education purposes; and includes any pre-school, primary, secondary or tertiary institution.

Entertainment – Any land or buildings used for the purpose of entertainment, or social or cultural enjoyment; and includes any cinema, theatre, or electronic games facility.

Environmental Standard – refer to *Standard* .

Frontage Surface – in reference to buildings within the Commercial Zone, is the total frontage area below the height of the verandah (or 3m above ground level if there is no verandah).

Goat farming is the keeping or farming of one or more free-ranging goats (i.e., untethered).

Ground level – The natural level of the ground; or the finished ground level approved at the time of subdivision or development.

Gross floor area (GFA) – the sum of the total area of all the floors of all buildings on an allotment, excluding uncovered stairways, car parks and external balconies, measured in square metres.

Habitable Room – any room in a building which is, or is likely to be, used as a rumpus or games room, study, lounge, living room, bedroom, dining room, kitchen or for general amusement purposes.

Hazardous Facility – any activity involving hazardous substances but does not include:

- (iv) Use, storage and handling of hazardous substances in domestic activities and corresponding quantities
- (v) Trade waste sewers and stormwater drainage;
- (vi) Oil and gas pipelines;
- (vii) Retail sale and related storage of hazardous substances in closed containers having volumes intended for domestic purposes;
- (viii) Fuel in motor vehicles, boats and other internal combustion machinery where the fuel is used for their operation.

Hazardous Substance - is defined by the Resource Management Act 1991 to include, but not be limited to, any substances as defined in section 2 of the Hazardous Substances and New Organisms Act 1996. For the purposes of this district plan, hazardous substances are defined as:

- a) Substances with one of more of the following intrinsic properties
 - an explosive nature
 - an oxidising nature
 - a corrosive nature

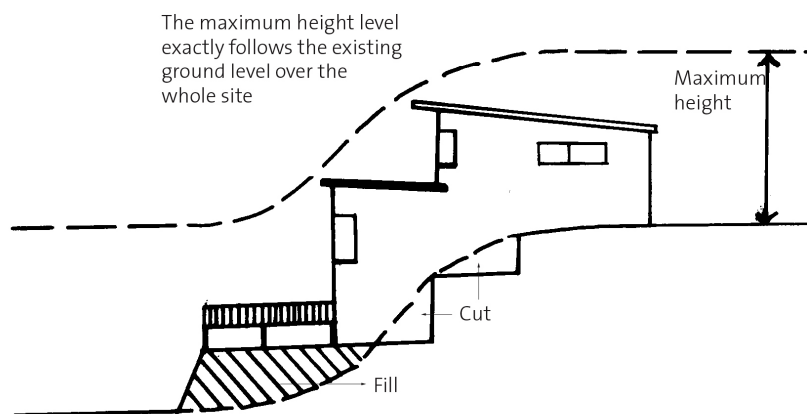
- flammability
 - acute and chronic toxicity
 - ecotoxicity with or without bioaccumulation.
- b) Substances which in contact with air or water (other than air and water where the temperature or pressure has been artificially increased or decreased) generate a substance with any or more of the properties specified in paragraph a) of this definition
- c) Substances that, when discharged to surface or ground waters, have the potential to deplete oxygen as a result of the microbial decomposition of organic materials (for example, milk or other food stuffs)
- d) Radioactive substances except smoke detectors.

Healthcare Facilities – premises used:

- By one or more health care providers for the purposes of carrying on his/her profession; or
- As a medical laboratory

But does not include a healthcare institution in which there is on-site resident healthcare staff and overnight accommodation of patients, nor does it include a veterinary clinic.

Height – in relation to a building, the vertical distance between the ground level at any point and the highest part of the structure at that point, but excludes any structure attached to the building that does not exceed 0.5m in any horizontal dimension, and does not exceed the permitted height by more than 1.5m.



Note: Proposed cutting or filling has no effect on the maximum height level permitted

Helicopter landing area – means a site used for more than four (4) helicopter movements (landing or departure) within any 28-day period.

Heritage Curtilage - the land (including land covered by water) surrounding a listed heritage item or area that is essential for retaining and interpreting its significance. It can apply to either land integral to the heritage item, or a precinct that includes buildings, relics, areas and their settings.

Homestay – the use of one self contained dwelling for visitor accommodation per Certificate of Title.

Indigenous Vegetation – means flora naturally occurring in the Wairarapa, or belonging naturally to the Wairarapa.

