

# AMENITY, HEALTH AND SAFETY



## Issue 1: The adverse effects of activities on the character of areas and on other activities

The New Plymouth District is an area comprised of many different types of land uses. Through natural aggregation and past planning practices similar types of activities have tended to group together, creating areas with distinct environmental characters.

The character of each area has been determined, to a large extent, by the nature of the activities taking place within it, their operational requirements, and the community's perception of an appropriate level of amenity. For example, traditionally, industrial areas generally have had higher noise levels, higher levels of traffic and lower levels of visual amenity than would be expected within a residential area. This is a result of the essentially production orientated nature of industrial areas compared with the social and family orientated nature of residential areas.

The character of an area can be adversely affected by activities that generate effects that are incompatible with that character (for example, a noisy activity within a quiet area). Such effects can be from an activity located within that area, or from activities in a neighbouring area – where there is an interface between areas of different character (such as an industrial area located next to a residential area).

It is important to ensure that the amenity values that determine the character of an area are protected from activities that create effects that may degrade or detract from them. It is also important to acknowledge that there can be potential conflict where an activity wishes to locate in an area where it may be sensitive to the character of that area, or the activities within it. Such circumstances are often referred to as 'reverse sensitivity'.

Urban examples of reverse sensitivity in the district include BUILDINGS used for accommodation within the New Plymouth central business area, and in proximity to Port Taranaki, where noise levels may exceed those usually experienced in

residential areas remote from such non-residential activities. Examples in the rural environment include new dwellings in proximity to New Plymouth airport, and established intensive poultry and piggery operations where rural noise and smells may be incompatible with rural-residential living.

Proposed activities that may be sensitive to activities already existing will need to recognise the nature of the area in which they intend to locate and make provision accordingly. In some cases it will be necessary for the new sensitive activity to mitigate the effects of the existing neighbouring activity. For example, sound proofing of living space may be appropriate in environments with elevated noise levels, such as the central business district or in proximity to Port Taranaki or New Plymouth airport.

As an alternative, new sensitive activities may choose to locate in areas where environmental incompatibility with established uses is less likely.

### Objective 1

**To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.**

#### Policy 1.1

Activities should be located in areas where their effects are compatible with the character of the area.

#### Methods of Implementation 1.1

- (a) Develop RESIDENTIAL, RURAL, BUSINESS, INDUSTRIAL, and OPEN SPACE ENVIRONMENT AREAS and identify them on the planning maps.
- (b) Rules specifying standards relating to:
  - (i) daylighting;
  - (ii) maximum HEIGHT of BUILDINGS and STRUCTURES;
  - (iii) length of BUILDINGS;

- (iv) number of HABITABLE BUILDINGS on a RIGHT OF WAY;
  - (v) number of HABITABLE BUILDINGS per ALLOTMENT;
  - (vi) maximum COVERAGE of SITES and FRONT YARDS;
  - (vii) setbacks from ROAD and SIDE BOUNDARIES;
  - (viii) RELOCATION of BUILDINGS;
  - (ix) duration of TEMPORARY SIGNS;
  - (x) location, content, number and dimensions of ADVERTISING SIGNS;
  - (xi) quantity, composition and reinstatement of EXCAVATION and FILLING;
  - (xii) establishment of HAZARDOUS FACILITIES;
  - (xiii) hours of operation for the consumption of liquor;
  - (xiv) location and HEIGHT of SHELTER BELTS and vegetation;
  - (xv) minimum ALLOTMENT size for subdivision;
  - (xvi) emission of light and noise;
  - (xvii) traffic generation;
  - (xviii) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required;
  - (xix) location and design of on-SITE manoeuvring and QUEUING SPACE; and
  - (xx) landscaping of:
    - large SUBSTATIONS and SWITCHING STATIONS;
    - parking areas;
    - OUTDOOR STORAGE areas; and
    - ROAD BOUNDARIES;
 to ensure adverse effects on the character within an ENVIRONMENT AREA are avoided.
- (c) Develop a Future Urban Development OVERLAY relating to the FUTURE URBAN GROWTH AREAS identified within the Framework for Growth (March 2008), the Oakura Structure Plan, and the Urenui Structure Plan, and identify them on the planning maps.

- (d) Rules specifying that the future rezoning and the subsequent development of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate subdivision and/or development within the Future Urban Development OVERLAY.

### Reasons 1.1

As communities we ascribe different values to resources in different areas, reflecting our perceptions about amenity, health and safety. Because the range of land use activities carried out in the district is extremely diverse, there is the potential for adverse effects to occur between activities that have different amenity requirements and expectations. The aggregation of activities with like effects can minimise and avoid conflict. The use of ENVIRONMENT AREAS (formerly called zones) recognises the differing character of areas and aggregates activities of like effect. ENVIRONMENT AREAS enable the development of controls to ensure the amenity and environmental values the community place on these areas are protected.

The character of any given area is determined by a perceived set of values; these values form the basis for the formation of ENVIRONMENT AREAS. Based on aggregation of land with similar environmental characteristics, five zones have been developed using boundaries of existing zones, and SITE inspections to determine the existing characters. They are the RESIDENTIAL, RURAL, OPEN SPACE, BUSINESS, and INDUSTRIAL ENVIRONMENT AREAS. A more detailed description of each ENVIRONMENT AREA is given at the beginning of the respective rules sections.

The RESIDENTIAL ENVIRONMENT AREAS are located in urban areas and represent those areas where the majority of people choose to reside. They are characterised by a medium to high density built form, low to medium traffic movements, low levels of environmental nuisance (such as noise) and high levels of visual and aesthetic amenity. Small-scale business operations are often part of and contribute to the RESIDENTIAL ENVIRONMENTAL AREA fabric. Within the district there are three distinct RESIDENTIAL ENVIRONMENT AREAS - RESIDENTIAL A, B and C.

The RURAL ENVIRONMENT AREA within the New Plymouth District includes all the land outside of the ‘urban ENVIRONMENT AREAS’. It incorporates parts of the Taranaki Ring Plain, eastern hill country, and coastal terraces near the northern entrance to the district. The elements associated with the rural environment include spaciousness, low density built form, vegetation (such as pasture, crops and forest), and distinctly ‘rural’ noises and smells. These elements are largely developed as a result of traditional ‘rural’ practices such as pastoral farming, horticulture, intensive farming activities and other rural industries, including the established activities of the PETROLEUM EXPLORATION and production industry.

BUSINESS ENVIRONMENT AREAS recognise the differing characters that have evolved within the New Plymouth District in response to local market forces. The BUSINESS A, B, C and D ENVIRONMENT AREAS have different characteristics in terms of bulk and location of BUILDINGS, pedestrian or VEHICLE oriented emphasis, landscaping and general amenity. They recognise the evolution of central business areas, larger scale businesses, local shopping centres, and the ‘fringe’ areas in transition from residential to business character.

INDUSTRIAL ENVIRONMENT AREAS recognise the differing characters of industrial areas that have evolved within the New Plymouth District in response to the levels of acceptable risk associated with the location, use and storage of HAZARDOUS SUBSTANCES. The identification of INDUSTRIAL A, B, C, D, E and F ENVIRONMENT AREAS recognise areas of differing character and their proximity to other types of uses and consequently the level of amenity expected.

Open space is a resource that has value to the community and requires recognition and protection. The formulation of OPEN SPACE ENVIRONMENT AREAS places an emphasis on the main element the community values and provides a mechanism for protecting that value. These areas include not only public land, but also those areas of land in private ownership that provide a similar function to the community. In recognition of the ‘open’ nature of the rural area, only land within the urban centres has been zoned as OPEN SPACE ENVIRONMENT AREAS. Within the district there are four OPEN SPACE ENVIRONMENT AREAS - Open Space A, B, C and Port Taranaki. The OPEN SPACE PORT TARANAKI ENVIRONMENT AREA identifies those areas within the port with high recreational values and usage while recognising that they are part of the port-related commercial undertaking.

Within each ENVIRONMENT AREA, it is the effects of the activity on the character of the area that is important rather than the activity itself. Standards are used to determine what is appropriate, based on the character and amenity values that the community seeks to protect; these standards are a baseline. Provided an activity can meet the required standards, there is no reason to preclude it from a particular ENVIRONMENT AREA even though that particular activity is not generally associated with it (for example, a business use in a residential area). Where an activity does not meet these baseline standards, developers will be required to apply for a resource consent to demonstrate that any adverse effects of their activity can be avoided, remedied, or mitigated.

The use of standards will ensure the subdivision, use or development of land in each of these ENVIRONMENT AREAS will not adversely affect the character of the area. For example, rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas, on-SITE manoeuvring and QUEUING SPACES will ensure that ROADS within ENVIRONMENT AREAS are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity. These standards are discussed in more detail in Issues 4 to 9.

The Framework for Growth (March 2008), the Oakura Structure Plan and the Urenui Structure Plan all identify FUTURE URBAN GROWTH AREAS. It is considered important to ensure that any new activities do not adversely affect the environmental and amenity values, or reduce the ability to develop land in a comprehensive and integrated manner, prior to confirmation of the rezoning through a plan change process. Therefore, new activities should only be located within the FUTURE URBAN GROWTH AREAS where their effects are compatible with the proposed future character of the FUTURE URBAN GROWTH AREA. It is therefore considered pertinent to identify the FUTURE URBAN GROWTH AREAS on the planning maps through the development of a Future Urban Development OVERLAY.

Recognising that there is a risk that interim subdivision and/or development could jeopardise the ability to rezone and subsequently develop the FUTURE URBAN GROWTH AREAS it is also considered pertinent that OVERLAY rules are specified for activities within the Future Urban Development OVERLAY. The rules provide the COUNCIL with the ability to ensure that the FUTURE URBAN GROWTH AREAS are not compromised by inappropriate subdivision and/or development within the Future Urban Development OVERLAY prior to confirmation of rezoning through a plan change process. This is discussed in more detail in Issue 1A.

## Policy 1.2

Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.

### Methods of Implementation 1.2

(a) Rules specifying standards relating to:

- (i) daylighting standards in the BUSINESS B and OPEN SPACE ENVIRONMENT AREAS;
- (ii) HEIGHT of BUILDINGS and STRUCTURES in INDUSTRIAL A and B ENVIRONMENT AREAS and BUSINESS C and D ENVIRONMENT AREAS;
- (iii) setbacks from the ROAD BOUNDARY and SIDE BOUNDARY in INDUSTRIAL ENVIRONMENT AREAS;
- (iv) establishment of HAZARDOUS FACILITIES;
- (v) hours of operation and location for the consumption of liquor;
- (vi) emission of noise, and LIGHT OVERSPILL; and
- (vii) landscaping of:
  - large SUBSTATIONS AND SWITCHING STATIONS;
  - OUTDOOR STORAGE areas and VEHICLE parking areas in the INDUSTRIAL, BUSINESS, RURAL and OPEN SPACE ENVIRONMENT AREAS; and
  - SIDE BOUNDARIES in the INDUSTRIAL AND BUSINESS ENVIRONMENT AREAS.

to ensure adverse affects between ENVIRONMENT AREAS are avoided, remedied or mitigated.

(b) Structure plans for the following areas:

- (i) Egmont Road Industrial C Environment Area  
Additional rules specifying standards relating to:
  - scale and bulk of buildings and structures in the Egmont Road Industrial C Environment Area;
  - setbacks from boundaries in the Egmont Road Industrial C Environment Area;

- signage along the boundaries of the Environment Area;
- effects on the roading network, including the ability to take a financial contribution;
- management of stormwater; and
- landscaping.

(c) Rules specifying that the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate development adjacent to the Future Urban Development OVERLAY.

### Reasons 1.2

Although it is possible to distinguish areas of different character, there will be areas of interface – where two areas with different character are located next to each other. Effects that may be acceptable in one area will not necessarily be acceptable in the other. Therefore it is important to ensure that where there is such an interface, the amenity of an area is not affected by ‘overspill’ from another.

The residential area is recognised as being the most sensitive. For this reason, the rules relating to effects between ENVIRONMENT AREAS apply where there is an interface with, or the activity is in close proximity to, a RESIDENTIAL ENVIRONMENT AREA. The residential requirements of rural areas have also been recognised.

Differing operational requirements mean that visually, the RESIDENTIAL, RURAL, BUSINESS, OPEN SPACE and INDUSTRIAL ENVIRONMENT AREAS are very different. Scale, HEIGHT, bulk or appearance of BUILDINGS and STRUCTURES, large areas used for parking of VEHICLES or outdoor storage, and the lack of amenity planting create marked differences between areas. HEIGHT and setback controls, daylighting requirements and the use of landscaping (including TREES), fences and walls to screen or soften are all mechanisms that will be used to ensure the amenity of RESIDENTIAL ENVIRONMENT AREAS is protected where such an interface occurs.

HAZARDOUS FACILITIES that may wish to locate in or near areas where the level of acceptable risk is lower (such as residential areas) will be subject to a higher level of scrutiny through the resource consent process.

Permitted hours of operation for the consumption of liquor are dependent on proximity to RESIDENTIAL and RURAL ENVIRONMENT AREAS. This is intended to reduce the potential for nuisance effects (such as noise, traffic generation and anti-social behaviour) sometimes associated with the consumption of liquor.

The noise standards are designed to reflect the desired amenity of each ENVIRONMENT AREA and are measured as the noise received. This means that an activity within (for example) an INDUSTRIAL ENVIRONMENT AREA can generate higher levels of noise (up to the standards set to protect amenity within industrial areas) provided that by the time the noise reaches the boundary of a RESIDENTIAL ENVIRONMENT AREA, it has reduced to the standard required to protect residential amenity. This also applies to the standards for LIGHT OVERSPILL (refer to Issue 2).

Policy 1.2 addresses issues relating to interfaces between ENVIRONMENT AREAS. The issue of reverse sensitivity, that is the location of activities within or in proximity to ENVIRONMENT AREAS where they may be sensitive to the character of that area or the activities within it, is discussed within Policy 1.3 and the associated Methods of Implementation and Reasons.

In some circumstances the complexity of the issues or the interface between character areas merits the use of Structure Plans. These Structure Plans allow the development of specific implementation methods to ensure a coordinated approach for future development.

The interface between industrial areas with residential and rural areas can be sensitive. For this reason, the rules relating to effects between ENVIRONMENT AREAS apply where there is an interface with, or the activity is in close proximity to, these environment areas. Scale and bulk of buildings and structures as well as landscaping as a mitigation measure all need to be considered. In addition consideration to the exterior cladding and colour of buildings will be controlled to ensure they are sensitive to the surrounding area.

In relation to the Egmont Road Industrial C Environment Area it is important to ensure the potential adverse effects on the environment associated in particular with servicing of the site and amenity matters, such as design of buildings and site landscaping are managed. This will ensure that at the interface between ENVIRONMENT AREAS, the effect on amenity from “overspill” is minimised.

The Future Urban Development OVERLAY identifies the FUTURE URBAN GROWTH AREAS on the planning maps. It is important that when having regard to the character of the receiving environment and cumulative effects, that activities should not have adverse effects that diminish the amenity of any neighbouring Future Urban Development OVERLAY and therefore compromise the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREA.

### **Policy 1.3**

New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict.

### **Methods of Implementation 1.3**

- (a) Rules specifying standards relating to:
  - (i) separation distances between HABITABLE BUILDINGS and intensive pig and chicken farming activities in the RURAL ENVIRONMENT AREA;
  - (ii) sound attenuation of NOISE SENSITIVE ROOMS within the BUSINESS and INDUSTRIAL ENVIRONMENT AREAS;
  - (iii) location of NOISE SENSITIVE ACTIVITIES within the AIR NOISE BOUNDARY and SEL95 BOUNDARY at New Plymouth airport;
  - (iv) sound attenuation of NOISE SENSITIVE ROOMS between the AIR NOISE BOUNDARY and the OUTER CONTROL BOUNDARY for New Plymouth airport;
  - (v) location of NOISE SENSITIVE ACTIVITIES within the PORT NOISE inner control boundary at Port Taranaki; and
  - (vi) sound attenuation of NOISE SENSITIVE ROOMS within the noise control boundaries at Port Taranaki.
- (b) Conditions on resource consents relating to the provision of measures to mitigate the adverse effects on the sensitive activities such as:
  - (i) buffer strips;
  - (ii) landscaping; and
  - (iii) double glazing.

- (c) Use of land information memoranda and property information memoranda; and
- (d) Information and education advice on possible management techniques to address reverse sensitivity issues, including design guidelines for the sound attenuation of NOISE SENSITIVE ROOMS.

### Reasons 1.3

In considering effects of activities on the environment it is important to recognise the differing levels of amenity between areas. For example, residential areas have much higher levels of amenity than industrial or business areas, and community expectations reflect this. Past planning practices have recognised that business, rural and industrial activities can generate effects incompatible with residential uses, and have provided for this by physically separating such activities. This has resulted in the aggregation of activities with like effect and areas with differing levels of amenity.

Activities intending to locate within a particular area need to recognise the level of amenity within it and should not have unrealistic expectations. Some activities may result in some degree of adverse effect, even if controlled to the best practicable levels, if the adjacent land use is sensitive to them. For example, the establishment of new residential uses adjacent to existing piggeries, quarries or other 'traditional' rural activities, or the establishment of new NOISE SENSITIVE ACTIVITIES in proximity to New Plymouth airport. The establishment of such sensitive activities in these locations can give rise to adverse effects on the existing activity, a phenomenon referred to as 'reverse sensitivity'.

The issue of 'reverse sensitivity' is not new. It is used to refer to the effects of the existence of sensitive activities on other activities within their vicinity, particularly by leading to restraints in the operation of those other activities. In the past, planning instruments have used lists to determine what activities may establish where. This practice is not consistent with the effects based approach of the ACT.

Rather than disallow such sensitive activities to establish within the RURAL, BUSINESS and INDUSTRIAL ENVIRONMENT AREAS, it is considered more appropriate to minimise the potential for conflict. Therefore the rules relate to those activities where conflict has arisen in the past or where the community has raised concern. In some cases stricter regulation is justified. The plan regulates

the location of specific NOISE SENSITIVE ACTIVITIES next to New Plymouth airport and at Port Taranaki, acknowledging the significance and importance of these facilities to the district, and the unique nature of the resource management issues involved.

Standards for the RURAL ENVIRONMENT AREA are based on the existing character, which in turn is a reflection of the traditional predominant land uses within them. With the development of a trend towards rural-residential living, a potential for conflict has developed as 'lifestylers' move into rural areas with expectations of the rural environment that are not always reflective of its true nature.

Traditional productive uses of the rural environment, such as piggeries and chicken farms, can create effects, such as odour or dust, at higher levels than would be acceptable within a residential environment. This is an accepted part of the rural character. The operation of established uses that meet the standards set for the RURAL ENVIRONMENT AREA should not be constrained by the establishment of activities sensitive to such elements. Where a new sensitive land use establishes next to an established rural activity, the onus is on the former to provide the environment it requires through mitigation measures such as separation distances and buffer planting. The use of setbacks complements the approach taken within the Regional Air Quality Plan for Taranaki (1997). Establishment of new 'odorous' activities are controlled by the regional council.

Activities within the BUSINESS ENVIRONMENT AREAS should recognise the 'market place' nature of business areas and use design methods, or locations that enable them to enjoy the aural amenity they desire. This also applies within the INDUSTRIAL ENVIRONMENT AREAS. BUILDINGS locating in close proximity to New Plymouth airport will also be required to take into account the higher noise levels in their design and construction. The ERECTION and use of BUILDINGS for NOISE SENSITIVE ACTIVITIES within the airport noise control boundaries are subject to specific rules.

With regard to Port Taranaki, NOISE SENSITIVE ACTIVITIES and NOISE SENSITIVE ROOMS, being either new development, or alterations and additions to existing development, and located seaward of the PORT NOISE outer control boundary will be required to take into account port related noise in their design and construction. For the location of PORT NOISE control boundaries refer to Diagram 12.4 in Appendix 12.

Information and education through the use of the land information memorandum and through advice to customers can help avoid conflict through reverse sensitivity. The key point is that under the ACT, the emphasis has shifted from the provision for specific types of activities within particular areas (or conversely their preclusion). It is the effects of the activity that are important and the level of effect that is acceptable is dependent on the character of the area. Therefore sensitive activities should recognise that levels of amenity can be lower than they require in some areas.

Decisions of both the Environment Court (ref Auckland Regional Council v Auckland City Council, 10/97) and policy of Taranaki Regional Council recognise such methods as a way to achieve integrated management of resources.

### **Anticipated Environmental Results 1**

- (a) Incompatible effects of activities within or between each ENVIRONMENT AREA are avoided, remedied or mitigated.
- (b) Use of land that is appropriate to the character of each ENVIRONMENT AREA.
- (c) The rezoning of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate subdivision and/or development within the Future Urban Development OVERLAY.
- (d) The rezoning of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate development in the RURAL ENVIRONMENT AREA adjacent to the Future Urban Development

### **Indicators 1**

- (a) Justified complaints regarding adverse effects generated by a use established through the resource consent process.
- (b) An assessment of land use consents granted for non-complying activities.
- (c) Complaints received regarding complying activities.
- (d) The rezoning of the FUTURE URBAN GROWTH AREAS.

## **Issue 1A: The adverse effects of activities on the future rezoning and development of areas identified as FUTURE URBAN GROWTH AREAS**

The Land Supply Review was initiated in 2006 in response to recent economic and household growth. The aim of the Land Supply Review was to address the supply of residential and employment land in New Plymouth/Bell Block and in those other towns which currently have residential zoning and have the physical potential to grow. This included Waitara, Inglewood, Okato, Onaero, Lepperton and Egmont Village. Oakura and Urenui were considered separately through the Coastal Strategy Structure Plans. The Land Supply Review also considered the need for further employment land in the larger towns of New Plymouth, Bell Block, Waitara and Inglewood.

The Framework for Growth (March 2008), the Oakura Structure Plan and the Urenui Structure Plan set out the recommended growth direction policies for the urban expansion of land in the district as a result of the Land Supply Review and the Coastal Strategy Structure Plans through the identification of FUTURE URBAN GROWTH AREAS. The FUTURE URBAN GROWTH AREAS therefore provide the context for future COUNCIL decisions related to managing residential and commercial growth and ensuring that COUNCIL funded infrastructure is delivered in a cost effective and timely manner based on these priorities. The FUTURE URBAN GROWTH AREAS also provide the COUNCIL with the necessary direction and context for assessing any urban growth related private plan changes.

One of the key principles underpinning the Framework for Growth is that a compact urban form is desirable to ensure the efficient use of land. Urban development should be focussed into or immediately around existing towns where services and infrastructure exist, or can be efficiently provided. Compact towns also encourage a density of population necessary to support alternative passenger transport and local services.

There is an inter-relationship of land use and transport planning, each informing the other. The Land Supply Review and the subsequent Framework for Growth outcomes have been factored into the New Plymouth Strategic Study (regarding transportation) which in turn affects calculations of traffic effects on the state highway and related local roading network and on timeframes for the development of land.

### **Future Urban Development OVERLAY**

The FUTURE URBAN GROWTH AREAS are identified on the planning maps through the Future Urban Development OVERLAY.

Certain activities that are normally accepted in rural areas and generally deemed consistent with rural character and amenity values have the potential to compromise the rezoning and future development of the future urban growth areas. The potential activities include pig and poultry farming, INDUSTRIAL ACTIVITY, certain BUSINESS OR COMMERCIAL ACTIVITY, certain RESIDENTIAL OR COMMUNITY ACTIVITY, hazardous FACILITY and subdivision.

These activities could generate effects that would preclude rezoning and the subsequent effective and efficient development of future urban growth areas for their intended purpose. This applies particularly to future urban growth areas that are intended to provide for residential development.

The rules associated with the Future Urban Development OVERLAY provide COUNCIL with the ability to consider the potential impacts of subdivision and development within, and development adjacent to, those parts of the RURAL ENVIRONMENT AREA that have been identified as FUTURE URBAN GROWTH AREAS. The Future Urban Development OVERLAY provisions are temporary in nature and will only remain in force for an individual FUTURE URBAN GROWTH AREA until the plan change to rezone the land is operative.

## Objective 1A

**To ensure that activities within and adjacent to the Future Urban Development OVERLAY do not adversely affect the ability to rezone and subsequently develop areas identified as FUTURE URBAN GROWTH AREAS.**

### Policy 1A.1

Activities within the Future Urban Development OVERLAY should be located and undertaken in a manner that does not have any actual or potential adverse effects on the future rezoning and subsequent development of land identified as a FUTURE URBAN GROWTH AREA.

### Methods of Implementation 1A.1

- (a) Develop a Future Urban Development Overlay to identify the future urban growth areas on the planning maps.
- (b) Rules specifying that the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREAS are not compromised by inappropriate development within the Future Urban Development OVERLAY in relation to:
  - (i) Intensive pig and poultry farming activities.
  - (ii) INDUSTRIAL ACTIVITY.
  - (iii) BUSINESS OR COMMERCIAL activity and RESIDENTIAL OR COMMUNITY ACTIVITY.
  - (iv) hazardous FACILITY.

### Reasons 1A.1

The Future Urban Development OVERLAY recognises the need to consider the future rezoning and subsequent development potential of the FUTURE URBAN GROWTH AREAS within the RURAL ENVIRONMENT AREA identified by the Framework for Growth. A greater level of consideration is required over activities that could potentially compromise the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREAS.

The current pattern of land use within the FUTURE URBAN GROWTH AREAS is predominantly rural dominated by a combination of grazing, dairy farming and rural residential activities. These activities are not considered to be an impediment to the transition to residential or employment related development.

There are some activities associated with the rural environment which due to their scale, capital intensiveness, and their potential adverse effects, could potentially preclude or alternatively reduce the area of land available for rezoning and subsequent development.

Of particular concern are activities associated with intensive pig and poultry farming. The effects are principally those associated with odour and reverse sensitivity considerations in relation to new residential development in close proximity. The Future Urban Development OVERLAY therefore treats intensive poultry and pig farming as non-complying activities through rules relating to the ERECTION of STRUCTURES or BUILDINGS within the FUTURE URBAN GROWTH AREAS.

With respect to INDUSTRIAL ACTIVITY there are various potential issues including those associated with noise and traffic generation. The Future Urban Development OVERLAY therefore treats INDUSTRIAL ACTIVITY as non-complying activities through rules relating to the ERECTION of STRUCTURES or BUILDINGS within the FUTURE URBAN GROWTH AREAS.

The provisions related to the Future Urban Development OVERLAY enable the COUNCIL to consider each proposal on its merits, but by treating these activities as a non-complying activity, the statutory test is being set relatively high.

A similar approach is taken in relation to any BUSINESS OR COMMERCIAL ACTIVITY and any RESIDENTIAL OR COMMUNITY ACTIVITY. However, in recognition that the effects of certain BUSINESS OR COMMERCIAL ACTIVITY and certain RESIDENTIAL OR COMMUNITY ACTIVITY might be acceptable the statutory test is set lower at discretionary through rules relating to the ERECTION of STRUCTURES or BUILDINGS within the Future Urban Development OVERLAY.

To provide certainty to landowners the ERECTION of a single DWELLING on a SITE is classified as a permitted activity within the Future Urban Development OVERLAY.

With respect to a HAZARDOUS FACILITY the statutory test is set to that of a RESIDENTIAL ENVIRONMENT AREA within the Future Urban Development OVERLAY.

### **Policy 1A.2**

Subdivision of land within the Future Urban Development OVERLAY should be located and undertaken in a manner that does not have any actual or potential adverse effects on the future rezoning and subsequent development of land identified as a FUTURE URBAN GROWTH AREA.

### **Methods of Implementation 1A.2**

- (a) Develop a Future Urban Development OVERLAY to identify the FUTURE URBAN GROWTH AREAS on the planning maps.
- (b) Rules specifying that the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREAS are not compromised by inappropriate subdivision within the Future Urban Development OVERLAY.

### **Reasons 1A.2**

The subdivision of land within the Future Urban Development OVERLAY needs to be constrained so that options for the future rezoning and development of FUTURE URBAN GROWTH AREAS are not compromised.

Subdivision of rural land within the FUTURE URBAN GROWTH AREAS is therefore constrained, by maintaining the twenty hectare minimum lot size as a controlled activity, but removing the additional RURAL ENVIRONMENT AREA small lot provisions. Therefore, all other proposed subdivision within the Future Urban Development OVERLAY that results in any parcels less than twenty hectares is treated as non-complying.

### **Policy 1A.3**

Activities within the RURAL ENVIRONMENT AREA should be undertaken in a manner that does not have any actual or potential adverse effects on the future rezoning and subsequent development of adjacent FUTURE URBAN GROWTH AREAS as identified by the Future Urban Development OVERLAY.

### **Methods of Implementation 1A.3**

- (a) Develop a Future Urban Development OVERLAY to identify the FUTURE URBAN GROWTH AREAS on the planning maps.
- (b) Rules specifying that the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREAS are not compromised by intensive pig and poultry farming activity and/or INDUSTRIAL ACTIVITY adjacent to the Future Urban Development OVERLAY.

### **Reasons 1A.3**

The Framework for Growth has been adopted by the COUNCIL as the means by which the requirement for additional land for FUTURE URBAN GROWTH AREAS is identified. The Future Urban Development OVERLAY is the means by which the FUTURE URBAN GROWTH AREAS are identified on the planning maps. It is considered appropriate to provide rules for certain activities situated within the RURAL ENVIRONMENT AREA, but adjacent to the Future Urban Development OVERLAY that would preclude rezoning and the subsequent effective and efficient development of FUTURE URBAN GROWTH AREAS for their intended purposes.

Therefore intensive pig and poultry farming and INDUSTRIAL ACTIVITY are treated as non-complying activities through rules relating to the ERECTION of STRUCTURES or BUILDINGS within specified distance of the Future Urban Development OVERLAY.

The rules enable the COUNCIL to consider certain activities that may in the long-term have adverse effects on the ability to re-develop land identified as FUTURE URBAN GROWTH AREAS. These activities have the potential to generate adverse effects which lie beyond the boundaries of their specific sites, particularly in terms of odour, noise, traffic generation, and adverse visual effects. These activities would be incompatible with future rezoning and development of the adjacent FUTURE URBAN GROWTH AREA.

## Anticipated Environmental Results 1A

- (a) The rezoning of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate subdivision and/or development within the Future Urban Development OVERLAY.
- b) The rezoning of the FUTURE URBAN GROWTH AREAS is not compromised by inappropriate development in the RURAL ENVIRONMENT AREA adjacent to the Future Urban Development OVERLAY.

## Indicators 1A

- (a) The rezoning of the FUTURE URBAN GROWTH AREAS.

## Issue 2: Adverse effects on amenity, health and safety due to LIGHT OVERSPILL, GLARE, noise, dust and the consumption of liquor

There are a number of effects associated with activities that are considered to constitute 'nuisances' when they adversely affect the environment.

### LIGHT OVERSPILL and GLARE

The use of artificial light provides significant benefits to the community's social and economic wellbeing as well as being beneficial to health and safety. However, it can also give rise to adverse effects on the amenity of localities and the health of residents. Excessive light levels in residential and rural areas can detract from amenity values and also cause sleep disturbance to residents.

While historically rare in the district, GLARE can also adversely affect environmental pleasantness and coherence, or the safety of ROAD users and air traffic (refer to Issues 20 and 21, Traffic and Transport).

There is a variety of potential sources of unwanted artificial light that may result in LIGHT OVERSPILL and GLARE adversely affecting SITES adjoining a light source. These include:

- Floodlighting of outdoor recreational facilities.
- Lighting associated with a TEMPORARY EVENT.
- Sunlight striking highly reflective surfaces.
- General lighting (interior and exterior) of business and industrial premises.
- Security lighting of business and industrial premises.
- Street lighting for traffic and pedestrian safety.
- Security lighting of residential BUILDINGS and properties.
- Illuminated ADVERTISING SIGNS.
- Flaring of energy (oil and gas) products.

## Noise

Noise (or the lack thereof) is an important component of the character of an area. The level of noise that is acceptable within an area is dependent on the predominant types of uses within it.

Within the residential environment, there is an expectation that noise that has an adverse effect on amenity or potential health effects (such as sleep disturbance) should be avoided, or at least, mitigated. Noise events that are considered unacceptable by residents are typically of short-term duration but high impact and include:

- Loud music from private parties.
- HOME OCCUPATIONS.
- Night time noise from leisure and entertainment activities within BUSINESS ENVIRONMENT AREAS.
- Noise from public performances, cultural activities or sporting events, particularly at night.
- Noise from industrial activities.
- Construction noise.
- Noise associated with the consumption of liquor such as from clubrooms with liquor licences or premises used for the consumption of liquor.

With the increasing trend towards residential use (such as apartments, rest homes, hotels and motels) in the central business area, the needs of business, and especially night time business, to operate without undue restraint will need to be balanced against the needs of inner city dwellers for minimised sleep disturbance. While it is accepted that noise levels in business areas are higher, they should not be excessive or unreasonable.

Rural dwellers tend to be tolerant of noise emissions from traditional farming activities. However, other activities such as intensive farming practices, industrial uses and dog kennels can give rise to elevated noise levels, sometimes resulting in sleep disturbance. With the move towards alternative power generation sources, noise from wind turbines may also become an issue.

The noise requirements of an open space area are dependent on its function. Noise levels from recreational facilities are likely to be much higher than those generated in conservation areas.

Events that are temporary or irregular can also lead to increased noise over short time periods, particularly when associated with outdoor entertainment.

Industrial activities tend to generate the highest noise levels in the district. While it is important that noise emitted from industry does not unduly intrude upon noise sensitive localities, such as residential areas, it is also important to recognise the operational requirements of these industries.

In the industrial context, port-related noise at Port Taranaki needs to be specifically recognised. Noise levels from port related activities are currently considered to be low. However, port activity is anticipated to grow in the medium to long term and an increase in noise emissions may occur. Accordingly, there is the potential for adverse effects from port-related noise to adversely affect nearby residents. Conversely the expectations of residents could place unreasonable constraint on port operations in the future. There is a need to manage noise at the port/residential interface in a manner similar to the approach adopted for New Plymouth airport.

Noise generated by public works and NETWORK UTILITIES (for example the airport, roads or railways) can also adversely affect the amenity of adjoining activities and particularly residential uses. The adverse effects of noise arising from aircraft operations have been recognised nationally having regard to the importance of airports as a physical resource, to current and long term airport requirements, potential adverse effects on the community and the technical complexities of monitoring the effects of such noise. The operation of New Plymouth airport needs to be considered in a similar light, having particular regard to the potential adverse effects from aircraft noise on nearby residences, the importance of the airport to the district and the possible expansion of the airport in the long term.

Helicopters are in everyday use in the district, working in association with industry (particularly PETROLEUM EXPLORATION), agriculture, tourism, police, search and rescue, and the recovery of injured persons to hospital. Helicopters may operate from New Plymouth airport or from helicopter landing areas remote from the district's air transport hub.

HELICOPTER LANDING AREAS can be established in close proximity to residential areas or to rural dwellings. The proximity of HELICOPTER LANDING AREAS to dwellings can give rise to adverse noise effects resulting from take-off and landing manoeuvres.

The COASTAL MARINE AREA (i.e. that area below the Mean High Water Springs mark) is under the jurisdiction of Taranaki Regional Council, and noise standards for this area have been set in the Regional Coastal Plan for Taranaki (1997). Responsibility for compliance with these standards has been delegated to the COUNCIL. This has particular significance for the operation of Port Taranaki.

### **Dust**

Dust and fine deposited particulate matter occurs naturally in the air as a result of wind-blown dust from the earth's surface and volcanic activity. However, human activities such as combustion, mining, sandblasting and earthworks can also result in dust. Excessive levels of dust can represent a significant nuisance, especially in areas where residential activities occur, causing irritation or health effects and a nuisance both visually and to property.

Taranaki Regional Council has responsibility for the control of discharges of contaminants into air pursuant to section 30 (1) (f) of the ACT. Any complaints received by the COUNCIL in respect of dust will be referred to the regional council for action.

### **On-SITE Consumption of Liquor**

Premises used for the consumption of liquor can cause a range of effects that tend to be more discernible within residential areas, particularly during night-time hours. Effects associated with the on-SITE consumption of liquor include noise associated with the slamming of car doors, mass movement of VEHICLES or noisy patrons leaving the premises, drunken and antisocial behaviour and a lack of privacy for neighbouring residents.

With the evolution of the 'boutique' or neighbourhood bars and cafes, the potential for conflict to occur, especially in traditional residential areas, will increase. It is therefore important to ensure that any effects associated with the on-SITE consumption of liquor are appropriate to the character of the area in which they are located.

Any adverse effects that may arise from the consumption of liquor for off-SITE consumption are not seen to be a significant resource management issue within the district.

## **Objective 2**

**To avoid, remedy or mitigate the adverse effects of LIGHT OVERSPILL and GLARE, noise, and the consumption of liquor on amenity values and health.**

### **Policy 2.1**

LIGHT OVERSPILL should not result in adverse effects on amenity values and community health.

### **Methods of Implementation 2.1**

- (a) Rules specifying standards to:
  - (i) ensure low levels of LIGHT OVERSPILL in RESIDENTIAL and RURAL ENVIRONMENT AREAS; and
  - (ii) provide for higher levels of LIGHT OVERSPILL in BUSINESS, INDUSTRIAL and OPEN SPACE ENVIRONMENT AREAS.

### **Reasons 2.1**

While artificial light brings significant benefits to the community it can sometimes result in adverse effects. The community has clear expectations that artificial light should not adversely impact on amenity values and health, particularly sleep disturbance. Prescribing standards for LIGHT OVERSPILL will afford protection to sensitive receiving environments and provide a mechanism to avoid, remedy or mitigate the adverse effects of light in the district.

The standards provide for higher light thresholds in BUSINESS, INDUSTRIAL and OPEN SPACE ENVIRONMENT AREAS but are more restrictive in RESIDENTIAL and RURAL ENVIRONMENT AREAS, where habitable accommodation predominates, and the adverse effects on amenity values and community health from LIGHT OVERSPILL are likely to be greater.

## Policy 2.2

Activities should not result in adverse effects on amenity values, community health and safety due to GLARE from artificial light, flaring or reflected light.

### Methods of Implementation 2.2

- (a) Promote community awareness of the potential for GLARE resulting from light reflecting surfaces, particularly in relation to the choice and surface finishes of BUILDING and fencing claddings and other materials used externally on BUILDINGS and other STRUCTURES.
- (b) Investigate complaints relating to GLARE involving amenity values, community health and safety and resolve complaints by mediation between the affected parties.
- (c) Use of abatement notices under Part XII of the ACT where mediation is not successful.

### Reasons 2.2

GLARE from artificial light sources, the flaring of energy products or from reflected sunlight may result in adverse effects that are required to be avoided, remedied or mitigated.

Quantifying the adverse effects of GLARE by measuring light intensities can be complex and therefore requiring of specialist resources. Complaints about GLARE within the district are rare.

Pamphlets providing information about the potential for GLARE from BUILDING and fence claddings and the options for minimising reflected light will promote community awareness in the avoidance and the mitigation of GLARE.

Because GLARE is technically complex to measure and there has been little complaint in the past, the COUNCIL or its agents will determine on a case-by-case basis if GLARE, in any part of the district and in any given circumstances, is offensive or objectionable. Mediation between the affected parties will be the first approach to the resolution of such complaints. If mediation is not successful the enactment of enforcement procedures under Part XII of the ACT is the available statutory remedy.

## Policy 2.3

Noise that results in adverse effects on health or amenity should be avoided, remedied or mitigated.

### Methods of Implementation 2.3

- (a) Rules specifying standards that:
  - (i) prescribe the maximum levels of noise an activity may generate in terms of the level of noise received by any adjoining SITE, in different ownership;
  - (ii) prescribe maximum noise levels for CONSTRUCTION WORK;
  - (iii) prescribe maximum noise levels for AIRCRAFT OPERATIONS at New Plymouth airport;
  - (iv) prescribe maximum noise levels for PORT NOISE at Port Taranaki;
  - (v) prescribe maximum noise levels for wind turbines;
  - (vi) prescribe maximum noise levels for helicopters operating from HELICOPTER LANDING AREAS in the RESIDENTIAL and RURAL ENVIRONMENT AREAS;
  - (vii) prescribe maximum noise levels for EMERGENCY SERVICES operations; and
  - (viii) control the hours of operation for activities involving the on-SITE consumption of liquor.
  - (ix) prescribe maximum noise levels for any TEMPORARY EVENT.
  - (x) control the frequency and hours of operation for any TEMPORARY EVENT.
- (b) Conditions on resource consents and recommended conditions on notices of requirement to avoid, remedy or mitigate the adverse effects of noise.
- (c) Provisions under the Sale of Liquor Act 1989.
- (d) Encourage industry to develop and use industry standards and good practice guides generally, and in particular, the production of general noise management guidelines on methods of sound containment and attenuation for the operators of night time entertainment in central business areas.
- (e) Community-based monitoring groups comprising affected residents, the noise emitter and the COUNCIL.

- (f) Use of mediation and, where appropriate, abatement notices under Part XII of the ACT to enforce the duty imposed by section 16 to avoid unreasonable noise.
- (g) Use of the Council application form for any TEMPORARY EVENT.

### Reasons 2.3

Residential areas are typically sensitive to noise emissions, particularly at night. For this reason daytime noise standards have been set at a low level, with night-time levels designed to provide for undisturbed sleep.

While the rural area is generally perceived as a quiet environment, there are some rural activities, particularly seasonal tasks, which can result in elevated noise levels. These are generally regarded by rural communities as a normal part of the rural environment and therefore considered to be acceptable. However, rural properties are, for many, their homes as well as their place of work. The use of the NOTIONAL BOUNDARY for the measurement of noise within the RURAL ENVIRONMENT AREA recognises the more open nature of the rural environment and provides a degree of flexibility while still recognising the needs of residents. Lower allowable noise levels are specified at night-time, up to a maximum level. Such standards should provide sufficient scope for rural land uses to operate, while ensuring the ability of residents to sleep at night is not compromised. The New Zealand Standard relating to wind turbines recognises the potential for a new source of noise across the district, and its unique (windy environment) nature.

To manage the noise effects associated with aircraft operations at New Plymouth airport, it is proposed to adopt the approach advocated by New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning. This standard establishes maximum acceptable levels of aircraft noise exposure around airports for the protection of community health and amenity values while recognising the need for efficient airport operation, both existing and long term. On this basis a proposed airport noise management plan has been developed which identifies noise contours around the airport. Aircraft operations must be managed so that the standards for noise emissions at and within these contours are met. Refer to Diagram 12.2 in Appendix 12 for the location of the airport noise control boundaries.

Noise is an accepted part of an interesting and vital business environment. Typically however, daytime business activity is itself not noisy; rather it is associated activities, such as traffic movement and the congregation of people, which contribute to noise levels within the business environment. At night however, the business environment can change substantially due to noise from the leisure and entertainment sectors. Noise standards have been set that recognise the dynamic nature and varied uses of the business environment, while requiring lower emission levels at night to recognise the amenity and health requirements of residents.

While higher levels of noise are to be expected in an industrial area than would be acceptable in other environments, noise levels should not limit the ability of activities to operate, nor should they adversely affect the amenity of the area nor the health of people residing in the area. The standards applying to the INDUSTRIAL ENVIRONMENT AREAS recognise that in terms of noise, it is appropriate to differentiate between areas on the basis of scale, operational requirements and proximity to residential areas. Many industries are developing practice guides or standards in recognition of their place in the community.

Although open spaces such as parks and reserves are generally quiet places, they are being used for an increasingly diverse range of activities. Redevelopment of recreational land to enable multiple uses and longer hours of operation, and the use of traditionally recreational land for public performances can result in elevated noise levels not only within the open space area but also in surrounding residential areas. Noise standards for the OPEN SPACE ENVIRONMENT AREAS reflect their predominantly recreational nature while allowing for other more entertainment-orientated activities on occasion.

Public works and NETWORK UTILITIES can generate noise that has the potential to adversely affect health and/or amenity. These activities are usually located on land designated for the purpose. The COUNCIL will assess the methods proposed by the Requiring Authority for avoiding, remedying or mitigating noise on surrounding communities at the time of application for the designation. The COUNCIL can recommend that further conditions be included in the designation to mitigate adverse effects, such as buffer zones or bunding between ROADS and railways and residential development.

Use of the provision noise standard NZS 6803P:1984 Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work recognises the short term nature and operational requirements associated with these activities. The standard determines what factors are likely to constitute a problem and provides for the adoption of the best practicable means of minimising noise levels. The establishment and maintenance of good community relations is also an important factor.

The distinctive character of helicopter noise together with the relatively short duration of take-off and landing manoeuvres gives rise to special consideration in the measurement and assessment of this noise type. To manage the noise effects on the RESIDENTIAL ENVIRONMENT AREA and on dwellings within the RURAL ENVIRONMENT AREA, reference is made to the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Premises used for the consumption of liquor can create effects that adversely impact on residential areas. Noise from musical or entertainment activities, movement of patrons to and from the facility, and traffic movement can create a nuisance to residents, particularly at night-time. Requiring activities that involve the consumption of liquor to apply for resource consents in or within close proximity to the RESIDENTIAL and RURAL ENVIRONMENT AREAS ensures that such activities can be considered on a SITE-by-SITE basis. Controlling the hours of operation for the on-SITE consumption of liquor ensures adverse effects on the amenity of the area or surrounding areas can be avoided, remedied or mitigated (refer to Policy 5 of this issue).

TEMPORARY EVENTS can be distinguished from permanent activities by their short-term nature and the social, cultural and economic benefits associated with them. The adverse environmental effects that arise from TEMPORARY EVENTS are of relatively short duration. Any short-term inconvenience or nuisance that may arise from TEMPORARY EVENTS tends to be well tolerated by the community and the majority of neighbouring property owners and occupiers.

Adopting noise standards to recognise the special characteristics of noise emissions from TEMPORARY EVENTS is appropriate. Such noise is typically associated with outdoor entertainment, heard beyond the boundaries of the originating site, often having a low frequency noise component associated with

amplified live music and is tolerated by the majority of the receiving population in the knowledge that the sound is of short-term duration.

Limiting the frequency of TEMPORARY EVENTS at the same site will help to ensure nearby property owners and occupiers do not suffer from 'neighbour fatigue'.

Requiring event organisers to lodge the detailed event resource consent application form will help to ensure that TEMPORARY EVENTS are well planned and self-managed having regard to all the likely adverse on-site and off-site effects associated with the full range of the Council's regulatory health and safety obligations, including noise and traffic management, consumption of liquor, food hygiene, and provision of toilet facilities etc. A good behaviour bond will encourage event organisers through a monetary incentive to manage effects as they have outlined at the time of Council approval.

Recognising the potential for increased industrial activity at Port Taranaki, and the popularity of the port environs for residential living, it is proposed to manage noise emissions arising from port operations generally in accord with New Zealand Standard NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning. This noise contour based approach is similar to that for New Plymouth airport.

EMERGENCY SERVICES are an integral and important part of our community, providing for the safety and welfare of people and property. The community accepts that such activities need to be located within or close to the areas that they serve, and that they may generate effects, such as noise levels, that are greater than normally associated with the area. The EMERGENCY SERVICES still have the duty to avoid unreasonable noise imposed by section 16 of the ACT.

Some existing activities are able to operate lawfully outside of the noise levels stated in the plan (by way of existing use rights, resource consent conditions or designation). In such cases the noise limits in the plan provide a guide as to the level of noise anticipated to be experienced in the adjacent environment. Notwithstanding this, section 16 of the ACT imposes a duty on all persons exercising powers and functions under the ACT to avoid unreasonable noise. Case law has established that this section of the ACT does not impose an undefined noise level standard. Rather it places a duty on every occupier of land (among others) to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

The establishment of community based monitoring groups comprising of the adversely affected parties and the noise emitters, together with the COUNCIL, can be an effective way to manage, monitor and resolve ongoing noise issues. Where mediation is unsuccessful, the enforcement provisions of Part XII of the ACT are available.

The potential for noise from one ENVIRONMENT AREA to adversely affect another is discussed under Issue 1 (Policy 1.2). Noise and reverse sensitivity is discussed under Issue 1 (Policy 1.3).

## Policy 2.5

The on-SITE consumption of liquor should not result in adverse effects on the amenity of the area in which the activity is located.

## Methods of Implementation 2.5

- (a) Rules specifying standards where an activity requires a license under the Sale of Liquor Act 1989 for the on-SITE consumption of liquor:
  - (i) requiring, where the SITE is located in or within 50m of a RESIDENTIAL or RURAL ENVIRONMENT AREA, that activity to apply for resource consent; and
  - (ii) specifying hours of operation for all other ENVIRONMENT AREAS.
- (b) Conditions on resource consents relating to:
  - (i) hours of operation;
  - (ii) types of entertainment activity allowed;
  - (iii) management of the activity;
  - (iv) screening and/or landscaping; and
  - (v) monitoring.
- (c) Provisions under the Sale of Liquor Act 1989.

## Reasons 2.5

The policy and methods proposed aim to ensure that the ‘nuisance’ factors associated with the on-SITE consumption of liquor are adequately dealt with. While some factors, such as noise levels from the SITE, and traffic generation, can be controlled through the imposition of standards, other ‘social’ effects can

often cumulatively cause a problem. Case law has recognised the potential for such effects<sup>3</sup>.

Under the Sale of Liquor Act 1989 the District Licensing Agency (DLA) makes recommendations to the Liquor Licensing Authority regarding applications for liquor licences. Under this Act it is recognised that it is the responsibility of the COUNCIL to develop, through the district plan, policy to guide the recommendations of the DLA. The COUNCIL has both an administrative and enforcement function in the sale and supply of liquor.

By requiring applications for consumption of liquor to apply for a resource consent within, and in close proximity to, the RESIDENTIAL and RURAL ENVIRONMENT AREAS, each application can be considered on a case-by-case basis and appropriate conditions instituted if the application is granted. This enables the community within these areas to determine whether the proposal is appropriate.

The imposition of hours of operation within the other ENVIRONMENT AREAS recognises their different character and subsequently that the adverse effects of the consumption of liquor are likely to be lesser during such hours. However, should longer hours of operation be sought, an application for resource consent will enable the effects of such an activity to be further assessed.

Organisers of TEMPORARY EVENTS that involve the consumption of liquor are required to hold an appropriate licence and comply with the requirements of the Sale of Liquor Act 1989. Given their inherent short-term nature and limited frequency, and that the hours and days of operation of TEMPORARY EVENTS will be specified by way of resource consent it is considered that the requirements of the Sale of Liquor Act will be sufficient on their own to manage the matters relating to the consumption of liquor. For these reasons TEMPORARY EVENTS have been excluded from having to comply with the On-Site Consumption of Liquor rules within each Environment Area.