Industry – means premises used for manufacturing, fabricating or processing, substances or material into new products, and includes the servicing and repair of goods, vehicles and machinery whether by machine or hand, and the parking or storage of all materials, products and machinery; with

- **Primary Industry** meaning industry listed in Appendix 4 Schedule of Primary Industries (Potentially Offensive, Noxious or Hazardous Industries); and
- **Secondary Industry** meaning any other industry.

Intensive Farming – the commercial raising and keeping of plants, animals or other living organism in buildings, or in closely fenced outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover, and which is substantially provided for by food or fertiliser from off the site. This includes, but is not limited to intensive pig farming, poultry farms, mushroom farms, and feedlots, but excludes horticulture undertaken in greenhouses, milking sheds and aquaculture.

Landscaping – the visual improvement of an area through designed planting, paving, garden seating and other such enhancement.

Large lot – in terms of the Jellicoe Residential Character Area, this means a lot identified on the Jellicoe Residential Area Structure Plan as a “large lot”.

Loading space – a defined area of an allotment that has access to a road or service lane for the exclusive use of transferring goods from a vehicle to an activity or vice a versa; excludes parking, landscaping or other similar required areas.

Lot – means an allotment defined in Section 218 of the Resource Management Act 1991.

- **Front Lot** – means a lot which directly abuts a street for the full length of one boundary;
- **Rear Lot** – means a lot situated to the rear of another site and which does not directly abut a street for any boundary except for the accessway.

Mahinga Maataitai – means the area from which food reserves from the sea are gathered.

Motorised Outdoor Recreation Activity – means any activity involving a motor driven vehicle on land and/or water and includes motorbikes, off-roaders, all-terrain vehicles, jetboats and jetskis, in which the use of the vehicle is operated for profit or are organised activities with their own dedicated tracks and facilities.

Network Utility – means any utility which is part a network and includes electrical lines, water, sewage and stormwater reticulation, streetlighting, telecommunication facilities, radiocommunications facilities, gas, roads, railway lines, airports, lighthouses, navigation aids and beacons, meteorological services and associated support structures.

Nighttime hours – Unless otherwise specified, 1 hour after sunset to 1 hour before sunrise.

Noise Emission Level - means a level of sound measured in accordance with NZS 6801: 1999 “*Acoustics - Measurement of Sound*” and assessed in accordance with NZS 6802: 1991 “*Assessment of Environmental Sound*”

except as expressly provided for in this Plan. Where NZS 6802:1991 does not include assessment of the type of noise in question, one of the following appropriate Standards may be used;

- (i) NZS 6805: 1992 Airport Noise Management and Land Use Planning
- (ii) NZS 6807:1998 Noise Management and Land Use Planning for Helicopter Landing Areas.
- (iii) NZS 6808:1998 Acoustics – The Assessment and Measurement of Sound From Wind Turbine Generators

In addition:

- a) The assessment of the activity shall not be made in isolation. The assessment shall be made with all other uses and activities in the area in normal operation and the cumulative effect taken into account. Assessment using “permitted baseline” tests will need to be based on realistic estimates of future activity levels. The anticipated environmental outcomes of this Plan do not include scenarios where noise emissions would increase up to the full utilisation of all available noise limits in the Plan.
- b) Measurement time intervals shall be selected in accordance with paragraph 5.1 of NZS 6802: 1991 “*Assessment of Environmental Sound*”, and the duration of measurement shall be sufficient to be representative of the range and variability of the sound environment. The number of measurements taken shall be representative of the variation in the sound or sounds under investigation. The number of measurements will often need to be more than three. Where measurements are made at night they shall not be averaged for comparison with nighttime limits but each measurement compared separately. The measured levels for other time periods shall be averaged to derive a single figure according to the constraints detailed in NZS 6802: 1991 “*Assessment of Environmental Sound*” paragraph 4.5.2 and assessed in accordance with that paragraph.
- c) In circumstances where the noise from any activity has special audible characteristics such as tonality or impulsiveness, the L10 limits shall be reduced arithmetically by 5dB for comparison with the measured L10 descriptor of the noise. No relevant performance standard L10 descriptor shall be reduced overall by more than 5dB.
- d) The following activities and specific noise sources are not controlled by noise rules in this Plan, unless the rule states to the contrary:
 - Vehicles driven on a road (within the meaning of s.2(1) of the Land Transport Act 1998) or vehicular movements on any sites which are in keeping with residential activity;
 - Temporary events (for example, outdoor entertainment events, see definition).
 - High energy impulsive sounds such as gunfire, blasting and warning devices (except within rules controlling audible bird scaring devices);