<sup>3</sup> Taylor, Taylor and Snell vs Waimakariri District Council (1995) NZRMA 989; and Murray and Others vs Waimakariri District Council (1995) NZRMA 982

## Anticipated Environmental Results 2

- (a) A district in which the effects of light are managed to reduce adverse effects yet achieves the purpose for which the lighting is designed.
- (b) A district that manages noise so as not to exceed accepted standards.
- (c) Any incompatible effects of activities that include the on-SITE consumption of liquor are avoided, remedied or mitigated.

## Indicators 2

- (a) Justified complaints received, and/or investigation regarding adverse effects generated by:
  - (i) LIGHT OVERSPILL.
  - (ii) GLARE.
  - (iii) NOISE.
- (b) An assessment of resource consents granted for activities that include the on-SITE consumption of liquor (including):
  - (i) an analysis of cumulative effects of such activities in the RESIDENTIAL and RURAL ENVIRONMENT AREAS; and
  - (ii) an assessment of justified complaints and/or investigation regarding any adverse effects generated by the activity.

### **Issue 3: Adverse effects on health and safety from public works and NETWORK UTILITIES**

Infrastructure systems can be seen as vital networks that support the district, enabling people's social and economic activities to take place. The COUNCIL recognises that members of the public may raise concerns regarding health and safety issues associated with public works and NETWORK UTILITIES. In New Plymouth District these health and safety issues are considered to relate to the following:

#### **Public Works**

Within the district public works can include the supply and distribution of gas, electricity, COMMUNICATION FACILITIES, water, sewerage and wastewater systems, ROADS, railways, airports, navigational aids, and meteorological operations.

#### **Electromagnetic Fields (EMFs)**

Electromagnetic fields are associated with all live electric wires, and so surround any equipment that conducts electricity including high voltage transmission LINES.

#### **Communication Facilities**

Radiofrequency radiation is generated by a variety of sources including television transmitters, home appliances, cell phone transmission SITES, radio transmitters or microwave links. An increasing amount of modern communication uses radio waves, formed from radiofrequency electric and magnetic fields.

While the importance of public works and NETWORK UTILITIES, including their establishment, operation, maintenance and upgrading, should be recognised, it should be done in such a manner that the adverse effects on community health and safety are avoided remedied and mitigated.

#### **Objective 3**

**To ensure public works and NETWORK UTILITIES do not adversely affect the health and safety of the community.**

#### **Policy 3.1**

The establishment, operation, maintenance and upgrading of public works and NETWORK UTILITIES should not compromise public health or safety.

#### **Methods of Implementation 3.1**

- (a) Rules specifying standards for:
  - (i) separation distances between HABITABLE BUILDINGS and high voltage transmission LINES; and
  - (ii) radiofrequency radiation levels and electromagnetic field exposure.
- (b) Conditions on resource consents to ensure that public health and safety is not unreasonably compromised.
- (c) Identify public works and NETWORK UTILITY designations on the planning maps.
- (d) Encourage NETWORK UTILITY operators to provide the COUNCIL with the location and route of new and existing high pressure pipelines within the district.
- (e) Use the designation process to assess and mitigate any adverse effects on public health and safety.
- (f) For information purposes:
  - (i) indicate on planning maps the district's energy pipeline corridors and high voltage electricity transmission LINES; and
  - (ii) use project information memorandums (PIMs) and land information memorandums (LIMs) to identify for the community details about energy pipelines.
- (g) Other legislation and the use of industry guidelines and national standards when assessing resource consents.

#### **Reasons 3.1**

Existing legislation, regulations and standards ensure that pipelines are constructed in a manner that ensures that they are safe and will not adversely affect public health. Hence there is no need to control pipeline pressures through the district plan. The identification of energy pipeline corridors on

the planning maps is a means of helping to inform the community about the location of pipelines that transport HAZARDOUS SUBSTANCES. In addition information will be held on land information memoranda and project information memoranda. The COUNCIL has used the most current information available at the time this plan was published to show energy pipelines on the planning maps. The COUNCIL will encourage NETWORK UTILITY operators to supply new pipeline location information as it becomes available so that the planning maps can be kept up to date.

Rules that require NETWORK UTILITIES to comply with specific safety standards have been developed as they are an effective method of ensuring that the community's health and safety will not be adversely affected.

Formulating a separation distance between electricity LINES and other HABITABLE BUILDINGS can provide mutually beneficial outcomes. Separation distances not only help to protect community health and safety but they also allow NETWORK UTILITY operators access to maintain their facilities.

In addition information will be held on land information memoranda and project information memoranda. Rules that specify the maximum exposure levels for electric field strength and magnetic flux density are included in this plan. For the purpose of public protection, the measurement of these permitted maximum levels is made in areas where the public may reasonably access. This includes anywhere that the public is legally permitted to be, such as private land, public reserves and roads. It does not include areas that are specifically fenced off to exclude the public (such as around electricity pylons and substations). The measurement of exposure levels is generally undertaken at 1m above ground level. However, in some circumstances it may be appropriate to take measurements well above ground level; an example being the upper floor of a two-story building that is horizontally adjacent to LINES.

Protecting public health and safety from radio frequency radiation is an issue that has been widely debated at a national level. In September 2008, the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (hereafter "NES-TF") came into effect. These are essentially 'rules' on a national scale and supercede any rule in a district plan that duplicates or conflicts with the NES-TF. The NES-TF includes rules for telecommunication facilities that generate radiofrequency fields; however, these only apply to a "network operator" as defined by the regulations. Therefore, the

District Plan continues to include rules that apply to any other party that generates radiofrequency fields. This is considered to be in line with a prudent avoidance approach.

NETWORK UTILITY operators are required to be consistent with various other statutes and New Zealand Standards, many of which in their own capacity achieve this policy. In addition to this many NETWORK UTILITY operators are required to adhere to strict policies and regulations developed within the associated industry. Examples of the legislation, national standards and guidelines relevant to achieving this policy include:

- Public Works Act 1981.
- Maritime Transport Act 1994.
- Electricity Act 1992.
- National Radiation Laboratory Guidelines.
- Telecom's Local Access Design Manual.
- NZS 2772.1:1999 Radiofrequency Fields – Maximum Exposure Levels – 3kHz to 300GHz and NZS 2772.1:1999A1 (Amendment 1).
- NZS 6609.2: 1990 Radiofrequency Radiation – Principles and Methods of Measurement - 300kHz to 100GHz and NZS 6609.2:1990AA (Amendment A).
- NZ Electricity Code of Practice 34:1993 - Electricity Safety Distances.

These Acts, standards and guidelines, and their successors may be useful to assist in the assessment of adverse effects during the resource consent or designation application process.

### Anticipated Environmental Result 3

A district where any adverse effects from public works and NETWORK UTILITIES on public health and safety and/or the environment are avoided or mitigated.

### Indicator 3

Justified complaints received regarding any adverse effect from public works and/or NETWORK UTILITIES in the district.

## Issue 4: Loss or reduction of rural amenity and character

Rural land within the district is an important resource, not only for its productive potential, but also for social, cultural and conservation values. As a range of land uses establish and use the rural environment there is the potential for rural amenity values to be reduced and RURAL CHARACTER to be lost. RURAL CHARACTER is comprised of the elements identified below. Peoples appreciation of that RURAL CHARACTER is rural amenity.

Change is constant in the rural environment. Beyond the annual cycle of the seasons, regional, national and international forces act on the rural economy, and land uses may change as a result. Different crops and management regimes bring change to the rural landscape and to the people that live there. The elements associated with the rural environment are predominantly developed from established rural practices that have put the land to a productive use. Such uses include pastoral farming, horticulture, intensive livestock farming and other rural industries. These uses are being influenced by innovative rural practices. It is these uses that form the underlying basis for the levels of amenity expected in the rural environment, providing a basis for the elements of RURAL CHARACTER.

RURAL CHARACTER is a broad concept defined by the various elements that make up the rural environment. New Plymouth's RURAL CHARACTER is unique to the district's environment and has developed over time as rural land use has evolved. These elements help to distinguish the differences between those areas that are urban, from those which are rural. Within New Plymouth District, the elements that define RURAL CHARACTER are:

1. Spaciousness: Areas of pasture or open space used for grazing stock or growing crops. Although there are a variety of landscapes and uses in the rural area, it has an overall feeling of spaciousness.
2. Low Density: Widely spaced built form, with dwellings dispersed in the wider landscape and some limited lifestyle opportunities. There are historical clusters of development either as small towns or isolated developments.
3. Vegetated: Areas of vegetation (in a natural state or managed, indigenous and/or exotic) such as pasture, crops, forest and scrub, riparian margins

of streams, lakes and wetlands, stands of TREES, SHELTER-BELTS or gardens.

4. Production Orientated: Land uses of a predominantly 'production' orientated nature such as farming and related farm storage sheds, stock yards, farm animals and houses supporting the principal productive land use. These include intensive farming activities.
5. Working Environment: A generally highly modified and managed landscape, including the widespread use of machinery and chemicals to control and enhance plant and animal growth and production. As a result there are:
  - (a) Rural noises (for example) from farm animals and farm machinery such as milking machines, water pumps, harvesters, farm bikes or tractors and milk-tankers; and noise from industrial SITES.
  - (b) Rural odours (for example) from dairy-sheds, silage storage, topdressing fertiliser, piggeries or poultry farms.
6. Rural Based Industry: Is associated with the land or its associated natural assets. This includes infrequent but intensively developed industrial sites at various scales such as sawmills, quarries, agricultural machinery manufacture, transport yards, bulk stores, and the New Plymouth Airport. There are also more frequent sites relating to petroleum industry activities and associated infrastructure (e.g. pipelines) including but not limited to PETROLEUM EXPLORATION well sites and production facilities, and petrochemical plants. There are also other industries and commercial enterprises that have developed historically.
7. Rural INFRASTRUCTURE: Generally has a lack of urban INFRASTRUCTURE such as reticulated water and waste water systems. A ROAD TRANSPORTATION NETWORK of many narrow roads with low traffic levels, that are unkerbed, without footpaths and urban structures such as street lighting, unless required for road safety reasons. There are also STATE HIGHWAYS with higher traffic levels. ARTERIAL and some COLLECTOR ROADS can also have relatively high traffic levels.

The threats to RURAL CHARACTER are the use of land for intensive rural-residential development for intensive commercial or industrial use and for activities that have not always located in the rural environment. Such development could result in a loss of 'spaciousness', alter the built environment,

reduce pleasantness through, for example, increased noise levels and have implications for INFRASTRUCTURE and servicing.

One way that such intensive development can occur is through the fragmentation of the generally large ALLOTMENTS found in the rural sector. Traditional 'rural' practices such as pastoral farming, horticulture, and other rural industries have required large areas of land compared with 'non-rural' residential, business or small industrial SITES (for example). As these rural practices have been the predominant land uses in the past, the large ALLOTMENTS have created a dominance of open space over built form, and it is this feeling of 'spaciousness' that provides the basis for rural amenity.

Rural dwellings are part of the rural experience, however it is important that their numbers are managed. The district saw a shift in subdivision trends in the late 1990's resulting in more lifestyle sections. This led to more built form and particularly an increase in dwellings (whose occupiers are not associated with traditional rural practices), resulting in a reduction to rural amenity.

There are a number of physical effects from subdivision (e.g. forming of roads, accessways, earthworks and contouring). Small minimum ALLOTMENT sizes enable 'non-rural' land uses to establish that may have in the past been uneconomic on larger sized ALLOTMENTS. It is this subsequent land use that can alter RURAL CHARACTER, either as an individual activity or cumulatively as a result of multiple 'non-rural' land uses. Fragmentation of productive land for non-rural uses could threaten the viability of farming activities, which provide the underlying basis for RURAL CHARACTER, reducing levels of rural amenity.

Conflicts may occur where 'non-rural' activities that are sensitive to the effects of rural activities locate within rural areas. Rural dwellers may appreciate the general rural atmosphere and sense of "getting away from it all" until confronted with day to day 'rural' activities. Even where both activities are meeting the required standards there is potential for conflict (refer to Issue 1, Policy 1.3). In a similar way conflicts can develop between rural dwellers and non-rural industrial and commercial activities that have located in the rural environment.

Visual amenity can be adversely affected by activities that reduce the spatial environment, increase the density of built form or reduce visual factors such as vegetation or landform. There are also visual effects from activities that are not associated with a rural land use. This lack of a productive connection can

reduce rural amenity, particularly when this occurs cumulatively in the rural environment. Such activities can also result in demands for increased or improved INFRASTRUCTURE and COMMUNITY FACILITIES such as roading, sewage or water services, particularly when concentrated in particular areas. Such INFRASTRUCTURE and COMMUNITY FACILITIES can result in change to the character of the rural environment. The changing expectations of rural dwellers can, and does, create a demand for increased services leading to physical changes to the environment and increased costs, e.g. ROAD widening and demand for rubbish collection. Issue 22, Works and Services provides for the costs of development alongside the Development Contributions Policy<sup>3a</sup>.

EXCAVATION and land FILLING activities, and the clearance of vegetation, may also adversely affect rural amenity. For example, large scale earthworks can have adverse effects on the visual amenity of rural areas unless or until rehabilitation of the land takes place. In some cases the change to the natural contour of the land can impact the landscape character.

Other adverse effects associated with an increased density of development, or a change in the type of development are increased levels of traffic and noise. Generally, in the rural area (with the exception of STATE HIGHWAYS) traffic levels are lower than are experienced in an urban environment. People living in the rural area have an expectation that activities will not significantly increase traffic levels and in particular heavy traffic such as trucks. In particular circumstances increased volumes of traffic, especially high frequency heavy traffic, can result in annoyance (including sleep disturbance) to rural dwellers adjoining the SITE and along the traffic route. As the use of the rural environment has become more intensive (particularly from lifestyle use) conflict between different types of road users has also become evident. The safety of pedestrians and VEHICLES from traffic is addressed in Issue 20, Traffic and Transport. Noise issues for the district are discussed under Issue 2.

Shading from vegetation (particularly forestry or SHELTER BELTS) or BUILDINGS is also an issue for the rural environment. In addition to the impacts of shading on residential uses, a number of rural activities, such as horticulture are dependent on access to daylight for their livelihood. Shading has the potential to reduce both the amenity of the rural environment and its ability to be used for

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<sup>3a</sup> New Plymouth District Council Community Plan

traditional productive rural uses. Shading of the ROAD TRANSPORTATION NETWORK is addressed in Issue 20, Traffic and Transport.

It is recognised that within New Plymouth District there are some larger scale industrial developments within the rural area, such as at Motunui and the Waitara Valley, that are managed by a separate ENVIRONMENT AREA. However, these tend to be the exception rather than the rule. There are also other smaller scale industrial developments that are associated with the petroleum industry.

Occasionally rural sites are also used as venues for recreational and entertainment events.

Discharges from land use to land, air and water are the responsibility of Taranaki Regional Council.

It is important to ensure the character of the rural environment is maintained, both to protect amenity values and to ensure sustainable management.

## Objective 4

**To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.**

### Policy 4.1

Control the density and scale of subdivision by providing for one small ALLOTMENT where there is a large balance area, that promotes Spaciousness and a Low Density, Production Orientated Environment.

### Methods of Implementation 4.1

- (a) Develop a RURAL ENVIRONMENT AREA and identify it on the planning maps.
- (b) Rules specifying standards that allow one ALLOTMENT of a minimum size of 4000m<sup>2</sup> from the PARENT TITLE provided that the balance area is no less than 20 hectares. Allow subdivision of 20 hectare ALLOTMENTS.
- (c) Conditions on controlled activity consent relating to:
  - (i) design and layout of the subdivision, including position of boundaries;

- (ii) appropriate vehicle access, impact on the ROAD network, provision and location of services, ROADS, RIGHT OF WAYS and DRIVEWAYS;
  - (iii) protection and management of natural features, including OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES and SIGNIFICANT NATURAL AREAS and vegetation (including riparian vegetation);
  - (iv) provision of public space;
  - (v) works to offset the effects of subdivision and to mitigate against adverse effects of natural and other hazards and the natural character of the coast;
  - (vi) imposition of financial contributions;
  - (vii) INDICATIVE ROADS;
  - (viii) alteration of contours, earthworks and clearance of vegetation;
  - (ix) amalgamation and easement requirements;
  - (x) the location of the BUILDING platform;
  - (xi) EXCAVATION and FILLING and reinstatement;
  - (xii) impacts on New Plymouth entrance corridors.
- (d) Provide information such as booklets and design guidelines, e.g. landscape guidelines.

### Reasons 4.1

The fragmentation of rural land results from the desire of existing and future landowners to facilitate development, lifestyle choice or changes in land ownership. Fragmentation adversely affects RURAL CHARACTER when land is subdivided to such an extent that activities are able to establish at a density that is incompatible with the RURAL CHARACTER. Fragmentation also affects the future availability of productive land and therefore the future viability of rural related land uses establishing in the rural environment.

Allowing opportunities for subdivision within the RURAL ENVIRONMENT AREA that are consistent with RURAL CHARACTER will help to ensure sustainable use and development of the rural land resource while allowing for appropriate use and development and ensuring an appropriate density of development. Requiring a large balance area of 20 hectares will protect the

spacious and low density elements of RURAL CHARACTER while still allowing a range of traditional ‘rural activities’ that have a productive basis, such as agriculture, horticulture or forestry, to occur.

There are existing ALLOTMENTS within the rural area that are smaller than those used for rural practices. These smaller ALLOTMENTS have resulted from the creation of rural retirement SITES or from past planning practices. This aspect of RURAL CHARACTER is recognised through the ability to create one small ALLOTMENT on existing titles with large balance areas as a controlled activity. Comprehensive matters of control are included to ensure that the adverse effects on RURAL CHARACTER are remedied or mitigated.

Subdivision and the associated developments that involve more intensive built form and less open space (such as more intensive lifestyle uses) and that are not connected to a use of the land are not anticipated to locate throughout the rural environment at great intensities.

Maintaining large ALLOTMENT sizes in the rural area will be consistent with the existing land uses and thus retain the spaciousness of the area. In conjunction with land use controls such as dwelling density, this will ensure that activities that require relatively large areas of open space (such as productive uses like farming or horticulture) will continue to be able to operate. It is important that these uses are retained so that RURAL CHARACTER and the future viability of the rural area is maintained.

Requiring a 20 hectare balance area will result in the maintenance of large ALLOTMENTS in the rural area. Although a 20 hectare balance ALLOTMENT does not represent a productive unit in the traditional sense, it is large enough to promote and maintain a spacious environment. In general, the 20 hectare balance will be too large for lifestyle purposes and is more likely to be put to a productive use that will recognise the land’s inherent productive value. There are currently a range of ALLOTMENT sizes in the rural environment with a large number of small to medium sized ALLOTMENTS that are able to provide for a diversity of land uses.

## Policy 4.2

Control the density, scale, location and design of subdivision by providing limited opportunities for small ALLOTMENT subdivision, having consideration to the following matters:

- (a) The environment is spacious, maintains a low density and the subdivision provides a large balance area.
- (b) The subdivision is of such a scale to ensure the intensity of use is typical of the rural environment and not of an urban or lifestyle area.
- (c) The subdivision and resulting development is not highly visible in the landscape and there is no apparent aggregation of development because of;
  - (i) the undulating nature of the landscape;
  - (ii) the design and layout of the ALLOTMENTS and any servicing requirements;
  - (iii) the design and visual treatment of the resulting development.
- (d) The contours of the landscape are retained and there is limited need for EXCAVATION and FILLING.
- (e) The subdivision does not impact OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES and other features protected by other OVERLAYS.
- (f) There are no community costs associated with upgrading INFRASTRUCTURE as a direct result of the subdivision and development.
- (g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, unserviced with a lack of urban INFRASTRUCTURE) is maintained.
- (h) The proposed ALLOTMENT size, shape and resulting land use will recognise the production orientated nature of the rural area.
  - (i) Consistency of the proposal with Policy 4.5.

## Methods of Implementation 4.2

- (a) Develop a RURAL ENVIRONMENT AREA and identify it on the planning maps.
- (b) Rules specifying standards that:
  - (i) assess up to three ALLOTMENTS of no less than 4000m<sup>2</sup> from the PARENT TITLE as a restricted discretionary activity, provided there is a 20 hectare balance.
  - (ii) assess up to four ALLOTMENTS that are less than 20 hectares from the PARENT TITLE as a full discretionary activity, provided there is a balance area remaining that exceeds four hectares in area.

- (iii) from the PARENT TITLE, assess five or more ALLOTMENTS less than 20 hectares with a four hectare balance, or any number of ALLOTMENTS with less than a four hectare balance as a non-complying activity. Any ALLOTMENT less than 20 hectares that does not fall within the parameters for a controlled, restricted discretionary or full discretionary activity will be non-complying.
- (c) Provide matters to be considered that are limited for restricted discretionary activities and that provide guidance to full discretionary activities.
- (d) Provide information such as booklets and design guidelines, e.g. landscape guidelines, and use of design panels.

## Reasons 4.2

Subdivision and the associated developments that involve more intensive built form and less open space (such as more intensive lifestyle uses) and that are not connected to a use of the land are incompatible with maintaining RURAL CHARACTER.

Small ALLOTMENT developments may be appropriate on a limited scale and at an intensity of use that is still consistent with the key elements of RURAL CHARACTER. The creation of a limited number of ALLOTMENTS that do not comply with the controlled activity minimum standards will be considered through discretionary assessments. Particular consideration will be given to their density, scale, location and design while considering the key elements of RURAL CHARACTER.

The intention of this policy is to ensure that the density of the subdivision does not undermine the level of RURAL CHARACTER anticipated by the controlled activity provisions. This will ensure an environment that is spacious with large areas of open space surrounding the subdivision with minimal built form.

A limit has been placed on the number of small ALLOTMENTS that can apply as a restricted discretionary activity and full discretionary activity to signal that only small scale developments are anticipated. These rules apply to ALLOTMENTS at the date of the PARENT TITLE. The PARENT TITLE date is the date that the rural rules have been administered from under the Operative District Plan.

Up to three ALLOTMENTS, of a minimum size of 4000m<sup>2</sup> can be applied for as a restricted discretionary activity provided that there is at least a 20 hectare balance area. Requiring a large balance area will ensure that the ALLOTMENTS under consideration are located in an environment that is spacious.

There is also provision to apply for up to four ALLOTMENTS from the PARENT TITLE with a smaller balance area of four hectares as a full discretionary activity. Although balance areas larger than four hectares are generally required to maintain RURAL CHARACTER, this provision acknowledges that there are circumstances where spaciousness can be maintained due to topography and/or other mitigating factors with smaller balance areas. It is important that the balance areas associated with these subdivisions remain in tact and are not subject to further subdivision. Conditions on consent can ensure that spaciousness is maintained by restricting further subdivision of the balance area in the future.

The PARENT TITLE will determine allocation as the number of ALLOTMENTS that can be applied for depends on what existed at the PARENT TITLE date. The balance area requirements are taken from the Computer Freehold Register relating to the application. For the full discretionary activity provision a further small ALLOTMENT can be taken when the balance ALLOTMENT is also a small ALLOTMENT (e.g. between four hectares and 20 hectares), provided that no more than five ALLOTMENTS are subdivided from the PARENT TITLE in total. This ensures that the provisions are equitable in that every PARENT TITLE can apply for four ALLOTMENTS, provided there is a four hectare balance

The discretionary and non-complying assessment process allows for a comprehensive assessment of the impact of applications on spaciousness and the other elements of RURAL CHARACTER. The identification of the right to apply for a certain number of ALLOTMENTS acknowledges that a larger number of ALLOTMENTS would likely be inappropriate in the rural area. This is not to say that the number of ALLOTMENTS identified will be appropriate in every circumstance, as this will depend on site specific factors and other matters that will be addressed through the discretionary assessment process. Any recommendations from design panels are able to be considered when assessing full discretionary and non-complying applications.

All other subdivision applications will be considered as non-complying activities if they either do not have the required balance areas or are applying for more ALLOTMENTS than allocated from the PARENT TITLE. This status

acknowledges that large scale subdivision within the RURAL ENVIRONMENT AREA is not appropriate.

A minimum ALLOTMENT size of 4000m<sup>2</sup> applies for restricted discretionary activities, while no minimum size requirement has been set for full discretionary subdivision. This allows greater flexibility for discretionary applications acknowledging that a higher level of assessment will be undertaken. The identification of appropriate building platforms and management of land subject to subdivision will be particularly relevant to maintaining RURAL CHARACTER.

It is important that the resulting intensity of use from the subdivision is not beyond what would be typically expected in the rural area, resulting in uses that do not change the overall RURAL CHARACTER. Larger scale developments with higher numbers of ALLOTMENTS are not in keeping with RURAL CHARACTER. For this reason it is important that the subdivision does not increase the intensity of built form in the landscape so that RURAL CHARACTER is maintained. Requiring a large balance area provides some control on the density of use of the rural area and ensures the subdivision still provides for the production orientated nature of RURAL CHARACTER.

The subdivision and the resulting development should not be highly visible in the landscape. The varied nature of the rural landscape provides some opportunity to conceal the effects of small ALLOTMENTS, particularly in areas that have undulating and dissected landforms. Carefully siting ALLOTMENTS and avoiding development on prominent landscape features such as ridgelines will ensure the maintenance of RURAL CHARACTER.

Servicing requirements can impact RURAL CHARACTER if not appropriately designed to be small scale and typical of rural INFRASTRUCTURE. The policy considers the design and visual treatment of the subdivision to ensure the maintenance of RURAL CHARACTER. Design issues are also considered in Policy 4.5.

Development should fit into the landscape and should not require significant EXCAVATION and FILLING that can impact the natural contours. EXCAVATION and FILLING often takes place when establishing a building platform and when providing services such as accessways. EXCAVATION and FILLING should be minimised, to retain the natural contours of the landscape to

ensure the maintenance of RURAL CHARACTER. It is important that where earthworks have been undertaken that reinstatement occurs to a level to maintain RURAL CHARACTER.

The effects of subdivision and the associated development on the coastal environment are discussed in Issue 12, while OUTSTANDING LANDSCAPES and REGIONAL SIGNIFICANT LANDSCAPES are discussed in Issue 15. The other OVERLAYS in the District Plan and the associated objectives and policies will also have relevance to the assessment of subdivision.

Subdivision and associated development can lead to increased costs to the community of servicing the resulting development. Larger scale subdivisions will increase expectations regarding the levels of service required in the rural area. The community should not pay the cost of upgrading INFRASTRUCTURE that is directly associated with subdivision and development. Subdivision that is located further from main urban areas is likely to potentially lead to increased servicing costs.

Subdivision needs to be small in scale so that the rural nature and purpose of rural INFRASTRUCTURE is maintained. The rural area is generally un-serviced with a lack of urban INFRASTRUCTURE. Larger scale developments will attract more urban services generally eroding the levels of RURAL CHARACTER and the overall rural experience.

It is important that subdivision recognises the production orientated element of RURAL CHARACTER. Small ALLOTMENT subdivision that occurs in an area that is used for a productive purpose (e.g. farming) needs to ensure that it does not compromise the ability for the land (particularly the balance ALLOTMENT) to continue to be utilised in a productive way. For example, a subdivision may propose smaller ALLOTMENTS for living purposes and ensure the remaining land is used productively. Alternatively the subdivision proposed may be for the purpose of sustaining a productive use that is in keeping with RURAL CHARACTER. This policy acknowledges that RURAL CHARACTER is derived from the productive uses that have traditionally located in the rural environment. The need for large balance areas reinforces this policy.

It is important that the level of fragmentation does not influence the overall productive focus of the rural area. This is not only strategically and economically important but is also the basis of what RURAL CHARACTER is.

Subdivision is also discretionary where there is an increase in the ALLOTMENTS served by RIGHT OF WAY which is discussed further under Policy 4.8 and when located within an OVERLAY area as identified in the OVERLAY sections of the Plan.

### Policy 4.3

Control the density, scale, location (including on-site location) and design of activities by;

- (a) Imposing a maximum HEIGHT for all buildings to allow for rural uses to operate.
- (b) Providing a maximum area that can be covered by BUILDINGS to control the effects of larger scale activities on small sites.
- (c) Requiring BUILDINGS to be setback from the ROAD BOUNDARY in order to maintain spaciousness.
- (d) Requiring BUILDINGS to be setback from the SIDE BOUNDARY to maintain separation between BUILDINGS and related activities.
- (e) Providing for the RELOCATION of BUILDINGS to ensure they are reinstated.
- (f) Requiring landscaping (planting and screening) to mitigate the effects of:
  - (i) OUTDOOR STORAGE areas visible from an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor and;
  - (ii) VEHICLE parking either visible from the ROAD or an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor;
  - (iii) of large SUBSTATIONS and SWITCHING STATIONS.
- (g) Imposing controls on the size, HEIGHT, location, content, number and duration of ADVERTISING SIGNS.

- (h) Imposing controls on the quantity, composition and reinstatement of EXCAVATION and FILL to ensure adverse effects are mitigated.

### Methods of Implementation 4.3

- (a) Rules specifying standards to control:
  - (i) maximum HEIGHT of BUILDINGS and STRUCTURES (excluding TEMPORARY BUILDINGS AND STRUCTURES);
  - (ii) maximum COVERAGE for SITES less than 4000m<sup>2</sup> for PAPA KAINGA HOUSING;
  - (iii) maximum BUILDING size for small SITES;
  - (iv) ROAD and SIDE BOUNDARY setbacks;
  - (v) relocated BUILDINGS;
  - (vi) size, HEIGHT, location, content, number and duration of ADVERTISING SIGNS;
  - (vii) quantity, composition and reinstatement of EXCAVATION and FILL;
  - (viii) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required; and
  - (ix) landscaping:
    - within VEHICLE parking areas; and
    - of large SUBSTATIONS and SWITCHING STATIONS.
  - (x) TEMPORARY EVENTS.
- (b) Assessment criteria relating to the effect of increased HEIGHT on OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES.
- (c) Provide information such as booklets and design guidelines, e.g. landscape guidelines, SIGNS, and use of design panels.
- (d) Advocate to, and negotiate with, NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within new areas of subdivision, heritage character areas and REGIONALLY SIGNIFICANT LANDSCAPES.

### Reasons 4.3

An important part of RURAL CHARACTER is the dominance of open space over built form. Traditional production based activities generally have large open areas of pasture, crops or other vegetation with a proportionately low density of BUILDINGS or structural development. Some BUILDINGS that are associated with the working environment, such as farm sheds, poultry and piggery BUILDINGS, barns and glasshouses are an accepted element of the rural landscape.

Built development should be in keeping with the elements of RURAL CHARACTER and the density and scale (intensity of development), design (visual and built elements) and location (locality, site characteristics and topography) of development should maintain RURAL CHARACTER.

Controlling the HEIGHT of BUILDINGS and STRUCTURES in the rural area recognises the need for operational BUILDINGS but restricts development that would be out of character with the general built form, such as COMMUNICATION FACILITY towers, multiple story BUILDINGS etc. TEMPORARY STRUCTURES, including BUILDINGS, have been excluded from the HEIGHT rules as it is considered the adverse visual effects of such structures are likely to be minor in the rural environment. Specific controls on HABITABLE BUILDINGS are discussed in Policy 4.4.

Maximum BUILDING size controls are included to maintain RURAL CHARACTER by managing the scale of BUILDINGS and the associated intensity of use of the development. This is intended to control the scale of larger buildings on small SITES that are too intensive in the landscape. Larger SITES, where farm buildings typically locate, are better able to absorb the effects of development as there will be larger areas of surrounding land and the BUILDINGS often relate well to the surrounding land use. SITE COVERAGE controls will ensure BUILDINGS do not dominate the open nature of the rural environment.

The on-site location of BUILDINGS is also important and rules are included relating to ROAD BOUNDARY and SIDE BOUNDARY setbacks for BUILDINGS. Large setbacks are generally expected in the rural environment. ROAD BOUNDARY setbacks are intended to ensure the retention of the spacious element of RURAL CHARACTER, by reducing the impact of the BUILDING from the ROAD. SIDE BOUNDARY setbacks are intended to ensure

spaciousness between buildings. Specific controls on HABITABLE BUILDINGS are discussed in Policy 4.4.

An exception to the setback requirements is provided for smaller sites that were subdivided under the Operative District Plan (2005) and prior to the introduction of Plan Change 27. Where a buildable area sufficient for an average size HABITABLE BUILDING cannot be provided without encroaching into the minimum setbacks there is an opportunity to apply for controlled activity resource consent. This ensures that SITES approved under the previous setback regime can be developed as of right, while considering whether the adverse effects can be mitigated through conditions on consent.

While relocated BUILDINGS can be an effective way of recycling building resources, they can have adverse effects on the character of the rural environment if they are in a poor state of repair. Treating relocated HABITABLE BUILDINGS as controlled activities will enable the imposition of conditions, including bonds, to ensure that any adverse effects that might otherwise occur, particularly in relation to external condition or repair, are remedied.

The planting of TREES within large areas of VEHICLE parking and around large SUBSTATIONS AND SWITCHING STATIONS can soften the visual effects of large areas of hard surfacing and unsightly BUILDINGS.

Although ADVERTISING SIGNS are an important component of the rural area, large or numerous SIGNS can adversely affect the appearance of the rural environment by creating visual clutter or intrusion. For that reason, parameters such as size, HEIGHT, location, content and number of SIGNS will be controlled to ensure that the visual amenity of rural areas is not unduly compromised.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on the amenity of rural areas. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of NETWORK UTILITY operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However it is recognised that there will be some circumstances where these options are not technically feasible or are impractical due to geographic, environmental,

operational or economic constraints and therefore the plan advocates, rather than requires, such an approach.

Larger scale EXCAVATION and FILLING activities can have adverse effects on the visual amenity of an area whereas smaller scale activities like the re-contouring of a paddock generally will not. Some extractive activities, such as quarrying, are dependent on the location of the resource. Where such activities have adverse visual effects, the developer will be required to mitigate them through reinstatement or rehabilitation.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in the RURAL ENVIRONMENT AREA are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reducing existing levels of amenity.

Refer to Policy 4.8 for further discussion regarding traffic generation effects.

#### **Policy 4.4**

Control the density, HEIGHT and on-site location of HABITABLE BUILDINGS by:

- (a) Allowing additional HABITABLE BUILDINGS at appropriate densities and of a size that maintain Spaciousness and a Low Density, Production Orientated environment, while allowing some flexible living opportunities.
- (b) Allowing HABITABLE BUILDINGS to a maximum HEIGHT that allows typical residential use to occur.
- (c) Requiring HABITABLE BUILDINGS to be setback from the SIDE BOUNDARY to ensure privacy between dwellings and separation from other rural uses.

#### **Methods of Implementation 4.4**

- (a) Rules specifying standards to control:
  - (i) number and size of HABITABLE BUILDINGS per SITE;
  - (ii) number of HABITABLE BUILDINGS for PAKAINGA HOUSING per ALLOTMENT;
  - (iii) maximum HEIGHT of HABITABLE BUILDINGS, (excluding TEMPORARY BUILDINGS);

- (iv) SIDE BOUNDARY setbacks for HABITABLE BUILDINGS;
- (v) other controls relating to BUILDINGS under Policy 4.4.

#### **Reasons 4.4**

Controls are placed on HABITABLE BUILDINGS, enabling rural activities to operate but preventing a reduction in amenity through more intensive residential development that is not in keeping with RURAL CHARACTER.

The number of HABITABLE BUILDINGS permitted per SITE ensures a density of built form that is appropriate to maintain RURAL CHARACTER. One HABITABLE BUILDING is permitted per SITE, whilst opportunities for additional HABITABLE BUILDINGS are provided on larger SITES or where the HABITABLE BUILDINGS support the main living accommodation on the SITE.

This acknowledges that additional open space is required to maintain spaciousness. Requiring an area allocation of 20 hectares for each HABITABLE BUILDING will protect the spacious and low density elements of RURAL CHARACTER. A limit of three HABITABLE BUILDINGS ensures that the effects of several HABITABLE BUILDINGS on the one SITE can be appropriately managed. It is advisable that if a landowner is contemplating future subdivision of a SITE that will have multiple HABITABLE BUILDINGS, that the ability to achieve compliance with the conditions permitted and standards and terms, for the allocated areas is considered at the time the built development is being planned.

Where the SITE does not have sufficient area to maintain spaciousness, a second HABITABLE BUILDING that is ancillary to the main HABITABLE BUILDING, may be located on a SITE. This acknowledges that historically second HABITABLE BUILDINGS have supported the main HABITABLE BUILDING, providing opportunities for accommodation for extended family members or rural based workers.

Restrictions have been placed on the size and location of the additional HABITABLE BUILDING to ensure that RURAL CHARACTER is maintained. One HABITABLE BUILDING must be smaller than the main HABITABLE BUILDING to acknowledge that it is secondary to the primary use. There is also a requirement for the additional HABITABLE BUILDING to be located in proximity to the main HABITABLE BUILDING. This ensures that the two

HABITABLE BUILDINGS are related to each other, leading to an increased likelihood of sharing facilities such as DRIVEWAYS.

These restrictions ensure that the additional HABITABLE BUILDING remains ancillary to the main HABITABLE BUILDING on the site and does not lead to increased pressure to subdivide the area with the additional HABITABLE BUILDING in the future, particularly when allocated area requirements are not met. This acknowledges the diverse living needs of rural dwellers and provides accommodation flexibility for other family or workers for SITES that do not meet the area requirements.

The onsite location of dwellings is also important and a separate rule is included relating to side boundary setbacks for HABITABLE BUILDINGS. This will ensure adequate separation between HABITABLE BUILDINGS maintaining the levels of spaciousness in the rural environment. The separation distance also ensures levels of privacy that residents generally expect in the rural environment, reducing the potential for conflicts and a reduction in amenity.

An exception to the setback requirements is provided for smaller sites that were subdivided under the Operative District Plan (2005) and prior to the introduction of Plan Change 27. Where a buildable area sufficient for an average size HABITABLE BUILDING cannot be provided without encroaching into the minimum setbacks there is an opportunity to apply for controlled activity resource consent. This ensures that SITES approved under the previous setback regime can be developed as of right, while considering whether the adverse effects can be mitigated through conditions on consent.

The HEIGHT of dwellings is also important and a separate rule has been included to maintain small scale residential buildings. Combined with other controls this will ensure that residential buildings are of a scale that maintains RURAL CHARACTER.

## Policy 4.5

Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:

- (a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.

- (b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.
- (c) Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.
- (d) Ensure that ALLOTMENTS and BUILDINGS are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by considering:
  - (i) softening with vegetation related to the area and treatment of boundary elements;
  - (ii) BUILDING design of a form and scale that is in keeping with the landscape;
  - (iii) the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;
  - (iv) low level INFRASTRUCTURE and services that is rural in nature.
- (e) Consistency of any full discretionary activity with design guidelines.
- (f) Consideration towards any recommendations from a design panel.

## Methods of Implementation 4.5

- (a) Conditions on consent that consider the design principles.
- (b) Promote the importance of design principles in the resource consent process.
- (c) Provide information such as booklets and design guidelines, e.g. landscape guidelines, SIGNS.

## Reasons 4.5

It is important that subdivision and development is designed so that it can fit into the rural landscape and maintain RURAL CHARACTER.

The overall density of the subdivision or development will impact the level of built form. It is important that subdivision and development is designed in a way that maintains a level of built form that is anticipated in the rural environment. If the densities are too high the spaciousness and low density elements of RURAL CHARACTER may not be able to be maintained.

The subdivision or development should be of an intensity and scale that is appropriate for the rural environment. It may be appropriate to design a smaller scale development (with few ALLOTMENTS, or a smaller scale activity or BUILDING) so that the intensity of use is more in keeping with RURAL CHARACTER.

The subdivision and development should relate well to the surrounding environment. It is important that there is a relationship with the surrounding environment and that the subdivision or development recognises the natural contours of the landscape.

The overall design of the ALLOTMENTS or BUILDINGS need to be integrated to the surrounding context, by considering the role of vegetation to soften the effects of development, the treatment of boundary elements, ensuring BUILDING design is of an appropriate form and scale and how materials can mitigate adverse effects. Consideration towards the role of colour should also be made. Colours that have low reflectivity more effectively contribute to maintaining RURAL CHARACTER. INFRASTRUCTURE that is required to service the development should be low level and rural in scale to maintain RURAL CHARACTER.

The provision of information and design guidelines will assist in promoting the visual character of the rural area and encourage landowners to consider alternative design and/or location for development. Design panel processes will also provide the opportunity for comprehensive consideration of RURAL CHARACTER issues. Conditions on consent will also be able to consider relevant design issues.

## Policy 4.6

Retain vegetation, particularly indigenous vegetation and require the planting of new vegetation to mitigate the effects of activities.

## Methods of Implementation 4.6

(a) Rules specifying standards relating to:

(i) Landscaping

- of large SUBSTATIONS AND SWITCHING STATIONS;
- within and adjoining VEHICLE PARKING AREAS when visible from and adjoining a RESIDENTIAL ENVIRONMENT AREA, New Plymouth entrance corridor or ROAD;

- of SIDE BOUNDARIES for OUTDOOR STORAGE AREAS when visible from an adjoining RESIDENTIAL ENVIRONMENT AREA; and
- of FRONT and SIDE BOUNDARIES for OUTDOOR STORAGE AREAS when visible from an adjoining New Plymouth entrance corridor.

(b) Conditions on resource consents relating to:

- (i) retention and protection of existing vegetation, including riparian vegetation;
- (ii) protection of SIGNIFICANT NATURAL AREAS;
- (iii) planting and revegetation, including the planting of riparian vegetation; and
- (iv) retention of existing vegetation and planting of new vegetation along entrance corridors.

(c) Encouraging, the voluntary protection of existing vegetation through the use of covenants, maintenance agreements and the creation of esplanade strips.

(d) Providing, information and advice on the value and management of vegetation in the rural environment.

(e) Providing, a planting guide regarding appropriate species and landscaping for character areas within the district.

(f) Encouraging, establishment and maintenance of riparian vegetation.

(g) Planting of public areas by the COUNCIL, specifically along the main ROAD entrance corridors to New Plymouth, Inglewood, and Waitara urban areas, with species consistent with established or proposed planting themes.

(h) Advocating to landowners the protection of existing TREES and the planting of new TREES along the main ROAD entrance corridors to New Plymouth, Inglewood, and Waitara urban areas.

## Reasons 4.6

Vegetation is an accepted part of the rural environment and can assist in the protection of RURAL CHARACTER by softening or screening built form or land use activities that would otherwise be out of character with the surrounding environment. Vegetation is a key element of RURAL CHARACTER so it is important that vegetation is retained and that new vegetation is planted that is in keeping with RURAL CHARACTER. Riparian vegetation is also important for ecological, water quality and other environmental reasons. The importance of indigenous vegetation in the rural environment is also addressed through the identification of SIGNIFICANT NATURAL AREAS (refer to Issue 14, Natural Values). This policy seeks to encourage the retention of existing vegetation, particularly indigenous vegetation and promote the use of planting to ensure the maintenance of RURAL CHARACTER.

Rules will require landscaping of large SUBSTATIONS AND SWITCHING STATIONS and large VEHICLE parking areas as these are considered to be visually intrusive in the rural environment. Placing landscaping conditions on subdivision and land use consents will also be considered where this will assist with maintaining RURAL CHARACTER.

The COUNCIL can work with landowners through consent processes to ensure the protection of vegetation. Conditions on consent could be considered to protect these areas of vegetation, e.g. by covenant, fencing, possum control or further planting.

The COUNCIL can also assist landowners to undertake voluntary protection of vegetation through the use of covenants or other mechanisms, or by providing advice and guidance on appropriate species, growing techniques and ongoing maintenance and protection. A pamphlet will be prepared to provide guidance to landowners on appropriate species for specific areas of the district.

The ROAD entrances to New Plymouth, Inglewood and Waitara could be made more visually attractive. The New Plymouth entrance corridors are identified on the planning maps. When subdivision or land use activities that trigger consent occur along the New Plymouth entrance corridors careful consideration to their design and landscaping will be required alongside any adverse effects on ROAD safety. Existing vegetation will be retained where appropriate. Landscaping around VEHICLE parking areas and for areas of OUTDOOR STORAGE that are visible from and adjoin a New Plymouth entrance corridor will be required.

Updated November 2011 (update 7r)

Alongside this the development of a programme of TREE planting and landscaping in these areas, within ROAD berms, adjacent reserves and private properties within New Plymouth, will create attractive visual entrances to the district's urban areas. Inglewood and Waitara urban areas will be included in this method once the details of the urban design projects have been determined. These areas would benefit from specific planting schemes to create a sense of identity to the entrances of these urban areas, planting by the COUNCIL on ROAD berms and adjacent reserves will be in accordance to these planting schemes. Adjacent landowners will also be encouraged to protect existing TREES and plant new TREES in accordance with these species lists.

## Policy 4.7

BUILDINGS, plantation forests and SHELTER BELTS should not adversely affect adjoining properties by shading.

## Methods of Implementation 4.7

- (a) Rules specifying standards relating to:
  - (i) maximum HEIGHTS of vegetation and SHELTER BELTS in relation to SITE boundaries;
  - (ii) maximum HEIGHTS for BUILDINGS;
  - (iii) setbacks of BUILDINGS from SIDE BOUNDARIES; and
  - (iv) daylighting for small SITES.
- (b) Education programmes regarding the effects of shading.
- (c) Mediation between landowners.

## Reasons 4.7

Where tall, dense vegetation, such as a SHELTER BELT or plantation forest, is planted close to a south facing boundary of an adjoining SITE, it can adversely impact on the use of the SITE by shading. Shading of a HABITABLE BUILDING can result in adverse effects on the resident's amenity and health through deprivation of sunlight. Where the adjoining property is being used for horticultural or pasture purposes, shading can result in a loss of the productive capacity of that land.

The use of maximum HEIGHTS where vegetation may impact on an existing residence, horticultural activity or pasture, provides a mechanism to ensure activities are not adversely affected by shading. It also recognises that vegetation, whether natural or production based, is a part of the rural environment, and it is therefore inappropriate to regulate where planting of SHELTER BELTS or forestry will have no adverse effect. It is expected that where a new residential or horticultural use is established next to existing SHELTER BELTS or PLANTATION FORESTRY, the development will take into account the potential for shading to occur. When planting vegetation, developers should also be aware of the potential effects on ROADS and NETWORK UTILITIES.

The use of setbacks for BUILDINGS and daylighting standards for smaller SITES will ensure that every HABITABLE BUILDING has a reasonable degree of sunlight. The HEIGHT of BUILDINGS and their proximity to boundaries are key determinants of access to sunlight. Daylighting controls and side setback requirements will ensure the effects of shading from adjacent properties are minimised.

The use of education programmes will assist in promoting an understanding of the effects of shading within the rural environment and encourage landowners to consider potential adverse effects in new developments. Education can also prevent misunderstandings and conflict.

Where regulation or education is insufficient to prevent conflict between neighbouring landowners, the COUNCIL may be able to assist with a mediation process.

## Policy 4.8

Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.

## Methods of Implementation 4.8

- (a) Rules specifying standards relating to:
  - (i) subdivision of an ALLOTMENT served by a RIGHT OF WAY;
  - (ii) traffic generation standards relative to the ROADING HIERARCHY and the RURAL ENVIRONMENT AREA;

- (iii) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required; and
  - (iv) the hours of operation for activities involving the on-SITE consumption of liquor.
- (b) Conditions on resource consents relating to:
    - (i) hours of operation; and
    - (ii) SITE layout in terms of parking, LOADING and STANDING SPACES to be in keeping with RURAL CHARACTER; and
    - (iii) ROAD construction and maintenance requirements to ensure RURAL CHARACTER is maintained.
  - (c) Provisions under the Sale of Liquor Act 1989.
  - (d) Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
  - (e) Use of design guidelines to ensure that the rural INFRASTRUCTURE element of RURAL CHARACTER is maintained.

## Reasons 4.8

The rural ROADING HIERARCHY for the RURAL ENVIRONMENT AREA has been derived from the Strategic Transport Study 2008. In terms of the ROADING HIERARCHY used in the RURAL ENVIRONMENT AREA, there are four types of ROADS.<sup>3b</sup> These are STATE HIGHWAYS, ARTERIAL ROADS, COLLECTOR ROADS and LOCAL ROADS.

Traffic levels on STATE HIGHWAYS are high as they are the strategic priorities that link the New Plymouth District to other districts. Traffic levels although lower on ARTERIAL ROADS are also relatively high in a District context as they provide linkages between communities. Traffic levels on LOCAL ROADS and COLLECTOR ROADS within the rural area, although variable, tend to be noticeably lower. This is a reflection of the predominant rural land uses such as agriculture, horticulture and other rural industry; as none tend to generate high traffic levels.

<sup>3b</sup> Refer to Appendix 23G for the rural ROADING HIERARCHY. Note that the Strategic Transport Study 2008 refers to classes of ROADS. This has been adopted into the roading hierarchy for the purposes of the District Plan.

LOCAL ROADS and some COLLECTOR ROADS strongly reflect the rural INFRASTRUCTURE element of RURAL CHARACTER. This aspect of RURAL CHARACTER can be adversely affected by the introduction of non-rural activities that generate high traffic levels, either through constant movement of VEHICLES or from large VEHICLES such as trucks to, from and around a SITE. Such activities include quarrying, forestry and PETROLEUM EXPLORATION and production activities.

The movement of this type of traffic along rural ROADS and into, out of and around a SITE can adversely affect amenity. Traffic generation standards will be used to identify circumstances of high traffic movements and mitigate their adverse effects on the amenity of the rural area. Conditions on consent, such as limitations on hours of operation and parking layout and location, will also enable the issue of traffic safety to be addressed.

Increases of more intensive rural residential development in the rural environment also impacts traffic generation. Unlike larger non-rural uses that generate traffic from one site, dispersed lifestyle development can generate traffic from multiple sites having a cumulative effect on ROADS and RURAL CHARACTER. Multiple VEHICLE ACCESS POINTS are a key outcome of more intensive lifestyle development that can reduce the RURAL CHARACTER of an area.

Other impacts on RURAL CHARACTER include increased traffic, causing nuisance (increased noise, sleep disturbance) and reducing levels of amenity for residents, increasing ROAD maintenance and ROAD widening. In some instances there is an increased expectation of service provision and particularly that ROADS be upgraded so that they are able to effectively deal with the increased traffic. This can result in ROADS that have more urban characteristics.

TRAFFIC GENERATION standards are used to not only manage traffic safety effects but to also control when the scale of uses is not reflective of RURAL CHARACTER.

Subdivision of an ALLOTMENT served by a RIGHT OF WAY can also result in a reduction of rural amenity due to increased traffic movement and nuisance effects on neighbouring SITES.