- The sounds from any emergency fire siren operated by the NZ Fire Service at any fire station in the district;
 - The operation of trains; and
 - The operation of airborne aircraft including helicopters, except in relation to the use of aerodromes and landing areas.
- e) Where in noise rules in this Plan, the noise emission limit applies “at any point within any site other than the site from which the noise is generated” then neither shall the noise standard apply at or within the boundaries of any other site included in the parcel of land that incorporates the site from which the noise is generated, provided that:
- (iv) All sites in the parcel of land are held under the same ownership or under the same management; and
 - (v) To be considered part of the parcel of land each site shall remain contiguous with at least one other site in the parcel that is under the same ownership.

Noise sensitive activities – means activities which involve habitation, or which require concentration of people and includes residential activities, residential units, residential institutions, visitor accommodation, papakainga, marae, wharehau, places of assembly, hospitals, health care facilities and education facilities (other than airport staff and aviation training facilities).

Notable tree – means a tree that has been identified and assessed as a tree of significant value for botanical and/or for historic, cultural, spiritual, landmark or other community reasons, and is listed in the Schedule of Notable Trees in this Plan.

Notional Boundary - A line 20 metres from the wall of a habitable building used for residential purposes. If the site boundary is closer than 20 metres to the building at any point, the site boundary is to be treated as the notional boundary at that point.

Official Traffic Sign – means any sign erected or approved by a road controlling authority (as defined in Section 2(1) of the Land Transport Act 1998) for the purposes of regulating, warning, or informing road users (including pedestrians) of road conditions, locations, activities, traffic control, or other such information relative to the use of the road, including tourist and essential service facilities. This definition also includes other road controlling devices, such as traffic lights, railway crossing lights and barrier arms.

Outstanding Landscape Area – an area considered significant due to outstanding natural landscape attributes, listed in the Schedule of Outstanding Landscape Areas and identified on the Planning Maps.

Papakainga housing – means use and development of multiple residential units and other buildings to enable whanau and extended family to live on any ancestral land owned by Maori.

Parking area – that part of an allotment or building within which vehicle parking is accommodated, including all manoeuvring areas.

Parking space – an area formed, marked and set aside for vehicle parking to meet the parking requirements of this Plan.

Pedestrian Precinct – An area within the Commercial Zone, as identified on the planning maps, which is managed to facilitate the efficient movement of predominantly pedestrian flows.

Place of Assembly - any facility or land and buildings for the general assembly of people engaged in deliberation, education, worship or entertainment and includes, but is not exclusive to indoor recreation facilities, theatre, cinemas, halls, conference facilities, churches and education facilities.

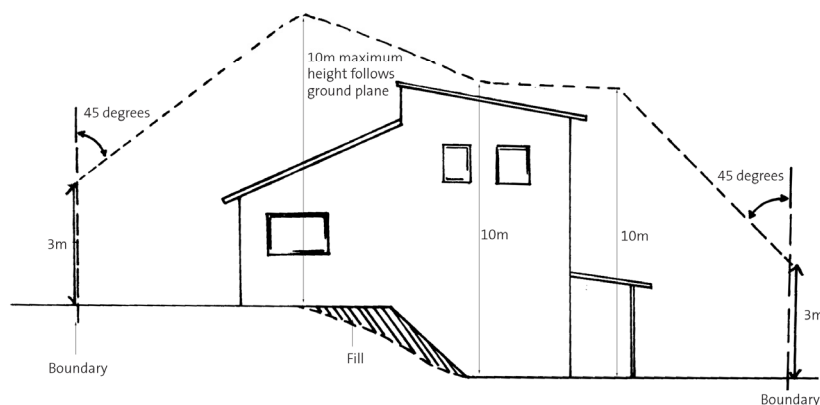
Plantation Forestry - The commercial production of trees for wood products and includes woodlots, large scale plantations, a mix of pastoral and forest uses, and firewood lots, provided any area is contiguous planting over 1ha.

Premises – means house or buildings with its grounds and appurtenances.