The number of ALLOTMENTS using the RIGHT OF WAY can impact RURAL CHARACTER. If the development cannot be effectively served by the RIGHT OF WAY, consideration should be given as to whether the number of

ALLOTMENTS is appropriate to retain RURAL CHARACTER. The effects on the amenity of ALLOTMENTS adjoining the RIGHT OF WAY will be considered alongside the wider effects on RURAL CHARACTER.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in the RURAL ENVIRONMENT AREA are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity.

Rules that restrict the hours of operation for the consumption of liquor for high traffic generating activities, such as a cafe, wishing to establish in or in close proximity to RURAL ENVIRONMENT AREAS will enable the adverse effects on rural amenity at night to be avoided.

The Sale of Liquor Act 1989 can also limit the hours of operation of liquor outlets and so can be used as a method to control adverse effects in RURAL ENVIRONMENT AREAS.

Conditions on consent can also ensure that the access to the ROAD and the ROAD itself is sufficiently constructed to cope with the levels of traffic and reduce potential conflicts with other ROAD users, including pedestrians. Consideration towards how the ROAD fits within the surrounding environment and whether it is located and designed in a way that maintains RURAL CHARACTER is required. Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard and design guidelines will provide guidance in this regard.

#### **Anticipated Environmental Results 4**

- (a) Retention of recognised elements of rural character.
- (b) Subdivision and development patterns that are complementary to the existing and anticipated land uses within the RURAL ENVIRONMENT AREA.

#### **Indicators 4**

- (a) Justified complaints, and/or investigation, regarding adverse effects generated by:
  - (i) shading; and
  - (ii) traffic generation.

- (b) Justified complaints and/or investigations regarding adverse effects generated on rural amenity and RURAL CHARACTER.
- (c) An assessment of discretionary and non-complying resource consents granted in the RURAL ENVIRONMENT AREA (including analysis of any cumulative effects).
- (d) Photographic record of the character of sample rural areas and monitoring of changes in RURAL CHARACTER.
- (e) Survey of rural residents' perception of existing/changing rural character.

## **Issue 5: Adverse effects of activities on the pleasant and coherent nature of the urban environment**

The urban environment is made up of a number of different areas including residential, business, industrial and open space. While each of the constituent areas has an individual character with associated amenity values (discussed under Issues 6-9), the urban areas as a whole also have a level of amenity associated with them. This urban amenity is characterised by elements that contribute to the coherence of the urban environment; that is, those elements that tie the different areas together (such as streetscape, vegetation and landscaping) or provide a focus (such as URBAN VIEWSHAFTS and entrance corridors) or recreational or aesthetic opportunity.

Areas of open space, such as parks, playgrounds, pathways, reserves and sports grounds, contribute to the amenity of the urban environment. They are particularly valued in closely developed areas, providing a respite from the built environment and creating visual, aesthetic and recreational opportunities.

Open space can be in public or private ownership. Of the land in public ownership, some 1,266ha of reserves and parks are administered by the COUNCIL. Other areas are administered by the Department of Conservation, the Queen Elizabeth II National Trust and other public bodies. Private areas include golf courses, tennis courts, and bowling clubs. Although not their primary purpose, these areas also provide visual amenity, adding to the character of urban areas.

This amenity can be enhanced through the acquisition of linkages between areas - for example to provide access to a RIVER, add to a wildlife habitat or corridor, or to complete a walkway network.

Enjoyment of existing views from public places is also an important part of urban amenity. Views of the sea are mainly centred along ROADS but may be adversely affected by inappropriately located or designed BUILDINGS or other STRUCTURES.

Vegetation contributes a natural and aesthetic element to the urban scene providing visual stimulus, shade and habitat for flora and fauna. It can also provide a screen

or soften visually intrusive activities (such as storage areas or large expanses of VEHICLE parking) from neighbouring areas. Landscaping provides an effective buffer, screening visually sensitive areas (such as residences) from areas requiring a lower level of visual amenity (e.g. industry). Threats include clearance, modification, lack of protection and inappropriate location of development.

Within the New Plymouth central city area there are a number of large TREES that contribute visually and aesthetically to the city environment. The contribution TREES and other vegetation make to this central area should be recognised and, where possible, enhanced.

Vegetation can also contribute to urban coherence by providing attractive ROAD corridors and streetscenes within New Plymouth District. Some of the ROAD entrances to the urban areas, such as the northern entrance to New Plymouth, pass through areas that lack screening vegetation. These entrances can be visually cluttered or unsightly because of the lack of vegetation and do not enhance the arrival experience of visitors. As more than 90 per cent of visitors to the district arrive by ROAD, the enhancement of this arrival experience through roadside planting is important.

## Objective 5

**To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.**

### Policy 5.1

The importance of open space areas to the community and the values associated with these areas should be recognised and provided for.

### Methods of Implementation 5.1

- (a) Develop OPEN SPACE ENVIRONMENT AREAS and identify them on planning maps.
- (b) Ensure future growth areas are provided with sufficient open space when developed.
- (c) Determine preferred esplanade reserves and strips (Tables 17.1 and 17.2, Appendix 17) and access strips (Table 22.3, Appendix 22) to provide linkages between OPEN SPACE ENVIRONMENT AREAS.
- (d) Identify preferred esplanade reserves and strips on the planning maps.

Updated August 2015 (update 8ac)

- (e) Rules specifying standards relating to:
  - (i) the creation of esplanade reserves or esplanade strips at the time of subdivision consent; and
  - (ii) financial contributions.
- (f) Use the designation process to acquire land for future OPEN SPACE ENVIRONMENT AREAS.

### Reasons 5.1

Open space is a resource that has value to the community and requires recognition and protection. The formulation of OPEN SPACE ENVIRONMENT AREAS places an emphasis on the main element the community values and provides a mechanism for protecting that value. It is a move away from the traditional recognition of reserves through the designation process, and includes not only public land but also those areas of land in private ownership that provide a similar function to the community. This reflects the intent of the ACT and provides recognition of the intrinsic nature of these areas.

In recognition of the 'open' nature of the rural area, only land within the urban centres will be zoned as OPEN SPACE ENVIRONMENT AREAS. Should protection be sought for open space in the rural areas, there are other mechanisms available that are more appropriate than zoning.

In addition to those areas that are already in open space, the COUNCIL has identified where it would be desirable to obtain further open space areas to complement and complete the existing 'parks network'. This is particularly applicable to future growth areas where there will be local demand for open space. Linkages to connect the 'parks network' are also identified in Tables 17.1 (preferred esplanade reserves) and 17.2 (preferred esplanade strips) in Appendix 17 and also shown on the planning maps, and will be acquired on subdivision of this land. In addition, preferred access strips have been identified (Table 22.3, Appendix 22). This information will also be made available through the land information memorandum (LIM) system.

Some areas of land are so integral to the overall management strategy for the district's open space areas that it is not appropriate to use the esplanade reserve provisions of the ACT to secure their acquisition. Instead, these areas will be designated (refer to Appendix 4).

In existing developed areas, the emphasis for open space areas owned by the COUNCIL is to focus on the enhancement and improvement of existing assets to meet rising community expectations and to adapt existing facilities to meet new demands. In newly developed areas the emphasis is to ensure that through the subdivision and development process sufficient open space is provided to meet local community expectations.

## Policy 5.2

BUILDINGS and STRUCTURES should not detract from or reduce the visual amenity of the URBAN VIEWSHAFTS.

### Methods of Implementation 5.2

- (a) Determine the extent of local URBAN VIEWSHAFTS and map them in section 3 of the planning maps.
- (b) Identify the sections of these URBAN VIEWSHAFTS where HEIGHTS of BUILDINGS and STRUCTURES will be controlled on the planning maps.
- (c) Rules specifying standards relating to:
  - (i) maximum HEIGHT of BUILDINGS and STRUCTURES within sections of identified URBAN VIEWSHAFTS mapped on the planning maps; and
  - (ii) maximum HEIGHT of BUILDINGS and STRUCTURES within the BUSINESS RESIDENTIAL, INDUSTRIAL and OPEN SPACE ENVIRONMENT AREAS.
- (d) Enhancement planting by the COUNCIL where COUNCIL land is located within URBAN VIEWSHAFTS.
- (e) Formulation of design guides to encourage consideration of the impacts of development within URBAN VIEWSHAFTS on public views.

## Reasons 5.2

Public views and visual amenity within URBAN VIEWSHAFTS can be adversely affected by BUILDINGS and STRUCTURES that block or detract from the view or surrounding character.

Controlling the HEIGHT of BUILDINGS and STRUCTURES located within the first section of the URBAN VIEWSHAFT (that is, that section closest to the viewing point) should ensure that these public views are maintained.

The majority of the URBAN VIEWSHAFTS do not need the HEIGHT of BUILDINGS and STRUCTURES controlled in other, more distant, sections of these URBAN VIEWSHAFTS because the HEIGHT restrictions for the underlying ENVIRONMENT AREAS are already restrictive enough to ensure that BUILDINGS and STRUCTURES do not detract from or reduce their visual amenity.

However, due to the topography and the pattern of the underlying ENVIRONMENT AREAS of the district, several of the URBAN VIEWSHAFTS do require controls in the more distant sections of the URBAN VIEWSHAFTS, to ensure that public views are maintained.

Line drawings of these views and their full extent are mapped in section 3 of the planning maps. This will enable the effect of additional HEIGHT of BUILDINGS or STRUCTURES to be assessed when resource consents are applied for.

These controls do not apply to TREES as it is considered inappropriate to control the HEIGHT of TREES within identified URBAN VIEWSHAFTS.

Vegetation is also an important part of the visual perception. Planting of areas of the COUNCIL land within the identified URBAN VIEWSHAFTS can assist to enhance the overall amenity of these views.

## Policy 5.3

The positive contribution vegetation makes to urban amenity should be recognised, maintained and, where possible, enhanced.

### Methods of Implementation 5.3

- (a) Rules specifying standards relating to:
  - (i) planting of TREES:
    - for new BUILDINGS within the INDUSTRIAL and BUSINESS ENVIRONMENT AREAS; and
    - within VEHICLE parking areas.
  - (ii) planting of TREES or vegetation to:
    - soften the visual effect of parking areas and OUTDOOR STORAGE areas; and
    - screen BUILDINGS, OUTDOOR STORAGE areas or VEHICLE parking areas where adjoining a SITE located within a RESIDENTIAL ENVIRONMENT AREA.

- (b) Determine the extent of the NEW PLYMOUTH AMENITY TREE AREA and identify it in the appendices to the plan.
- (c) Conditions on resource consents relating to:
  - (i) maintenance and enhancement of vegetation and landscaping, including riparian vegetation; and
  - (ii) sufficient space for planting along the ROAD berm in accordance with the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard; and
  - (iii) VEHICLE protection measures; and
  - (iv) financial contributions.
- (d) Planting of public areas by the COUNCIL, specifically:
  - (i) along the main ROAD entrance corridors to New Plymouth, Inglewood and Waitara urban areas;
  - (ii) in reserves; and
  - (iii) along ROAD berms.
 with species consistent with established or proposed planting themes.
- (e) Use assessment criteria to consider the impact of development on the New Plymouth entrance corridors where any activity may have adverse visual impacts and, where appropriate, apply conditions on resource consents.
- (f) Advocate the planting of TREES in accordance with species guide for main ROAD entrance corridors to New Plymouth, Inglewood and Waitara urban areas.
- (g) Encourage the voluntary protection of existing vegetation through the use of covenants, maintenance agreements and esplanade strips.
- (h) Provide a planting guide regarding appropriate species and landscaping for character areas within the district.
- (i) Consider funding for physical enhancement schemes in the central areas of settlements such as Waitara, Inglewood, Oakura, Urenui and Lepperton through the COUNCIL'S Long-term Council Community Plan.
- (j) Provide information and advice from the COUNCIL on how to maintain urban TREES.

### Reasons 5.3

This policy seeks to recognise the contribution that vegetation makes to urban amenity and promote the use of planting to enhance visual amenity within these areas.

Existing vegetation is important to the amenity of the district as it forms part of the visual character of neighbourhoods. While the retention of existing vegetation is desirable, it is recognised that this may not be practical in all circumstances. The COUNCIL can require covenants to protect these areas of vegetation either at the time of subdivision or development or encourage landowners to voluntarily protect these areas. Protection of and control of development within close proximity to NOTABLE TREES, within the New Plymouth central city area will assist in maintaining urban amenity and coherence. The NEW PLYMOUTH AMENITY TREE AREA has been identified as shown in Appendix 24. This is an area in New Plymouth city that is predominantly business in character, where it is considered important to recognise and maintain the contribution of TREES to urban amenity and to encourage further planting for amenity purposes.

Landscaping can soften the street scene by providing variety in colour, form and texture to the built form. Currently there are few TREES within the BUSINESS and INDUSTRIAL ENVIRONMENT AREAS of the district; these areas would benefit by creating a sense of identity through planting schemes. For example, the industrial area of the 'Waiwhakaiho Flat' has been identified by the COUNCIL as an area where landscaping, particularly the planting of TREES, would enhance the current industrial character and general amenity of the area.

While the design of central and suburban shopping areas tends to preclude space for planting, visual amenity in these areas can be improved by street planting. The central areas of rural settlements such as Waitara, Inglewood, Oakura, Urenui and Lepperton can be enhanced through the use of planting. Residential areas are generally well planted but it is important to encourage planting in new developments to maintain this character. As well as planting on private property, the visual amenity of an area can be improved by planting in reserves.

New ROADS formed by subdivision or upgrades made to the existing ROAD TRANSPORTATION NETWORK can detract from the visual amenity of an area. This can be avoided, remedied or mitigated through the planting of TREES and landscaping along ROAD berms. The COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard requires space for amenity planting when new ROADS are constructed or existing ROADS are upgraded. Such planting can also create an identity for individual areas and enhance the experience of driving along the district's ROADS. The COUNCIL has developed species lists for areas throughout the district to create specific identities for these areas. These lists will be developed into a brochure that can be used by developers and the public when they are planning or required to plant TREES.

First impressions of an urban area are often affected by the visual appearance of the main entry points – that is, 'entrance corridors'. Vegetation can often assist by screening or softening unsightly or intrusive elements, or by providing a pleasant visual corridor. Activities that are out of character with the surrounding environment (such as increased coverage of the FRONT YARD, taller BUILDINGS or reduced landscaping) can detract from the visual amenity of these areas. It is therefore considered appropriate to consider the effects of such activities on the New Plymouth entrance corridors through the resource consent process.

The ROAD entrances to New Plymouth, Inglewood and Waitara could be made more visually attractive. A programme of TREE planting and landscaping in these areas, within ROAD berms, adjacent reserves and private properties within New Plymouth, will create attractive visual entrances to the district's urban areas. Inglewood and Waitara urban areas will be included in this method once the details of the urban design projects have been established. These areas would benefit from specific planting schemes to create a sense of identity to the entrances to these urban areas. Hence planting by the COUNCIL on ROAD berms and adjacent reserves will be in accordance to these planting schemes. Adjacent landowners will also be encouraged to plant TREES in accordance with these species lists. Street TREES can screen unsightly industrial areas to create an attractive entrance to the urban area. Potential also exists for planting along the median strips of wider ROADS.

It is important that future growth areas in New Plymouth, particularly those along ENTRANCE CORRIDORS contribute to attractive visual entrances once developed.

OUTDOOR STORAGE areas, parking areas and large SUBSTATIONS and SWITCHING STATIONS can adversely affect the visual amenity of the urban area, both when viewed from the street and from adjacent properties. Hence, rules will require developers to plant TREES and/or vegetation around and within parking areas, and around OUTDOOR STORAGE areas and large SUBSTATIONS AND SWITCHING STATIONS to soften their visual appearance.

Inappropriate location (both in terms of location adjacent to BUILDINGS and climatic conditions) or pruning of TREES can seriously affect their health and growth. Hence the COUNCIL will provide information to APPLICANTS on appropriate species, location of and arboricultural care for TREES.

### Anticipated Environmental Results 5

- (a) Maintenance of the character and coherence of the district's urban areas.
- (b) Urban areas in which:
  - (i) public open space is interesting and retains a high standard of amenity;
  - (ii) levels of amenity planting enhance visual quality; and
  - (iii) URBAN VIEWSHAFTS are protected from the adverse effects of development.

### Indicators 5

- (a) Public perception.
- (b) Landscaping and planting programmes in OPEN SPACE ENVIRONMENT AREAS and/or URBAN VIEWSHAFTS (undertaken by the COUNCIL and/or private property owners).
- (c) Retention and enhancement of landscaping along the main ROAD entrance corridors of New Plymouth, Inglewood and Waitara and in urban areas.
- (d) The provision, or enhancement, of reserves and walkways through the subdivision process (including financial contribution).

## Issue 6: Reduction of residential amenity

After rural activity, housing is the largest land use by area in New Plymouth District and is the most significant contributor to urban form. The quality of our residential environment influences the quality of life for the people of the district, given that people spend a high proportion of their lifetime in and around their dwelling place.

Generally our urban residential environment has a high level of amenity relating to built form, space, access to sunlight, privacy and aesthetic values such as landscaping and vegetation and has low to medium traffic movements and low levels of environmental nuisance. The community also tends to associate people living on-SITE with the residential character.

The density of development and the amount of space occupied by BUILDINGS is particularly relevant to the residential areas within the district. While the majority of existing dwellings are detached houses, there is demand for a variety of housing types such as detached and semi-detached dwellings, family flats, apartments, housing for the elderly and rural/residential development. Although the Urban Management Strategy (UMS)<sup>4</sup> predicts growth in the next 10 years will be modest by comparison to some other districts, it is estimated that some 300 new dwellings will be constructed per annum.

Of this residential development, it is anticipated that 40 per cent is likely to be 'infill' development. This trend is in response to an ageing population (who generally prefer smaller properties located close to existing services and facilities) and a reduction in household size. The adverse effects of such a development can include a reduction in the amount of outdoor space, privacy and daylighting and an increase in the use of hard paving rather than landscaping. These factors can create a feeling of overcrowding.

Residential character can also be affected by the bulk, HEIGHT and location of residential dwellings and other BUILDINGS. If BUILDINGS are inappropriately designed or located, they may not only detract from the visual amenity of the area but also adversely affect neighbouring SITES by shading, crowding or overlooking. BUILDINGS such as schools, hospitals and halls, while accepted

as playing an important role in the community, need to be carefully designed and located with due regard given to the amenity values of the surrounding residential area.

Relocated BUILDINGS can also adversely affect visual amenity if the BUILDING is in poor repair. Dwellings can be damaged during RELOCATION as baseboards are removed, and guttering and exterior cladding can be damaged or may be already in poor repair prior to moving.

ADVERTISING SIGNS, because they are not generally perceived to be residential in nature, can create visual clutter, intrusion or nuisance in residential areas. Public works and NETWORK UTILITIES, while providing an important service to residential areas, have the potential for adverse effects to occur if care is not taken with their design and/or location. (The issue of health and safety is addressed under Issue 3).

Generally residential areas have lower levels of traffic generation than those found in other urban areas (for example, business or industrial areas). Residential expectations of traffic levels and VEHICLE parking can be related to the ROADING HIERARCHY (refer to Issue 20, Traffic and Transport). Activities that generate higher levels of traffic than is considered 'usual' in a residential area can adversely affect amenity by creating noise and other nuisance effects, traffic congestion and by potentially creating a hazard to pedestrian safety.

Therefore, it is important to ensure that the effects of activities locating or intending to locate within residential areas are in keeping with, and do not detract from, residential amenity. While an influx of non-residential uses could be seen to be adversely affecting the amenity of residential areas due to lack of 'residential' occupation, it is recognised that the residential environment is changing and whether such effects are considered adverse or not is a matter of personal opinion.

### Objective 6

#### To ensure:

- **sufficient space is available to protect residential amenity.**
- **visual and aural amenity is protected.**
- **traffic generation is consistent with the character of the residential area.**

<sup>4</sup> Beca Carter Hollings and Ferner Ltd (1995). [New Plymouth Urban Management Study](#)

## Policy 6.1

Subdivision in RESIDENTIAL ENVIRONMENT AREAS should ensure sufficient space is available to enable residential living and to protect amenity values.

### Methods of Implementation 6.1

- (a) Develop RESIDENTIAL ENVIRONMENT AREAS and identify them on the planning maps.
- (b) Rules specifying standards to set minimum ALLOTMENT sizes and for each RESIDENTIAL ENVIRONMENT AREA.

### Reasons 6.1

Size and dimension of ALLOTMENTS can greatly influence the amenity values of the residential environment. The amount of built STRUCTURE and respective open space areas on each ALLOTMENT is a function of the size and dimension of the ALLOTMENT. The subdivision process should allow for the creation of ALLOTMENTS which are of sufficient size for the establishment of BUILDINGS and activities to meet the intended use, while allowing enough open space so as to not detract from the amenity of the area.

The development of RESIDENTIAL ENVIRONMENT AREAS will ensure that areas with similar characters, in terms of space, are grouped together and areas suitable for infill development are identified. Minimum ALLOTMENT sizes are based on the character of the locality, and the minimum area in which a standard dwelling and adequate outdoor space can be provided. This will ensure that residential ALLOTMENTS that are created are suitable for residential development and will not detract from the existing spatial characteristics.

The RESIDENTIAL A ENVIRONMENT AREA is representative of the typical ALLOTMENTS found in developed residential areas where reticulated sewerage is available. Based on the average existing section size, a minimum subdivision size of 450m<sup>2</sup> is considered appropriate for this area. Those areas that were formerly zoned Residential R1 and R1A have been carried over into this plan as RESIDENTIAL A as there is an expectation within the community that this land will be able to be used for residential purposes.

The RESIDENTIAL B ENVIRONMENT AREA is that locality identified as having a more dense character, capable of absorbing and integrating denser development without adversely affecting their residential character. Accordingly a minimum subdivision size of 300m<sup>2</sup> has been set. These areas are predominantly located close to local shopping areas and the New Plymouth central business district as a result of the desire for less labour intensive residences located within an easy distance of services. These areas incorporate properties zoned R2, R2A and R3 within transitional plans.

The RESIDENTIAL C ENVIRONMENT AREA recognises those areas that were traditionally unsewered have larger lot sizes, giving them a different character compared to larger sewered urban centres. It also recognises that there is a need to provide sufficient space for the on-SITE treatment of sewage effluent. This includes areas such as Oakura, Urenui, Lepperton and Egmont Village. A larger minimum ALLOTMENT size of 700m<sup>2</sup> is considered adequate to maintain the spatial characteristics of these areas and to ensure that SITES have adequate space for the on-SITE treatment of sewage.

## Policy 6.2

BUILDINGS should be designed and/or located so that there is sufficient space for outdoor living requirements and reasonable access to sunlight and privacy.

### Methods of Implementation 6.2

- (a) Identify specific RESIDENTIAL ENVIRONMENT AREAS that have similar character and amenity values.
- (b) Rules specifying standards relating to:
  - (i) daylighting;
  - (ii) maximum HEIGHT for BUILDINGS;
  - (iii) length of BUILDINGS;
  - (iv) COVERAGE of the SITE; and
  - (v) setbacks from SIDE BOUNDARIES.

## Reasons 6.2

This policy seeks to ensure that all residential development includes an area of outdoor space that can be utilised. The development of RESIDENTIAL ENVIRONMENT AREAS will ensure that areas with similar characters, in terms of space, are grouped together and areas suitable for more dense development are identified. The use of rules relating to the COVERAGE of a SITE will ensure that a percentage of the NET SITE AREA is not covered with BUILDINGS, allowing it to be used for outdoor space.

The RESIDENTIAL A ENVIRONMENT AREA is representative of the typical ALLOTMENTS found in developed residential areas where reticulated sewerage is available. Accordingly maximum SITE COVERAGE of 40 per cent has been set to ensure that there is sufficient space for outdoor living and the lower density character of these areas are maintained.

The RESIDENTIAL B ENVIRONMENT AREA is that locality identified as having a more dense character, or being able to absorb and integrate denser development without adversely affecting the residential character. A maximum SITE COVERAGE of 50 per cent has been set to ensure that more dense development can occur but that there will also be sufficient outdoor space for outdoor living.

The RESIDENTIAL C ENVIRONMENT AREA recognises that those areas that were traditionally unsewered have larger lot sizes, giving them a different character compared to larger urban centres. A maximum SITE COVERAGE of 35 per cent will maintain the spatial characteristics of these areas and ensure that SITES have adequate space for outdoor living.

Every residential property should also be entitled to a reasonable degree of privacy and sunlight, as they are both important components of residential amenity. The HEIGHT of BUILDINGS and STRUCTURES, and the proximity of BUILDINGS to boundaries, are key determinants of privacy and access to sunlight. Daylighting controls and setbacks from SIDE BOUNDARY requirements will ensure the effects of shading from adjacent properties are minimised.

## Policy 6.3

Activities within the RESIDENTIAL ENVIRONMENT AREA should be of a size, scale and visual character that do not adversely affect the amenity of the residential environment.

Updated September 2014 (update 8aa) and February 2022 (update 8w)

## Methods of Implementation 6.3

- (a) Rules specifying standards relating to:
  - (i) maximum HEIGHTS for BUILDINGS and STRUCTURES;
  - (ii) length of BUILDINGS;
  - (iii) maximum COVERAGE of SITES and FRONT YARDS;
  - (iv) setbacks;
  - (v) relocated BUILDINGS;
  - (vi) the location, number, size, type and duration of ADVERTISING SIGNS;
  - (vii) quantity and reinstatement of EXCAVATION and FILLING;
  - (viii) minimum subdivision sizes;
  - (ix) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required;
  - (x) location and design of on-SITE manoeuvring and QUEUING SPACE; and
  - (xi) landscaping:
    - of large SUBSTATIONS AND SWITCHING STATIONS;
    - of OUTDOOR STORAGE areas; and
    - within and adjoining VEHICLE parking areas.
  - (xii) TEMPORARY EVENTS.
- (b) Conditions on resource consents for relocated BUILDINGS relating to bonds to ensure the BUILDING is finished to an appropriate standard.
- (c) Provide information such as booklets and design guidelines, e.g. landscape guidelines, SIGNS.
- (d) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within areas of new subdivision, heritage character areas and REGIONALLY SIGNIFICANT LANDSCAPES.

- (e) Use of other documents, such as standards, codes of practice, environmental policy statements and design manuals.

### Reasons 6.3

Visual amenity is made up of a number of components including the bulk and HEIGHT of BUILDINGS, the density of development, access to outdoor living space and daylight, the amount of landscaping and the impact of ‘non-residential’ objects such as ADVERTISING SIGNS and large VEHICLE parking areas. Standards can be used to specify a level of amenity consistent with residential character. RESIDENTIAL A and C ENVIRONMENT AREAS have a low density of BUILDINGS with large setbacks from the ROAD. As density will affect the visual amenity of an area, the rules relating to maximum COVERAGE of SITES and FRONT YARDS in the RESIDENTIAL B ENVIRONMENT AREA reflect the greater density of development and consequent SITE constraints.

Standards relating to the maximum continuous length of BUILDINGS on a SITE are designed to mitigate any adverse visual effects of large BUILDINGS, such as medical centres, where these are located in close proximity to a SIDE BOUNDARY, on the visual amenity and outlook of adjacent SITES.

While relocated BUILDINGS can be an effective way of recycling building resources, they can have adverse effects on the character of residential areas if they are in a poor state of repair. Treating relocated HABITABLE BUILDINGS as controlled activities will enable the imposition of conditions, including bonds, to ensure that any adverse effects that might otherwise occur, particularly in relation to external condition or repair, are remedied.

ADVERTISING SIGNS are designed to inform the public of events, the availability of goods and services, to identify a SITE, or to direct traffic, cyclists or pedestrians. In residential areas, SIGNS can create visual clutter or intrusion. For that reason, parameters such as size, HEIGHT, location and number of SIGNS will be controlled to ensure that the visual amenity of residential areas is not unduly compromised.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on the amenity of residential areas. Methods such as co-siting or undergrounding can provide

effective mitigation of adverse visual effects. Co-siting involves a number of NETWORK UTILITY operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However, it is recognised that there will be some circumstances where these options are not technically feasible or are impractical due to geographic, environmental, operational or economic constraints and therefore the plan advocates rather than requires such an approach.

Careful consideration will also be given as to how adverse visual effects can be mitigated by the use of landscaping to screen or soften unsightly activities. Planting can provide a buffer to soften built form or screen and soften unsightly areas such as car parks, OUTDOOR STORAGE areas or large SUBSTATIONS AND SWITCHING STATIONS.

Larger scale EXCAVATION and FILLING activities can have adverse effects on the visual amenity of an area, whereas smaller scale activities like EXCAVATION for a garage generally will not. Rules that limit the quantity and type of EXCAVATION and FILLING will ensure that where these activities have adverse visual effects, such effects will be mitigated through reinstatement or rehabilitation.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas, on-SITE manoeuvring and queuing spaces will ensure that ROADS in RESIDENTIAL ENVIRONMENT AREAS are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity.

Documents outside this plan, such as standards, codes of practice and guidelines, can also be useful in assisting the community to maintain and enhance visual amenity within residential areas.

## Policy 6.4

Traffic generation from activities within the RESIDENTIAL ENVIRONMENT AREA should not adversely affect the character of the area.

### Methods of Implementation 6.4

- (a) Rules specifying standards relating to:
  - (i) traffic generation standards for activities relative to the ROADING HIERARCHY and the RESIDENTIAL ENVIRONMENT AREA;
  - (ii) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required;
  - (iii) maximum number of HABITABLE BUILDINGS on SITES served by a RIGHT OF WAY; and
  - (iv) subdivision of an ALLOTMENT served by a RIGHT OF WAY.
  - (v) TEMPORARY EVENTS.
- (b) Conditions on resource consents relating to:
  - (i) hours of operation;
  - (ii) SITE layout in terms of parking, LOADING and STANDING SPACES; and
  - (iii) ROAD construction and maintenance requirements.
- (c) Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.

### Reasons 6.4

Generally, all activities result in some level of traffic generation. Higher traffic generating activities (such as schools, hospitals, childcare centres or premises used for the consumption of liquor) which are located within or adjacent to RESIDENTIAL ENVIRONMENT AREAS can reduce amenity values for residents. Depending on the existing character of a RESIDENTIAL ENVIRONMENT AREA, aspects of residential amenity can be adversely affected by the introduction of an activity that generates higher traffic levels than residents are accustomed to in the area. This can occur through the movement of traffic along ROADS and in, around and out of a SITE in the RESIDENTIAL ENVIRONMENT AREA.

Activities, such as medical centres, may have little impact on residential amenity values in a high density and traffic environment. However, the same activity designed to move traffic around the SITE to achieve on-SITE parking for MEDIUM SERVICE VEHICLES or larger and loading, or located in a quiet cul-de-sac, could have significant effects on residential amenity.

Rather than specifying specific locations for specific activities, the rules identify circumstances of high traffic generation. This will ensure that the adverse effects from traffic generation not consistent with the character of the locality relative to the ROADING HIERARCHY or residential amenity in that area are mitigated through conditions of consent.

The rules also recognise the potential for effects where SITES are located down a RIGHT OF WAY. These SITES will also be restricted to a lower level of traffic generation as the residential SITES adjacent to these RIGHT OF WAYS may be sensitive to higher levels of traffic generation. Subdivision of ALLOTMENTS, and the number of HABITABLE BUILDINGS on a SITE served by a RIGHT OF WAY, have also been controlled for the same reason.

Because traffic levels in residential localities are usually lower at night than during the day, the level of traffic generation permitted from a residential SITE varies depending on the time of day.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in RESIDENTIAL ENVIRONMENT AREAS are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity.

### Anticipated Environmental Results 6

- (a) A district which allows for growth of residential development whilst maintaining amenity.
- (b) Provision of adequate levels of daylight, sunlight, privacy and open space in the residential environment.
- (c) The successful co-existence of residential and non-residential activities in RESIDENTIAL ENVIRONMENT AREAS.
- (d) A district that manages traffic levels so as not to exceed accepted standards.

## Indicators 6

- (a) The percentage of land use consents granted for relaxation of development controls that include a condition of mitigation (such as planting or a form of screening or trade-offs such as design changes), in the RESIDENTIAL ENVIRONMENT AREAS.
- (b) A survey of selected areas of new development:
  - (i) an initial assessment;
  - (ii) a review to gauge changing community perception; and
  - (iii) developers' perspective.
- (c) Justified complaints, and/or investigation, regarding the adverse effects of traffic in a RESIDENTIAL ENVIRONMENT AREA.

## Issue 7: Activities that detract from or reduce the amenity of business areas

Business activity is an essential component of any organised human community. Individuals have needs and wants that other individuals may be able to meet by providing the goods and services that are in demand. Historically the most efficient and effective way to trade has been at a location central to the community requiring the goods and services.

Business activities contribute to the fabric of our urban areas. Collectively they create the particular colour, texture, scale, style and character of the business environment. They can create focal points and meeting areas, and provide protection from traffic and weather for pedestrians.

The market places we have in our district today have evolved over time. Each services its own community, with the numerical and geographic size of the market catchment differing according to the range of goods and services on offer. Depending on the types of services provided and the size of the customer base, business areas have developed different characters in terms of their size, bulk and appearance.

Shops within the central areas of New Plymouth, Waitara and Inglewood are predominantly pedestrian orientated with verandahs and large shop windows to display goods and to attract foot traffic. Their scale varies from small to medium sized shops aggregated around a well-defined central area.

Occasionally TEMPORARY EVENTS take place within BUSINESS ENVIRONMENT AREAS, mostly in the central core, and sometimes involve temporary closing of streets.

Beyond this central core, retail outlets become larger in size and more service orientated. Less emphasis is given to window 'dressing' and more to parking for the motor VEHICLE customer.

Suburban shopping centres and local dairies cater primarily for the day to day needs of the residential neighbourhoods in which they are located. They tend to be smaller in scale than the central city businesses, both in terms of the size of the individual shops and the number of shops in any one locality. They cater for both pedestrian and vehicular traffic.

The extent of goods and services available in business areas often includes activities fulfilling social and cultural functions such as meeting and entertainment venues including cafés, restaurants and bars, theatres, museums and libraries.

There is a trend toward the utilisation of BUILDINGS formerly used for commercial purposes (such as offices and hotels) for rest-homes and private residential apartments. The re-establishment of commercial accommodation in the form of motels, hotels and backpacker accommodation within the New Plymouth central business area is also evident. Accommodation uses in proximity to entertainment venues can result in reverse sensitivity issues arising. The matter of reverse sensitivity is addressed within Issue 1.

Past planning practices have resulted in areas in transition; predominantly service industries such as medical services, office-based activities and the like, which are located within or adjoining residential areas. Although these are functionally businesses, generally their effects tend to be quite different from those generated by businesses in the central or suburban business areas. Some areas remain predominantly residential in use despite an underlying business zoning.

Each of these business areas has developed a different character based on the predominant uses of the area, catchment size and the sensitivities of the surrounding areas. BUILDINGS or STRUCTURES that are out of scale, or create a visual distraction, can adversely affect this character. Hence it is important to ensure that development is of a similar visual character in terms of bulk, HEIGHT and location of development to the area in which it is located, or that any significant adverse effects are mitigated.

ADVERTISING SIGNS are very much a part of the business scene. In retail areas they provide vitality and are an accepted and essential component of business and commerce. However SIGNS which protrude beyond BUILDING outlines or are excessively large may have adverse visual effects on surrounding localities. They may also create a potential traffic hazard (discussed in Issue 20, Traffic and Transport). SIGNS on the footpath and under verandahs can create a safety hazard to pedestrian traffic.

## Objective 7

**To ensure the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.**

### Policy 7.1

BUILDINGS, SIGNS and other STRUCTURES should be designed and/or located to avoid, remedy or mitigate adverse effects on the character and visual amenity of business areas.

### Methods of Implementation 7.1

- (a) Develop BUSINESS ENVIRONMENT AREAS and identify them on the planning maps.
- (b) Rules specifying standards relating to:
  - (i) maximum HEIGHTS for BUILDINGS and STRUCTURES;
  - (ii) maximum COVERAGE of the SITE and FRONT YARD with BUILDINGS within the BUSINESS D ENVIRONMENT AREA;
  - (iii) setbacks for BUILDINGS from SIDE BOUNDARIES within the BUSINESS D ENVIRONMENT AREA;
  - (iv) the provision of verandahs within DEFINED RETAIL FRONTAGES;
  - (v) the location and size of shop windows within DEFINED RETAIL FRONTAGES;
  - (vi) RELOCATION of BUILDINGS;
  - (vii) ERECTION of BUILDINGS over the Huatoki Stream within the NEW PLYMOUTH central business district;
  - (viii) the location, number, size, type and duration of ADVERTISING SIGNS;
  - (ix) quantity, composition and reinstatement of EXCAVATION and FILLING;
  - (x) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required; and
  - (xi) landscaping:
    - of ROAD BOUNDARIES within BUSINESS B ENVIRONMENT AREA;
    - within VEHICLE parking areas; and

- of the ROAD BOUNDARY of large SUBSTATIONS AND SWITCHING STATIONS.
- (xii) TEMPORARY EVENTS.
- (c) Provide information such as booklets and design guidelines, e.g. landscape guidelines, on-SITE VEHICLE parking guidelines, SIGNS.
- (d) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within new areas of subdivision and heritage character areas.
- (e) Use of other documents, such as standards, codes of practice, environmental policy statements and design manuals.

## Reasons 7.1

The formulation of BUSINESS ENVIRONMENT AREAS recognises the differing characters that have evolved within the New Plymouth District in response to local market forces. By recognising the differing characters within BUSINESS A, B, C and D ENVIRONMENT AREAS it is possible to ensure the effects of activities within each area are compatible with the character and amenity we are trying to maintain.

The BUSINESS A ENVIRONMENT AREAS are those areas located centrally within the New Plymouth, Waitara and Inglewood retail areas. They are pedestrian orientated with premises located up to the street, and generally provide no parking on the SITE. Most tend to be two storey BUILDINGS with verandahs and retail display windows. ADVERTISING SIGNS provide vitality to these areas and are an important and accepted component of these central business and commerce areas.

BUSINESS B ENVIRONMENT AREAS are characterised by larger scale, bulky BUILDINGS (such as warehouses), orientated towards the motorised customer, with parking usually provided on-SITE. Some of these BUILDINGS are set back from the ROAD with parking provided in front of the BUILDING, while others are located up to the street with parking areas provided at the side or the rear

of the BUILDING. Advertising is usually through SIGNS rather than window displays, and generally no weather protection is provided.

BUSINESS C ENVIRONMENT AREAS are those areas of suburban business that are smaller in scale both in terms of individual shops and number of BUILDINGS. Because they are designed to serve the local catchment, both pedestrian and motorised patrons are catered for with limited parking available, usually in the ROAD reserve. This zoning covers both shopping centres and small clusters of shops, e.g. Blagdon shops and Merrilands Shopping Centre. The specific character of these individual areas may differ but generally they meet the descriptions above.

BUSINESS D ENVIRONMENT AREAS are those areas that are in transition from residential to business uses, or contain business uses which are located in BUILDINGS that are residential in scale and character. Generally businesses in these areas are providing a service and many of them are OFFICES. SITES tend to be small in scale, well landscaped and provide on-SITE parking. They are usually found on the fringes of central retail areas.

To ensure that adverse effects on visual amenity are avoided or mitigated the requirements for bulk, location, HEIGHT, COVERAGE of the SITE, setbacks, provision of verandahs and shop windows, SIGNS and landscaping are different for each of the BUSINESS ENVIRONMENT AREAS. These rules, therefore, seek to maintain and enhance the existing character of each of these areas.

While relocated BUILDINGS can be an effective way of recycling BUILDING resources, they can have adverse effects on the character of the business environment if they are in a poor state of repair. Treating relocated HABITABLE BUILDINGS as controlled activities will enable the imposition of conditions, including bonds, to ensure that any adverse effects that might otherwise occur, particularly in relation to external condition or repair, are remedied.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on the amenity of business areas. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of NETWORK UTILITY operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to

predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However, it is recognised that there will be some circumstances where these options are not technically feasible or are impractical due to geographic, environmental, operational or economic constraints and therefore the plan advocates, rather than requires, such an approach.

NETWORK UTILITY operators often utilise internal codes of practice, environmental policy statements and design manuals to ensure works are carried out in a particular manner - for example Powerco's environmental policy statements and Telecom's Local Access Design Manual. These documents can be useful when assessing the adverse visual effects of public works and NETWORK UTILITIES.

Existing vegetation is important to the amenity of the district as it forms part of the visual character of neighbourhoods. The NEW PLYMOUTH AMENITY TREE AREA contains AMENITY TREES that help soften the built form within this locality.

Larger scale EXCAVATION and FILLING activities can have adverse effects on the visual amenity of an area whereas smaller scale activities like EXCAVATION for a small BUILDING generally will not. Rules that limit the quantity and type of and EXCAVATION and FILLING will ensure that where these activities have adverse visual effects, such effects will be mitigated through reinstatement or rehabilitation.

Rules which control the ERECTION of BUILDINGS over the Huatoki Stream within the New Plymouth central business district will protect and enhance the heritage character and cultural significance of the stream, and also protect and enhance the visual amenity of this area.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in BUSINESS ENVIRONMENT AREAS are safer as they will not be congested with parked VEHICLES or reduce existing levels of amenity.

Within the BUSINESS A ENVIRONMENT AREA where obtaining access to on-SITE parking would require crossing the DEFINED RETAIL FRONTAGE, alternative provision for on-SITE parking is accommodated within the standards.

Documents outside this plan, such as guidelines for on-SITE VEHICLE parking (if developers still choose to provide it), care of TREES, lists of appropriate species to plant and the design and location of ADVERTISING SIGNS, can also be useful in assisting the community to maintain and enhance visual amenity within business areas.

## Policy 7.2

BUILDINGS and STRUCTURES within business areas should be designed and/or located to ensure that areas of high pedestrian usage have access to daylight and sunlight and protection from the weather.

## Methods of Implementation 7.2

- (a) Rules specifying standards relating to:
  - (i) maximum HEIGHT for BUILDINGS within the BUSINESS A ENVIRONMENT AREA;
  - (ii) daylighting for BUILDINGS fronting Devon Street within the BUSINESS A ENVIRONMENT AREA; and
  - (iii) the provision of verandahs within DEFINED RETAIL FRONTAGES.

## Reasons 7.2

For the main pedestrian areas to be attractive and pleasant places to shop, access to sunlight and protection from the weather are important. Daylighting controls within the main pedestrian shopping areas - those properties fronting Devon Street within the BUSINESS A ENVIRONMENT AREA - will ensure that these areas

receive reasonable levels of sunlight. Maximum HEIGHT controls for BUILDINGS and STRUCTURES within the remaining BUSINESS A ENVIRONMENT AREA will enable reasonable access to daylight for these retail areas.

The DEFINED RETAIL FRONTAGE recognises areas of high pedestrian usage where display windows and verandahs are an important visual component of the streetscape. Verandahs along DEFINED RETAIL FRONTAGES provide both protection for pedestrians from the rain, wind and sun and a continuous design feature which forms part of the streetscape of these shopping areas.

### **Anticipated Environmental Results 7**

- (a) Visually pleasing BUSINESS ENVIRONMENT AREAS.
- (b) Attractive and pleasant pedestrian areas.

### **Indicator 7**

Public perception.

## **Issue 8: Activities which reduce or detract from the amenity of open space areas**

Open space, in the context of this plan, is essentially an area of open land, with or without associated BUILDINGS, which fulfils a community desire for aesthetic and/or recreational pursuits. Open space areas include (but are not limited to) parks, walkways, playgrounds, conservation areas and recreational areas such as golf courses or sports centres.

Open space areas vary in both scale and use from a small neighbourhood playgrounds to the larger recreational reserves such as Yarrow Stadium, Pukekura Park or Hickford Park. They can either be either land or privately owned.

Open space areas are valued, particularly in the closely developed urban areas, for a number of reasons:

- They provide an aesthetic amenity, both in terms of ‘space’ and by providing a break in the built environment.
- Visually, open space areas are generally pleasing to the eye, although the level of interest may be dependent on the level of development (or lack thereof).
- Open space areas generally have some level of vegetation, be it the grass of a playing field, TREES in a children’s playground, or extensive bush in a conservation area. This vegetation serves to enhance not only the visual and aesthetic impacts, but also natural character. It may also provide an important area for native flora and fauna and can serve as a corridor for transient species.
- Open space areas provide recreational opportunities, from organised sports and informal active use, through to playgrounds and walkways to scenic and conservation reserves. They can also provide pleasant and appropriate venues for community activities and outdoor entertainment opportunities including TEMPORARY EVENTS.
- They essentially provide an important community resource, whether they are publicly or privately owned.

These reserve and open space functions help to promote the health and well-being of the community, and the protection and enhancement of the environment.

Therefore it is important to recognise that maintenance of the quality of the open space is essential for it to be fully utilised and appreciated.

A number of OPEN SPACE ENVIRONMENT AREAS adjoin areas that have been identified in the Regional Coastal Plan for Taranaki as having regionally important amenity values. These areas include Urenui estuary, Onaero Beach, Waitara Beach, Bell Block Beach, Waiwhakaiho River mouth, Fitzroy Beach, East End Beach, Kawaroa Park, Ngamotu Beach, Paritutu/Back Beach and Oakura Beach.

One of these regionally important areas, Ngamotu Beach, is privately owned. The beach was recognised as a port related commercial undertaking in the Taranaki Port Company Plan (September 1990), which established Westgate Transport Ltd as a port company under the Port Companies Act 1988. Although this area has been identified by the port company as an area for possible future operational activity, the port company intends that the community be able to enjoy the use of it for recreational activity until such time as it may be required for port-related activities. The area is also important culturally to TANGATA WHENUA. The Ngati Te Whiti Hapu has a strong affinity with the locality; at least two pa, no longer physically evident, were situated in close proximity to Ngamotu.

Land at the base of the Lee Breakwater is also a valued recreation resource presently owned by the port company but available for public use. Notwithstanding that it is also part of the port-related commercial undertaking, the Port Plan provides for its continued use for public recreation until such time as commercial necessity dictates otherwise.

Activities on the surface of the water are also under the control of the COUNCIL in terms of their ‘actual or potential effects’ on the environment. Historically, the Maritime Safety Authority has used the Water Recreation Regulations 1979 to ensure the safe use and navigation of waterways. There has been little planning control although in some areas reserve management plans under the Reserves Act 1977 (for example, the Peringa Park Management Plan, Lake Rotomanu) have been used to establish ‘user rules’. In other areas, management initiatives have been established between private landowners and lake users (for example, the Lake Ratapiko Recreational Users Policy<sup>5</sup>). Because of the limited number of navigable waterways in the district and low demands for use, these approaches

have worked reasonably well to date and it is not considered necessary to introduce further controls at this time. Should adverse effects associated with surface water activities arise that cannot be addressed through the existing mechanisms, the COUNCIL can take further action through the provisions of section 17 of the ACT.

The main threat to open space areas is development pressure on those areas not protected by reserve status. However, the public areas can also be adversely affected by uses which are in conflict with the purpose of the area. Impacts will vary depending on the purpose of the open space area but can be considered to include visual impacts from BUILDINGS, SIGNS and other STRUCTURES and spatial impacts.

## Objective 8

**To recognise and provide for differing open space requirements in the district in an integrated manner that ensures the character of open space areas are maintained.**

### Policy 8.1

Activities within OPEN SPACE ENVIRONMENT AREAS should not detract from or reduce the spatial amenity of those areas, having regard to the primary function of each area.

### Methods of Implementation 8.1

- (a) Develop OPEN SPACE ENVIRONMENT AREAS and identify them on planning maps.
- (b) Provide for active recreation by zoning areas of land as OPEN SPACE A ENVIRONMENT AREAS.
- (c) Provide for recreation of a ‘neighbourhood’ nature by zoning areas of land as OPEN SPACE B ENVIRONMENT AREAS.
- (d) Provide for protection of open space areas which contain high natural heritage values by zoning areas of land as OPEN SPACE C ENVIRONMENT AREAS.

<sup>5</sup> Powerco Ltd (1996). [Lake Ratapiko Recreational Users Policy](#)

- (e) Recognise the ‘interim’ recreational nature of open space land owned by Westgate Transport Limited at Port Taranaki by zoning these areas OPEN SPACE PORT TARANAKI ENVIRONMENT AREA.
- (f) Rules specifying:
  - (i) minimum subdivision sizes within the OPEN SPACE A ENVIRONMENT AREA; and
  - (ii) the level of COVERAGE of a SITE.
  - (iii) provision for TEMPORARY EVENTS as a controlled activity.
- (g) The COUNCIL will work with Westgate Transport Limited and Ngati Te Whiti Hapu to formulate, through a consultative process, a non-statutory memorandum of understanding (or similar mechanism) outside the District Plan that recognises the longstanding public use of Ngamotu Beach, its private ownership by the port company, and the affinity of TANGATA WHENUA with the locality, and which provides a basis for the parties’ joint management of the OPEN SPACE PORT TARANAKI ENVIRONMENT AREAS within the port.

## Reasons 8.1

Open space is a resource that has value to the community and requires recognition and protection. The formulation of OPEN SPACE ENVIRONMENT AREAS places an emphasis on the main element the community values and provides a mechanism for protecting that value. It is a move away from the traditional recognition of reserves through the designation process, and includes not only public land but also those areas of land in private ownership that provide a similar function to the community (for example, bowling clubs and tennis courts). This reflects the intent of the ACT and provides recognition of the intrinsic values of these areas.

In recognition of the ‘open’ nature of the rural area, only land within the urban centres will be zoned as OPEN SPACE ENVIRONMENT AREAS. Should protection be sought for open space in the rural areas, there are other mechanisms available that are more appropriate than zoning.

The OPEN SPACE A ENVIRONMENT AREA is characterised by those areas which are used primarily for organised sports and recreation. Such areas will normally have associated BUILDINGS such as clubrooms, changing sheds or

toilet facilities (for example, Yarrow Stadium, Hickford Park, Karo Park and Corbett Park).

The OPEN SPACE B ENVIRONMENT AREA is characterised by those areas that are predominantly focused towards informal recreational pursuits, usually of a more passive nature, such as walking, playing or fishing. They are more open, with fewer built features than the OPEN SPACE A ENVIRONMENT AREA. Some examples of where this ENVIRONMENT AREA applies include Matekai Park, Te Henui Walkway, James Nuku Park, and the motorcamps at Oakura and Belt Road.

The OPEN SPACE C ENVIRONMENT AREA recognises those areas that contain high natural heritage values. Development and use will be restricted, with these areas left largely in their natural state. Examples include the Waipu Lagoons, sections of Corbett and Peringa Park, and the Nga Motu Sugar Loaf Islands.