Primary Production – the use of land and accessory buildings (e.g. greenhouses) for the raising, growing and breeding of animals or vegetative matter, including horticulture, forestry, agriculture, viticulture, floriculture, racing stables, and outdoor (extensive) pig farming, as well as winemaking, flower packing, and other primary processing activities, but excludes top soil stripping, intensive farming activities, and mineral extraction and processing.

Principal Building – refers to the main building associated with the primary use of a site, but not any ancillary buildings such as sheds, garages, or other accessory structures.

Recession Plane – means a plane extending at an angle into the site from a point above the actual ground level at the boundary. A building must fit within this envelope for all of the boundaries of the site. Notwithstanding the definition of “building”, for the purposes of measuring the height envelope the term building excludes residential chimneys, and television and telecommunication aerials.



Note: Proposed cutting or filling has no effect on the maximum height level permitted

Recreation Activity – Any activity where there is the passive or active pursuit of leisure, which can be competitive or non-competitive, casual or organised but does not include buildings and structures.

Recreation Facility – Any reserves, buildings or structures (temporary or permanent), required to enable active or passive recreation; and includes gymnasiums, grandstands, stadiums, clubrooms, viewing platforms, night lighting, and sealed courts.

Redevelopment – further development including extensions to existing structures, erection of new structures, development of more than one activity on an allotment, or new development to change the land use.

Relocated building – The movement of an existing used building to a new Certificate of Title.

Residential activities – The use of land and buildings by people for the purpose of permanent living accommodation (up to 5 residents if subject to permanent on-site care or supervision) and includes associated accessory buildings (including elderly relative accommodation) but not long-term hospital or medical care facilities, or visitor accommodation (other than homestays), or serviced residential units.

Residential business – means an occupation, craft or profession undertaken within premises that are primarily used for residential purposes.

Residential unit – a self-contained residential accommodation unit to be used exclusively by one household unit and includes residential units within multi-unit and retirement village developments.

Retail activity – the use of land or premises for the sale or hire of goods to the general public.

Retirement Villa – any residential unit development within the site of the Greytown Villas Character Area, with design features particularly suited to the needs of retirees, but does not include advanced residential health care facilities. A retirement villa may be a single or multi-unit.

Roading Hierarchy – the classification of roads according to the function, location and traffic carrying capacity (Refer to [Appendix 5](#) for classifications).

Sign – any text, graphics or lighting effect designed or intended to attract attention, whether placed on or attached to any land or building or incorporated in the design of any building which is visible from any public space. This includes any materials used on the sign, as well as any additional structure, support, frame or anchorage.

Significant Natural Area – an area considered significant due to ecological attributes, listed in the Schedule of Significant Natural Areas and identified on the Planning Maps.

Site – means any area of land comprised wholly in one Certificate of Title, or the titles of an activity if it occurs over more than one title.

Sites of Historic Value – sites considered significant due to heritage attributes, listed in the Schedule of Historic Heritage Sites, and identified on the Planning Maps.

Standard refers to the requirements for permitted activities to meet acceptable levels of environmental effect, and includes conditions and terms. *Development standards* relate to the effects of physical aspects of land uses, such as buildings and roading, while *performance standards* relate to the effects of the operational aspects of activities, such as noise and light.

Temporary Activity - means an activity in any zone that is of a non-repetitive, transient nature and includes entertainment, cultural and sporting events.

Townhouse Lot – in terms of the Jellicoe Residential Character Area, this means a lot identified on the Jellicoe Residential Area Structure Plan subdivided for the purpose of a one bedroom residential unit.

Visitor Accommodation – means the use of land or buildings for short-term living accommodation, and which may include some ancillary services and facilities such as dining hall, restaurant, conference and meeting rooms and recreational facilities for the use of guests and visitors.

Vehicle crossing – that part of the road reserve that has been formed or otherwise constructed to enable vehicle access between an allotment and a public road.

Vehicle Oriented Activities – a commercial activity in which the majority of business is derived from customers driving onto the site, such as service stations, vehicle and equipment hire centres or sales, and bulky goods retailing activities.

Wetland – has the same meaning as in the Resource Management Act 1991, but excludes wet pasture and artificially created waterbodies.

Wind Energy Facility – means the land, buildings, substations, turbines, structures, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation of the wind energy facility. It does not include:

- (i) Small scale turbines of less than 5kW
- (ii) Any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

All other definitions are as defined in the Act.