The OPEN SPACE PORT TARANAKI ENVIRONMENT AREA recognises the cultural and recreational values associated with Ngamotu Beach and the land at the base of the Lee Breakwater, but signals that the land is part of the port-related commercial undertaking and may be required for port use in the future.

Rules relating to SITE COVERAGE in these ENVIRONMENT AREAS will ensure that the open space nature of the areas are appropriate to their function and amenity values.

The rules for the OPEN SPACE PORT TARANAKI ENVIRONMENT AREA are the same as those for the OPEN SPACE B ENVIRONMENT AREA. However, formulation of a tripartite memorandum of understanding between Westgate Transport Limited, the COUNCIL and Ngati Te Whiti HAPU will also enable TANGATA WHENUA community and port company interests to be represented through a practical and meaningful mechanism outside of the District Plan.

From time to time events of a temporary nature are held in OPEN SPACE ENVIRONMENT AREAS. In addition to providing venues well suited to outdoor entertainment such events also provide the opportunity to showcase the parks and reserves that the District has to offer. The effects from TEMPORARY EVENTS (e.g. noise, traffic, consumption of liquor etc) can be distinguished from other permanent activities given the short-term nature of such events and associated effects. Having specific TEMPORARY EVENT provisions allowing for them

to take place within OPEN SPACE ENVIRONMENT AREAS provides for community social and cultural well-being.

A application for resource consent for a TEMPORARY EVENT has a specific application form that needs to be completed prior to lodging with the Council. This will ensure any adverse effects from a SITE within an OPEN SPACE ENVIRONMENT AREA on the surrounding area are appropriately avoided, remedied or mitigated.

## Policy 8.2

BUILDINGS, ADVERTISING SIGNS and other STRUCTURES erected within OPEN SPACE ENVIRONMENT AREAS should be designed and located so as to avoid adverse effects on the visual amenity of the open space area, having regard to its primary function.

## Methods of Implementation 8.2

- (a) Use reserve management plans as the primary means of management of COUNCIL owned reserves.
- (b) Rules specifying standards in relation to:
  - (i) maximum HEIGHTS of BUILDINGS and STRUCTURES;
  - (ii) COVERAGE of the SITE;
  - (iii) setbacks for BUILDINGS from ROAD and SIDE BOUNDARIES;
  - (iv) relocated BUILDINGS;
  - (v) ERECTION of BUILDINGS over the Huatoki Stream within the New Plymouth central business district;
  - (vi) location, number, size, type and duration of ADVERTISING SIGNS;
  - (vii) quantity, composition and reinstatement of EXCAVATION and FILLING;
  - (viii) number of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required;
  - (ix) landscaping:
    - within VEHICLE parking areas; and
    - of the ROAD BOUNDARY of large SUBSTATIONS AND SWITCHING STATIONS.

- (c) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within new areas of subdivision, heritage character areas and REGIONALLY SIGNIFICANT LANDSCAPES.
- (d) Use of other documents, such as standards, codes of practice, environmental policy statements and design manuals.

## Reasons 8.2

The Reserves Act 1977 provides for the management of COUNCIL owned reserves through the preparation and use of management plans. Land held by the Crown is administered under the Reserves Act 1977, the Conservation Act 1987, the National Parks Act 1980 and the Wildlife Act 1953, among others. While these Acts allow management plans to be prepared for individual areas, the Department of Conservation is moving towards use of the Conservation Management Strategy (prepared under the Conservation Act 1987) for management of all reserves except the Egmont National Park and the Sugar Loaf Islands (Nga Motu) Marine Protected Area.

Under the Reserves Act 1977, reserves are classified as “Natural”, “Historic”, “Recreational”, “Scenic”, “Nature”, “Scientific”, “Government Purpose” or “Local Purpose” reserves, depending on their primary purpose. In the New Plymouth District, most COUNCIL reserves are classified for recreation purposes. reserve management plans provide for the detailed management of each reserve, including the effects arising from multiple uses, and are considered the most appropriate management tool.

Because a proportion of the district’s open space areas are in private ownership (for example, bowling greens, tennis courts, etc.), it is important to recognise the values of these areas and provide for their protection accordingly. Such areas may be subject to development pressures without the level of protection that reserve status affords.

The use of the OPEN SPACE ENVIRONMENT AREA zoning and the implementation of standards provide a mechanism to control activities that may adversely affect the character of the area. Reserves administered by the COUNCIL will also have to comply with the standards set within this plan. Activities by the Crown within Crown land are exempt, provided they are consistent with the management plan for that land and do not cause significant adverse effects beyond its boundaries. Any other activities on Crown land will have to comply with the provisions of the district plan.

Potential adverse effects of the use of the OPEN SPACE ENVIRONMENT AREA on its character generally relate to a reduction of open space area and scale of associated facilities. Standards relating to COVERAGE of the SITE, BUILDING and STRUCTURE HEIGHTS, setbacks, and landscaping within VEHICLE parking areas and of the ROAD BOUNDARY for large SUBSTATIONS AND SWITCHING STATIONS will assist to mitigate any such effects.

While relocated BUILDINGS can be an effective way of recycling BUILDING resources, they can have adverse effects on the character of OPEN SPACE ENVIRONMENT AREAS if they are in a poor state of repair. Treating relocated HABITABLE BUILDINGS as controlled activities will enable the imposition of conditions, including bonds, to ensure that any adverse effects that might otherwise occur, particularly in relation to external condition or repair, are remedied.

Existing vegetation is important to the amenity of the district as it forms part of the visual character of neighbourhoods. The NEW PLYMOUTH CENTRAL CITY AREA contains few AMENITY TREES that help soften the built form within this locality.

Rules which control the ERECTION of BUILDINGS over the Huatoki Stream within the New Plymouth central business district will protect and enhance the heritage character and cultural significance of the stream and will also protect and enhance the visual amenity of the OPEN SPACE ENVIRONMENT AREA.

Larger scale EXCAVATION and FILLING activities can have adverse effects on the visual amenity of an area whereas smaller scale activities like EXCAVATION for a small BUILDING generally will not. Rules that limit the quantity and type of and EXCAVATION and FILLING will ensure that where these activities have adverse visual effects, such effects will be mitigated through reinstatement or rehabilitation.

Although ADVERTISING SIGNS can be an important component of open space areas, particularly in OPEN SPACE A ENVIRONMENT AREAS, standards relating to their location, number, size and type will assist to mitigate any adverse visual effects such as clutter and intrusion.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in OPEN SPACE ENVIRONMENT AREAS are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on the amenity of open space areas. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of NETWORK UTILITY operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However, it is recognised that there will be some circumstances where these options are not technically feasible or are impractical due to geographic, environmental, operational or economic constraints and therefore the plan advocates, rather than requires, such an approach.

NETWORK UTILITY operators often utilise internal codes of practice and environmental policy statements and design manuals to ensure works are carried out in a particular manner. For example Powerco's environmental policy statements and Telecom's Local Access Design Manual. These documents can be useful when assessing the adverse visual effects of public works and NETWORK UTILITY operators.

The rules for the OPEN SPACE PORT TARANAKI ENVIRONMENT AREA are the same as those for the OPEN SPACE B ENVIRONMENT AREA. It is recognised that the port company may, from time to time, be required to carry out works for port purposes on and around these areas. This may include, for example, temporary closure to the public of Ngamotu Beach and Lee Breakwater facilities for port operational activities such as the landing of the cargoes on Ngamotu Beach that cannot be safely or efficiently done at an alternative berth, the placing of temporary mooring devices on the beach, or the beaching of a vessel.

The provisions of the OPEN SPACE PORT TARANAKI ENVIRONMENT AREA will enable port related activities to take place as permitted activities provided the standards for that ENVIRONMENT AREA are met. Beyond this, a resource consent(s), or more likely a plan change, will be required before any major port related commercial undertaking can be commenced. This will inevitably require a statutory public process to be undertaken, as recognised by the provisions of the Taranaki Port Company Plan September 1990.

### **Anticipated Environmental Results 8**

- (a) A district in which open space areas are:
  - (i) accessible and provide for a range of recreational opportunities; and
  - (ii) interesting and retain a high standard of amenity.

### **Indicators 8**

- (a) Residents' views about the quality and range of public and private open space and recreational areas.
- (b) Justified complaints received regarding adverse effects generated by use of open space and recreational areas.

## **Issue 9: Activities which adversely affect industrial amenity**

The industrial base of the New Plymouth District significantly increased over the past 20 years, primarily due to the PETROLEUM industry and the "Think Big" projects of the 1970s. However this sector has been slowing since 1988. Local industrial activities are varied in scale and nature, and include fabricated metals and metal products manufacture, chemicals and chemical products, construction, PETROLEUM and natural gas products.

There are areas of industrial activity throughout the urban areas of New Plymouth, Waitara, Inglewood and the smaller urban centres of Oakura, Okato, Lepperton and Egmont Village. Industrial activity within the rural areas tends to be of a rural nature and is discussed under Issue 4.

Past planning practices have, in recognition of the operational requirements of industry, tended to aggregate industrial activities. While these areas tend to be located on the fringe of urban areas, some are located within or close to residential areas.

Industrial areas are not generally high in amenity values. BUILDINGS tend to be large, stark and practical in nature with more emphasis on their intended use rather than visual appearance. SITES also tend to be practical in nature, used for outside storage, VEHICLE parking and other operational requirements. As a result, the character of industrial areas is very different from other areas, such as business or residential areas.

Although it is recognised that the amenity levels within industrial areas are lower, there are still baseline standards that must be met. The industrial area is a part of the urban environment and should integrate accordingly. People working on an industrial SITE have a right to expect a reasonable working environment both in terms of amenity and health and safety.

While past planning practices have tended to exclude particular uses in an attempt to ensure differing amenity requirements do not cause conflict, under the ACT, any use can establish provided it meets the required standards. It is therefore important for activities intending to establish within the industrial area to recognise that amenity levels are lower, and either locate in other areas more

suitable or make appropriate provision. This is discussed in more detail under Issue 1 (Policy 1.3).

## Objective 9

**To maintain a level of amenity within the industrial environment which is consistent with the character of the area and provides a safe working environment.**

### Policy 9.1

The bulk and location of BUILDINGS, STRUCTURES and other activities within industrial areas should be consistent with the amenity of the area.

### Methods of Implementation 9.1

- (a) Develop INDUSTRIAL ENVIRONMENT AREAS and identify them on the planning maps.
- (b) Rules specifying standards relating to:
  - (i) maximum HEIGHT for BUILDINGS and STRUCTURES;
  - (ii) setbacks from ROAD BOUNDARIES;
  - (iii) location, number, size, type and duration of ADVERTISING SIGNS;
  - (iv) quantity, composition and reinstatement of EXCAVATION and FILLING;
  - (v) number and size of parking for MEDIUM SERVICE VEHICLES or larger, LOADING and STANDING SPACES required; and
  - (vi) landscaping:
    - of ROAD BOUNDARIES;
    - within VEHICLE parking areas.
  - (vii) TEMPORARY EVENTS.
- (c) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical, the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process.
- (d) Use of other documents, such as standards, codes of practice, environmental policy statements and design manuals.

## Reasons 9.1

The formulation of INDUSTRIAL ENVIRONMENT AREAS recognises the differing characters of industrial areas that have evolved within the New Plymouth District and the levels of acceptable risk associated with the location, use and storage of HAZARDOUS SUBSTANCES. By recognising the differing characters within the INDUSTRIAL A, B, C, D, E and F ENVIRONMENT AREAS, it is possible to ensure the effects of activities within each area are generally compatible with the existing character and amenity.

The INDUSTRIAL A and B ENVIRONMENT AREAS are those smaller scale industrial developments which are located in close proximity to residential areas. The INDUSTRIAL A ENVIRONMENT AREAS are those areas that are characterised by light industrial uses located in close proximity to the business and residential areas. They are usually small to medium sized SITES which contain small-scale warehouses and parking on SITE. The INDUSTRIAL B ENVIRONMENT AREAS are similar to the INDUSTRIAL A ENVIRONMENT AREAS in that they are located in urban areas in close proximity to business and residential areas but are separated through distance, topography or size from neighbouring sensitive uses, such as residential development.

The INDUSTRIAL C ENVIRONMENT AREAS include a wide range of industrial uses, but they are located in the relative vicinity of residential areas and/or sensitive water bodies, or serve as a buffer to separate other ENVIRONMENT AREAS from INDUSTRIAL ENVIRONMENT AREAS. These areas tend to have larger lots that contain large warehouses and/or large areas of OUTDOOR STORAGE. These SITES usually provide for VEHICLE parking on-SITE and the BUILDINGS are usually setback from the ROAD.

The INDUSTRIAL D ENVIRONMENT AREA includes much of Port Taranaki, the New Plymouth Power Station and the associated industrial activities in the Breakwater Road/Centennial Drive locality. This area is characterised by many large warehouses, a prominent concrete chimney, power pylons and electricity LINES, storage tanks and large expanses of impervious surfaces for outdoor storage. Most BUILDINGS are not set back from ROADS within the port except where VEHICLE parking is provided between BUILDINGS and the ROAD. Due to its functional requirements there are very few TREES or landscaping within the operational areas of the port.

The INDUSTRIAL E ENVIRONMENT AREA is similar to the INDUSTRIAL C ENVIRONMENT AREA except that it is predominantly located in the Bell Block industrial area. This area is the principal location for general heavy industry in the district and as such is well separated from sensitive residential areas but close to the principle arterial routes and transport centres.

Two petrochemical industrial complexes (Methanex Motunui and Methanex Waitara Valley) are located in rural settings and have been zoned as an INDUSTRIAL F ENVIRONMENT AREA in recognition of their unique visual characteristics. These include large, tall BUILDINGS and chimneys, lots of pipes and large areas of hard surfacing. Both these SITES are adjoined by land zoned as RURAL ENVIRONMENT AREA and are either well landscaped around their edges or set back from main transportation routes. The potential hazard safety risk inherent with these petrochemical SITES is also reflected in the zoning (refer Issue 10 – HAZARDOUS SUBSTANCES).

Although industrial areas within the district do not have high levels of amenity, they do have baseline levels which ensure they remain pleasant areas in which to work. The conditions, standards and terms relating to HEIGHT of BUILDINGS and STRUCTURES, setbacks, ADVERTISING SIGNS, and landscaping are different between the INDUSTRIAL ENVIRONMENT AREAS to reflect their different visual characteristics. This will ensure that activities are designed and located in such a way that they do not adversely affect the visual amenity of the area in which they are located, without unnecessarily constraining their development.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on the amenity of industrial areas. Although the accepted level of amenity is lower within industrial areas than within other ENVIRONMENT AREAS, the COUNCIL can still advocate for the co-siting of public works and NETWORK UTILITIES to reduce such visual impacts. Co-siting involves a number of NETWORK UTILITY operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Because it is recognised that there will be some circumstances where this option is not technically feasible or is impractical due to geographic, environmental, operational or economic constraints, the plan advocates, rather than requires such an approach.

Updated September 2014 (update 8aa) and February 2022 (update 8aw)

NETWORK UTILITY operators often utilise internal codes of practice and environmental policy statements and design manuals to ensure works are carried out in a particular manner. For example Powerco's environmental policy statements and Telecom's Local Access Design Manual. These documents can be useful when assessing the adverse visual effects of public works and NETWORK UTILITY operators.

Larger scale EXCAVATION and FILLING activities can have adverse effects on the visual amenity of an area whereas smaller scale activities like EXCAVATION for a small BUILDING generally will not. Rules that limit the quantity and type of EXCAVATION and FILLING will ensure that where these activities have adverse visual effects, such effects will be mitigated through reinstatement or rehabilitation.

Rules requiring activities to provide parking for MEDIUM SERVICE VEHICLES or larger, loading and standing areas will ensure that ROADS in INDUSTRIAL ENVIRONMENT AREAS are safer as they will not be congested with parked MEDIUM SERVICE VEHICLES or larger, or reduce existing levels of amenity.

Occasionally TEMPORARY EVENTS take place within INDUSTRIAL ENVIRONMENT AREAS and sometimes involve temporary closing of streets.

## **Anticipated Environmental Result 9**

The development of industrial uses within appropriately defined ENVIRONMENT AREAS.

### **Indicator 9**

An assessment of land use consents granted for industrial activity in an ENVIRONMENT AREA other than the defined INDUSTRIAL ENVIRONMENT AREA.



# HAZARDOUS SUBSTANCES

## Issue 10: Adverse effects from the storage, use, disposal and transportation of HAZARDOUS SUBSTANCES on the environment

### Introduction

Section 31 of the ACT prescribes that territorial authorities shall have the function of controlling the use, development and protection of land in order to prevent or mitigate any actual or potential adverse effects of the storage, use, disposal or transportation of HAZARDOUS SUBSTANCES.

The Regional Policy Statement for Taranaki, as provided for in section 62 (1) (ha) of the ACT, states particular responsibilities for the three territorial authorities of the region in respect of HAZARDOUS SUBSTANCES. These responsibilities are to “Develop in district plans, objectives, policies and rules relating to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of HAZARDOUS SUBSTANCES and include conditions for SITE protection, contingency planning and SITE rehabilitation”<sup>6</sup>.

The adverse effects of HAZARDOUS SUBSTANCES in the environment can be significant and include loss or injury to human life, property and damage to the natural environment. The consequences of these adverse effects can be both temporary and permanent.

Within the New Plymouth District a wide range of HAZARDOUS SUBSTANCES are used, stored, disposed of and transported.

For the purposes of resource management “HAZARDOUS SUBSTANCES” have the same meaning as defined in the Hazardous Substances and New Organisms

<sup>6</sup> Taranaki Regional Council. [Regional Policy Statement for Taranaki 1994](#) pg 91

Act 1996 (HASNO96). A HAZARDOUS SUBSTANCE is any substance that is explosive, flammable, oxidising, corrosive or toxic to human health or the environment, or any substance which will exhibit these properties on contact with air or water. Common examples of HAZARDOUS SUBSTANCES include acids, solvents, paints, fuels and pesticides.

### Storage and use

The types and quantities of HAZARDOUS SUBSTANCES stored and in use in the district vary markedly. Activities and substances range from the storage and retail sale of everyday commodities, such as pesticides and herbicides for domestic and commercial use and motor fuels (including petrol, diesel and LPG) to large-scale plants manufacturing agricultural chemicals and petrochemicals.

The greatest potential for adverse effects on the environment, and particularly the health and safety of people, is in those localities where the greatest concentrations of HAZARDOUS SUBSTANCES are present. In the New Plymouth District these tend to be in industrial areas (including Port Taranaki) and the petrochemical plants at Motunui and Waitara.

Where care is not taken in the storage and use of HAZARDOUS SUBSTANCES, damage to the environment can occur. Such damage, including adverse effects on the health and safety of people, can result from spillage and leakage, or where effluents and emissions contain unsafe levels of HAZARDOUS SUBSTANCES. Accidental fires and explosions can also result in HAZARDOUS SUBSTANCES being released into the environment.

### Disposal

The community has a need to dispose of HAZARDOUS SUBSTANCES as a daily occurrence of modern living. Disposal needs include discarding prescription drugs and paint from residential situations, the residuals of agricultural chemicals from farms, waste chemicals from manufacturing and oil-contaminated ships’ ballast. Much of the disposal of hazardous waste in the district occurs under controlled conditions. This includes disposal from domestic sources to landfills, and trade wastes where the nature of effluents must meet predetermined standards

prior to entering sewerage systems. Where HAZARDOUS SUBSTANCES are disposed of in a controlled manner the risks to the environment and people can be minimised.

The environment and the community are at greatest risk where HAZARDOUS SUBSTANCES are disposed of in an uncontrolled manner. Uncontrolled disposal can result from spilled substances such as fuels, dairy wastes and timber treatment chemicals causing long-term ground contamination, or being washed into stormwater systems and or natural water bodies. The disposal of toxic industrial waste into landfills can also result in surface and sub-surface ground and water contamination.

The COUNCIL has a statutory obligation in the control of the use of land for the purpose of preventing or mitigating adverse effects of the disposal of HAZARDOUS SUBSTANCES. Taranaki Regional Council has responsibility for the control of the discharge of HAZARDOUS SUBSTANCES to air and water.

### **Contaminated sites**

HAZARDOUS SUBSTANCES may contaminate land that has historically been used for industrial activity. A trigger for the identification of such SITES can be redevelopment proposals or land subdivision.

In 1994/95 Taranaki Regional Council commenced investigations of land uses in the region with the potential for SITE contamination. The investigations are pursuant to the regional council's obligations under the ACT with regard to the discharge of contaminants. Seventy-six existing or former landfills in the district were identified and regional assessment shows that the adverse effects from almost all of the SITES identified are not considered to be significant. Only two required remedial work; this was carried out pursuant to resource consents. No PCBs or organochlorines have been detected in leachate at 28 SITES investigated in the district. Samples taken at 33 former timber processing SITES in the region have shown no levels of contamination unacceptable for their current use.

The regional council maintains a list of SITES located throughout the region that have been identified as potentially contaminated, or that have been investigated for contamination. Investigations throughout the region are ongoing, the list is updated regularly, and information can be obtained from the regional council by request. the COUNCIL maintains a copy of this list as it is important that the community, particularly current and potential landowners and developers, are

adequately informed of the existence of CONTAMINATED SITES and that care is taken as to how such SITES might be used in the future.

### **Transportation**

HAZARDOUS SUBSTANCES are transported throughout the district by ROAD, rail and pipeline. The HAZARDOUS SUBSTANCES transported by ROAD and rail range from corrosives, such as sulphuric acid, to flammables, including liquid fuels and gases. Significant quantities of energy products - natural gas, oil and methanol - are transported within the district by underground pipelines.

While the adverse effects arising from the transportation of HAZARDOUS SUBSTANCES could be of high impact, all three forms of transportation are well regulated by other agencies. The respective industries are generally well managed and conscious of their obligations to the community. The probability of adverse effects occurring while HAZARDOUS SUBSTANCES are in transit in the district is considered to be low.

## **Objective 10**

**To protect the quality of the environment, including the health and safety of people, from the adverse effects of the storage, use, disposal and transportation of HAZARDOUS SUBSTANCES.**

### **Policy 10.1**

HAZARDOUS FACILITIES should be located so that any risks to the environment, including to people, are minimised.

### **Methods of Implementation 10.1**

- (a) Identify the district's energy pipelines on the planning maps.
- (b) Establish a Consent Status Matrix (CSM)<sup>7</sup> for the district that determines the level of risk that is acceptable within particular areas by assigning all ENVIRONMENT AREAS, and specifically sensitive environments including areas subject to natural hazards, with an EFFECTS RATIO.

<sup>7</sup> Hazardous Facilities Screening Procedure Review Group in conjunction with the Ministry for the Environment (1995). [Land Use Planning for Hazardous Facilities](#)

- (c) Use the CSM, in association with an evaluation procedure known as the Hazardous Facilities Screening Procedure (HFSP), to identify where a proposed HAZARDOUS FACILITY is a permitted activity as of right and where a resource consent will be required.
- (d) Rules specifying standards for HAZARDOUS FACILITIES as permitted activities within ENVIRONMENT AREAS and within the COASTAL HAZARD AREA, COASTAL POLICY AREA, FLOOD HAZARD AREA, VOLCANIC HAZARD AREA and near FAULT LINES.
- (e) Conditions on resource consents to mitigate or prevent adverse effects that may arise from HAZARDOUS FACILITIES.

### Reasons 10.1

The type and extent of environmental effects and risks associated with HAZARDOUS FACILITIES are influenced by their location, for example their proximity to residential areas. Specific controls relating to the location of the use, storage and disposal of HAZARDOUS SUBSTANCES will therefore directly affect the nature of environmental effects and the level of risk.

In relating levels of risk to localities the community preference is clear. The levels of acceptable risk are higher in INDUSTRIAL ENVIRONMENT AREAS and lowest in RESIDENTIAL ENVIRONMENT AREAS. The level of acceptable risk will also differ between INDUSTRIAL A, B, C, D, E and F ENVIRONMENT AREAS.

The HFSP is a screening tool (refer to Appendix 6). It assists the COUNCIL in making decisions as to whether the level of risk associated with a proposed HAZARDOUS FACILITY is acceptable or whether a resource consent is required and what controls are appropriate for approved HAZARDOUS FACILITIES. The HFSP has limitations of applicability and these are specified in section 6.2 in Appendix 6. Specified activities can be exempted from the HFSP where in the COUNCIL'S view other statutes (e.g. Dangerous Goods regulations) provide adequate environmental safeguards.

Use of the CSM is integral to the HFSP and enables the COUNCIL to determine the appropriate level of scrutiny for activities that use, store or dispose of HAZARDOUS SUBSTANCES. The CSM assigns a numerical value to each ENVIRONMENT AREA in the district. These values are indicative of the

particular environmental sensitivity of each area and the anticipated adverse effects of activities involving HAZARDOUS SUBSTANCES when stored, used or disposed of in those areas. The RESIDENTIAL and OPEN SPACE ENVIRONMENT AREAS are the most sensitive and have the lowest numerical values. The INDUSTRIAL ENVIRONMENT AREAS have differing CSM values. The INDUSTRIAL A ENVIRONMENT AREA which is characterised by "light" industrial activity and generally located close to residential areas has a lower value than the INDUSTRIAL F ENVIRONMENT AREA which is characterised by large scale petrochemical activity in rural locations.

HAZARDOUS FACILITIES that may wish to locate in or near to sensitive environments will be subject to a higher level of scrutiny through the resource consent process than those that wish to locate in less sensitive environments, such as in INDUSTRIAL ENVIRONMENT AREAS. Those environments considered to be sensitive include residential areas, and areas subject to natural hazard such as proximity to FAULT LINES and VOLCANIC HAZARD AREAS.

In screening activities involving HAZARDOUS SUBSTANCES an EFFECTS RATIO (ER) is established for the activity. If the ER numerical value is equal to or less than the CSM numerical value for the ENVIRONMENT AREA in which it is to be located, the activity is able to establish as a permitted activity subject to compliance with conditions specified in the Plan for HAZARDOUS FACILITIES. If the trigger level value in the CSM for an activity is exceeded, the activity must progress as a discretionary activity unless the activity is modified to bring its ER equal to or below the CSM trigger level.

Assessment criteria against which HAZARDOUS FACILITIES requiring consent will be evaluated will assist the COUNCIL in determining the suitability of the proposed location of a development. The criteria will require consideration of a wide range of matters. These include an assessment of the risk to the environment, including the risks to the health and safety of people, risk mitigation and management, alternative locations (where significant adverse effects are likely) and traffic safety. Conditions on consent may be an appropriate way to address these matters.

Identification of the energy pipeline corridors on the planning maps is a means of informing the community about the location of pipelines that transport HAZARDOUS SUBSTANCES.

## Policy 10.2

HAZARDOUS FACILITIES should be designed, constructed and managed to prevent or mitigate adverse effects and unacceptable risks to the environment, including people.

### Methods of Implementation 10.2

- (a) Rules specifying standards for the design, construction and management of HAZARDOUS FACILITIES relating to:
  - (i) SITE design;
  - (ii) spill containment;
  - (iii) stormwater drainage;
  - (iv) wash-down areas;
  - (v) underground storage tanks;
  - (vi) SIGNS;
  - (vii) waste management and disposal; and
  - (viii) SITE management plans and emergency/contingency plans.
- (b) Administer trade waste and solid waste disposal bylaws for the safe disposal of HAZARDOUS SUBSTANCES into the COUNCIL'S sewerage systems and landfills.
- (c) Monitor HAZARDOUS FACILITIES for consent compliance and state of the environment reporting purposes.
- (d) Identify and promote suitable industrial standards and Codes of Practice to prevent or mitigate the environmental effects and risks associated with HAZARDOUS SUBSTANCES and HAZARDOUS FACILITIES.
- (e) Consult with industry about methods to improve the management of HAZARDOUS SUBSTANCES and HAZARDOUS FACILITIES, and the evaluation of risk assessment.
- (f) Develop guidelines to assist the operators of HAZARDOUS FACILITIES to achieve compliance with relevant management requirements.
- (g) Promote 'cleaner production' with an emphasis on such matters as the use of substances of least risk to the environment and the health and safety of

people, minimisation of the quantities of HAZARDOUS SUBSTANCES stored, and the recovery, not disposal, of hazardous waste.

- (h) Use of other legislation, including the Hazardous Substances and New Organisms Act 1996 and the Transport Act 1962.

### Reasons 10.2

SITE design, layout and management procedures greatly affect the level of risk to the environment, and to people, from HAZARDOUS FACILITIES. Care taken with SITE design will ensure the risks from HAZARDOUS SUBSTANCES are maintained at acceptable levels.

Appropriate design, construction and management will help to ensure that the spillage of HAZARDOUS SUBSTANCES will be contained within the SITES on which they originate. This will minimise sub-surface ground contamination and the pollution of natural waterbodies via stormwater and drainage systems.

SIGNS warning of the presence of HAZARDOUS SUBSTANCES will alert passers-by, and on-SITE workers and visitors, of the potential risks and of the actions to be taken in the event of incidents or accidents involving HAZARDOUS SUBSTANCES.

Having appropriate facilities and procedures, including SITE management and contingency plans for the use, storage and disposal of HAZARDOUS SUBSTANCES will safeguard the health and safety of people and the environment.

Use of assessment criteria when the COUNCIL is considering resource consents for HAZARDOUS FACILITIES is a means of preventing and mitigating the potential adverse impacts on the environment and the health and safety of people.

Administration and enforcement of the COUNCIL'S trade waste and solid waste disposal bylaws is an important means of minimising the risk of HAZARDOUS SUBSTANCES contaminating land, and surface and sub-surface waters.

Transportation of HAZARDOUS SUBSTANCES by ROAD, rail or pipelines is largely controlled by other legislation, Codes of Practice and New Zealand standards. In most cases these mechanisms are to address technical issues such as design, fabrication, operation and maintenance.

Monitoring of the environment generally, and of consent conditions specifically, is an important means of ensuring that the environment is adequately protected from the indiscriminate use or disposal of HAZARDOUS SUBSTANCES.

Use of other legislation, for example, the Hazardous Substances and New Organisms Act 1996 and the Transport Act 1962, will assist in protecting the environment from the adverse effects of HAZARDOUS SUBSTANCES. In addition to this legislation the following relevant New Zealand Standards will assist in achieving the purpose of the ACT:

- NZS 5223: Part 1: 1985, Code of practice for HIGH PRESSURE GAS AND PETROLEUM LIQUIDS PIPELINES.
- NZS 5223: Part 2: 1987, Code of practice for HIGH PRESSURE GAS AND PETROLEUM LIQUIDS AND PIPELINES.

The COUNCIL can be proactive in educating the community, including business and industry, about the risks from the use, storage disposal and transportation of HAZARDOUS SUBSTANCES. In promoting community awareness and responsible industry practices a wider appreciation of the risks associated with HAZARDOUS SUBSTANCES will be achieved together with a cleaner, and therefore safer, environment.

Community awareness help to ensure the potential for adverse effects resulting from the use, storage, disposal and transportation of HAZARDOUS SUBSTANCES is generally of low probability.

### Policy 10.3

CONTAMINATED SITES should not be used for activities where human health and safety could be adversely affected by that contamination.

### Methods of Implementation 10.3

- (a) Record SITE-specific information in the COUNCIL'S property information base from information supplied by Taranaki Regional Council from its database of CONTAMINATED SITES.
- (b) Establish a protocol with Taranaki Regional Council for the ongoing provision of information about CONTAMINATED SITES for the purpose of maintaining and updating the COUNCIL's property information base.

- (c) Use project information memorandums (PIMs) and land information memoranda (LIMs) to provide information about CONTAMINATED SITES.
- (d) Promote, in conjunction with landowners, Taranaki Regional Council, Medical Officer of Health, Ministry for the Environment and industry, remediation and the making safe of known CONTAMINATED SITES.
- (e) Promote awareness of the availability of SITE-specific information about CONTAMINATED SITES in the district to landowners, developers and subdividers, and their advisers and agents.
- (f) Support, as appropriate, applications for funding from the Ministry for the Environment for the remediation of CONTAMINATED SITES.

### Reasons 10.3

The ACT places a specific duty on the COUNCIL to prevent or mitigate any adverse effects resulting from the use, storage, disposal or transportation of HAZARDOUS SUBSTANCES.

Utilising information provided by Taranaki Regional Council about known CONTAMINATED SITES and linking this to the COUNCIL'S property information system will help to ensure that SITE-specific information is readily accessible to interested parties, such as landowners, potential purchasers and developers.

Promoting the remediation and making safe of known CONTAMINATED SITES by working in conjunction with landowners, Taranaki Regional Council, Medical Officer of Health and Ministry for the Environment, including support for applications seeking 'clean-up' funding from central government, is both appropriate and effective for the COUNCIL in the discharge of its obligations in respect of CONTAMINATED SITES.

These non-regulatory actions will assist in minimising or preventing adverse effects occurring in the further use or redevelopment of known CONTAMINATED SITES in the district. If necessary any likely residual contamination which can be exposed and/or discharged by subsequent works or is likely to find its way off-SITE can be addressed through specific (non-statutory) SITE agreements, conditions on a regional discharge consent (such as a requirement for monitoring, or enforcement action.

## **Anticipated Environmental Results 10**

- (a) A district that is protected from any adverse effects of HAZARDOUS SUBSTANCES.
- (b) Commitment from local authorities to the remediation of known CONTAMINATED SITES.
- (c) CONTAMINATED SITES should not be used for activities where human health and safety could be adversely affected by that contamination.

## **Indicators 10**

- (a) Siting of HAZARDOUS FACILITIES.
- (b) Assessment of consents granted for HAZARDOUS FACILITIES.
- (c) Public perception/complaints received.
- (d) An assessment of land use on known CONTAMINATED SITES.
- (e) The COUNCIL'S involvement and/or support in the 'clean-up' of known CONTAMINATED SITES.

## Issue 11: Degradation of heritage resources

Section 6(f) of the ACT requires the COUNCIL to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. The Heritage New Zealand Pouhere Taonga Act 2014 requires that a developing agency obtain an archaeological authority before destroying, damaging or modifying an ARCHAEOLOGICAL SITE.

Heritage is essentially items or places that have significance to us because of their associations with the past. There are two types of heritage resource: natural and cultural. Natural heritage relates to those areas of the natural environment, which provide a link to the past or have important ecological value. Cultural heritage is those man-made objects that through our history give us a sense of our cultural identity.

Within the New Plymouth District, the COUNCIL has identified both natural and cultural heritage. The natural heritage identified includes NOTABLE TREES and areas of significant INDIGENOUS VEGETATION and habitats. Areas of significant INDIGENOUS VEGETATION and habitats are discussed in Issue 16, Natural Values. Cultural heritage consists of heritage items such as BUILDINGS, STRUCTURES and areas, ARCHAEOLOGICAL and WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI. Maori cultural values are discussed under Issue 19, TANGATA WHENUA.

In 2002 ArborSolutions Ltd was contracted by the COUNCIL to identify NOTABLE TREES based on New Plymouth District Council's Notable Tree Evaluation Method. The COUNCIL has further classified the TREES into two categories - Category 1 and 2 - with Category 1 being TREES of outstanding value and Category 2 being TREES of significant value (see section 13.1 and Schedule 13.3 in Appendix 13).

Two reports, The New Plymouth Central Business District Heritage Study<sup>8</sup> and The New Plymouth District Heritage Study of Non-Maori Sites<sup>9</sup>, identify heritage BUILDINGS, items and areas within the district and the criteria used in their selection. These reports also classify heritage BUILDINGS and items into three

categories based on their significance (Category A, B and C with Category A being the most significant.) A further refinement of this evaluation reduced the number of Category A items further.

CONSERVATION PLANS have also been prepared for selected Category A heritage BUILDINGS in the New Plymouth District. These CONSERVATION PLANS have assisted in identifying the interior elements of Category A heritage BUILDINGS that are worthy of protection (see Schedule 8.4 in Appendix 8).

The New Plymouth District Heritage Study of Non-Maori Sites identified 18 heritage areas located in residential, commercial and rural areas of the district. The New Plymouth Heritage Precinct Evaluation<sup>10</sup> further evaluates these heritage character areas based on their values and threats. This study identifies seven priority heritage character areas within the district.

The New Plymouth Central Business District Heritage Study also identifies the Huatoki Stream, where it flows through the New Plymouth CBD, as an important heritage resource. This is both for its cultural and spiritual values for TANGATA WHENUA and as part of Carrington's (the original surveyor for the New Plymouth settlement) reason for the location of the New Plymouth settlement.

ARCHAEOLOGICAL SITES are defined in the Heritage New Zealand Pouhere Taonga Act 2014 as:

*"...any place in New Zealand, including any building or structure (or part of a building or structure), that was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and includes a site for which a declaration is made under section 43(1)."*

<sup>8</sup> Cochran, C, Stewart, D and Associates and Keenan, Dr D (1995). The New Plymouth Central Business District Heritage Study

<sup>9</sup> Holman, D and Boon Cox Goldsmith Jackson Architects (1995). The New Plymouth District Heritage Study - Non-Maori Sites

<sup>10</sup> Holman, D (1997). New Plymouth Heritage Precinct Evaluation

Inappropriate land use and subdivision can threaten heritage resources. Threats include:

- NOTABLE TREES: removal, or decline in health of NOTABLE TREES;
- Heritage BUILDINGS and items: full or partial demolition, decay, infill development or subdivision; redevelopment of the surrounding area, unsympathetic and/or inappropriate alterations to BUILDINGS, the high cost of repair and maintenance and the difficulty in finding economic uses for historic BUILDINGS or items.
- Heritage character areas: unsympathetic alterations to the HEIGHT, size and location of BUILDINGS, unsympathetic and/or inappropriate alterations to BUILDINGS, hard surfacing of areas around BUILDINGS, additions and alterations to fences and loss of detailing on BUILDINGS within heritage character areas.
- Huatoki Stream: enclosure by BUILDINGS or the alteration of the course of the Huatoki Stream.
- ARCHAEOLOGICAL SITES: land disturbance through clearance, levelling or EXCAVATION, BUILDING development, forestry, fencing or grazing of ARCHAEOLOGICAL SITES.

Integral to the issue of the protection of the district's heritage resources is the recognition of the rights of the private owners of heritage resources. There is a need to balance these rights against the obligations of the COUNCIL and the aspirations of the community for the conservation of tangible elements of the district's history.

## Objective 11

**To recognise the district's heritage resources, provide for their protection and promote their enhancement.**

### Policy 11.1

NOTABLE TREES should be protected from destruction or alteration which will adversely affect their significance or health, except where they pose a threat to property, people or services.

## Methods of Implementation 11.1

### Identification

- (a) Development of criteria to determine whether a TREE is notable (section 13.1 in Appendix 13).
- (b) Identification of NOTABLE TREES using these criteria.
- (c) Ranking of NOTABLE TREES (Categories 1 and 2 using criteria in section 13.1 in Appendix 13).
- (d) Identification of NOTABLE TREES on the planning maps.
- (e) Inclusion of an inventory in the appendices of the plan identifying the location of NOTABLE TREES.
- (f) Attaching plaques to NOTABLE TREES where owners are agreeable.
- (g) Development and maintenance of a database of NOTABLE TREES.
- (h) Recording of NOTABLE TREES on the COUNCIL'S property information base.

### Control of activities

- (i) Rules specifying standards to control:
  - (i) The removal or destruction of NOTABLE TREES;
  - (ii) Subdivision of an ALLOTMENT which contains a NOTABLE TREE;
  - (iii) ERECTION of STRUCTURES (including BUILDINGS) in close proximity to NOTABLE TREES;
  - (iv) EXCAVATION and FILLING (including sealing) in close proximity to NOTABLE TREES;
  - (v) Trimming and maintenance of NOTABLE TREES; and
  - (vi) OUTDOOR STORAGE of items in close proximity to NOTABLE TREES;
- (j) Attaching conditions to resource consents to ensure that inappropriate subdivision, use or development does not adversely affect NOTABLE TREES.

- (k) Use of the COUNCIL arboricultural expertise to provide advice and assistance in assessing applications for subdivision, use and development that may have adverse effects on NOTABLE TREES.
- (l) Establishment of tree trimming protocols with NETWORK UTILITY operators.

### **Protection**

- (m) The provision of free arboricultural services to owners of NOTABLE TREES by the COUNCIL.

### **Incentives**

- (n) Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND to assist landowners in the protection and maintenance of NOTABLE TREES, e.g. financial assistance for arboricultural advice.

### **Information and education**

- (o) Provision of technical advice regarding NOTABLE TREES from the COUNCIL.
- (p) Provision of information to prospective purchasers when a land information memorandum is applied for where a NOTABLE TREE is located on a SITE.
- (q) Provision of technical advice for maintenance of NOTABLE TREES, e.g. a pamphlet regarding the care and maintenance of NOTABLE TREES.

### **Reasons 11.1**

NOTABLE TREES have an important ecological, environmental and cultural role within the district. They can be classified as notable for their historical, botanical, landscape, amenity or cultural values. NOTABLE TREES represent continuity between the past, present and future generations. The continued existence of NOTABLE TREES is important to our heritage and to the legacy that we leave to future generations. For example TREES can be prominent natural features and landmarks which add character and identity to different parts of the district. Other TREES are rare species or spectacular specimens or are associated with special SITES or events.

NOTABLE TREES have been identified and categorised based on the New Plymouth District Council Notable Tree Evaluation Method. The criteria for

classification include the TREE'S value in the landscape, form, health, botanical rarity, age and heritage associations. NOTABLE TREES have been ranked based on criteria into two categories - Category 1 and 2 - with Category 1 being TREES of outstanding value and Category 2 being TREES of significant value.

Some of these TREES are located on COUNCIL reserves or ROAD reserves but the majority are located on private property. To ensure that landowners and prospective purchasers are aware of their location all of the NOTABLE TREES have been identified on the planning maps and will be recorded on the COUNCIL'S property information data base. Plaques will be attached to NOTABLE TREES for identification purposes where owners are agreeable.

The COUNCIL has established a good relationship with owners of NOTABLE TREES through the provision of a free advisory service to assist owners with the maintenance of NOTABLE TREES. This method is very valuable in achieving this policy and without such a method the regulatory provisions alone would be less effective.

Regulatory provision has been used to ensure that where maintenance or activities within the dripline of a NOTABLE TREE are proposed the effects on the health and significance of the TREE can be assessed and adverse effects avoided. However as the COUNCIL has arboricultural expertise it is not necessary to regulate the maintenance work it undertakes on NOTABLE TREES for landowners. As NOTABLE TREES are a valuable heritage resource within the district their removal or destruction, and subdivision of an ALLOTMENT containing one, will require a resource consent. The type of resource consent required is relative to the significance of the NOTABLE TREE. The COUNCIL or an APPROVED ARBORICULTURAL CONTRACTOR may assist in the assessment of resource consent applications with regards to the effect of the proposal on the health and significance of the TREE. Conditions will also be attached to subdivision and land use consents to ensure that NOTABLE TREES are not adversely affected by subdivision, use or development.

It is recognised that TREES can disrupt the supply of power if they grow or fall into transmission LINES. Some NOTABLE TREES are located in close proximity to transmission LINES and so are trimmed (under Section 10 or 330 of the ACT) by NETWORK UTILITY operators to ensure that the power supply is not disrupted. This trimming needs to be undertaken in a manner that does not adversely affect the health, form and eventual stability of NOTABLE TREES.

Trimming protocols will be established with individual NETWORK UTILITY operators to ensure that this work is undertaken in accordance with recognised arboricultural practice.

It is recognised, however, that financial assistance and the provision of advice and information are also valuable methods for achieving this policy. NOTABLE TREES are eligible for financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND. Pamphlets will be prepared, in conjunction with the COUNCIL'S arboricultural staff, to inform landowners on the care and maintenance of TREES. The COUNCIL will also provide technical advice for landowners who own NOTABLE TREES.

## **Policy 11.2**

The heritage values of BUILDINGS and items and their settings should be protected and where practicable enhanced.

## **Methods of Implementation 11.2**

### **Identification of heritage items**

- (a) Development of criteria to determine whether a BUILDING or item has significant heritage value (see section 8.1 in Appendix 8).
- (b) Identification of significant heritage BUILDINGS or items using these criteria.
- (c) Ranking of heritage BUILDINGS and items, (Categories A, B and C) using criteria based on their significance (see section 8.1 in Appendix 8).
- (d) Identification of Category A heritage BUILDINGS and items on the planning maps.
- (e) Inclusion of an inventory in the appendices of the plan identifying the location of Category A heritage BUILDINGS and items.
- (f) Inclusion of an inventory in the appendices of the plan identifying the interior elements of selected Category A heritage BUILDINGS for protection.
- (g) Identification of Category B and C heritage BUILDINGS and items in an inventory which is not included in the District Plan. (Information from the COUNCIL'S heritage database will be made available to land owners and the community).

- (h) Development and maintenance of a database of all categories of heritage BUILDINGS and items.
- (i) Recording of all heritage BUILDINGS and items on the COUNCIL'S property information base.

### **Control of activities on and in proximity to heritage BUILDINGS and items**

- (j) Development of a process to ensure that heritage BUILDINGS and items are identified and protected when the COUNCIL is proposing to alter or redevelop an area.
- (k) Rules specifying standards to control:
  - (i) the demolition of Category A heritage BUILDINGS and items;
  - (ii) external modification of Category A heritage BUILDINGS and items;
  - (iii) internal modification of selected Category A heritage BUILDINGS;
  - (iv) subdivision involving Category A BUILDINGS or items; and
  - (v) the location of BUILDINGS on the same SITE as some Category A BUILDINGS and items.
- (l) Attaching conditions to resource consents to ensure the inappropriate subdivision, use or development does not adversely affect Category A heritage BUILDINGS and items.
- (m) Consideration of the exercise of discretion in relation to conditions, standards and terms, such as the provision of VEHICLE parking for MEDIUM SERVICE VEHICLES or larger, for Category A heritage BUILDINGS and items and their settings.
- (n) Use of a specialist advice by the COUNCIL to assess applications for subdivision, use and development that may have adverse effects on Category A heritage BUILDINGS and items.

### **Protection of heritage values**

- (o) The COUNCIL will protect heritage resources by:
  - (i) consideration of the use of heritage order procedures when a significant heritage BUILDING or item will otherwise be lost; and
  - (ii) acquisition of reserves to protect heritage BUILDINGS and items.

### **Incentives**

- (p) Waiving of application fees for resource consent applications for the modification of Category A heritage BUILDINGS and items.

- (q) Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND to assist landowners in the protection of all categories of heritage BUILDINGS and items, e.g. financial assistance for maintenance of BUILDINGS and items and the preparation of heritage conservation plans.
- (r) Investigate rating relief for heritage BUILDINGS and items that are protected by legal instruments registered on the title.
- (s) Community awards for protection and/or enhancement of heritage BUILDINGS and items.

### **Information and education**

- (t) Provision of technical advice regarding the preservation or conservation of heritage items, e.g. from a suitably qualified person regarding appropriate external colour schemes and methods that can be used to eliminate borer from BUILDINGS etc.
- (u) Initial consultation for landowners with an architect, at the COUNCIL'S expense, where alterations are proposed to the heritage BUILDING/item.
- (v) Provision of information to prospective purchasers when a land information memorandum is applied for where a heritage BUILDING or item is located on a property.
- (w) Publicity of assistance (both financial and advice) available from the COUNCIL and Heritage New Zealand Pouhere Taonga, e.g. the production of a pamphlet outlining the funding and assistance available from the COUNCIL and Heritage New Zealand Pouhere Taonga.
- (x) Advocate to statutory agencies such as Heritage New Zealand Pouhere Taonga for funds to assist in the protection and/or purchase of heritage BUILDINGS and items.
- (y) Encourage:
  - (i) the community to liaise with Heritage New Zealand Pouhere Taonga regarding protection of heritage BUILDINGS and items;
  - (ii) community groups, such as the Taranaki Branch of Heritage New Zealand Pouhere Taonga, the New Plymouth Heritage Group and Mainstreets organisations to raise the community awareness of heritage BUILDINGS and items in the district and consider acquiring and upgrading heritage BUILDINGS or items;

- (iii) owners to use plaques on heritage BUILDINGS and items to explain their significance; and
- (iv) community groups to develop additional heritage trails and walks.
- (z) Prepare a brochure listing Category B and C heritage BUILDINGS and items and other relevant information (such as the availability of funding and architectural advice).

### **Reasons 11.2**

Protection is required only where heritage BUILDINGS and items are under threat. Where a threat exists, there are a number of ways in which the protection of that resource may be achieved. These methods are dependent upon the nature of the threat and the value of the BUILDING or item.

As the protection of heritage BUILDINGS and items can be achieved only with the understanding and co-operation of landowners, a programme of consultation with landowners was carried out. This consultation concentrated on the landowner's future plans for their heritage BUILDINGS and items and the methods of implementation that they favoured. A database of heritage BUILDINGS and items has been developed and will be maintained to ensure that all known information, such as the history of BUILDINGS, is available.

It is important that prospective purchasers and new landowners are aware that a heritage BUILDING or item is located on a property. To ensure that this information is available to the public, the COUNCIL will record heritage BUILDINGS and items on its property information base. This will ensure that the COUNCIL provides information to prospective purchasers when a land information memorandum is applied for where a heritage BUILDING or item is located on a property.

There are more than 800 BUILDINGS, items and SITES identified as having heritage value within the New Plymouth District. Of these, those ranked as Category A can be considered the "best of the best" in the district context. To ensure that their significant cultural heritage values are recognised and that any effects of subdivision, use and development on their heritage values are assessed, the plan adopts a regulatory approach for all Category A heritage BUILDINGS and items identified in this plan (Schedule 8.3 in Appendix 8). Category A heritage BUILDINGS are marked on the planning maps and are listed in the

plan. Interior elements of selected Category A heritage BUILDINGS that have significant heritage value (Schedule 8.4 in Appendix 8) are also subject to rules.

The use of conditions on resource consents (for example, imposing covenants to protect heritage resources) and an expert to assist in the assessment of applications which involve heritage values, will also be used to promote the protection of heritage resources. A suitably qualified person will assist in the assessment of resource consent applications with regards to the effect of the proposal on the heritage values of Category A heritage BUILDINGS and items. It is intended that Category B and C heritage BUILDINGS and items continue to be identified and added to the COUNCIL's database records. Such a process will be carried out in consultation with landowners.

The waiving of application fees for resource consent applications for the modification of Category A heritage BUILDINGS and items recognises the importance of Category A heritage BUILDINGS and items and the need for them to be economically viable, whilst enabling the COUNCIL to work with the APPLICANT to ensure the heritage values are retained where possible.

A number of COUNCIL developments over the last couple of years have resulted in the loss of heritage BUILDINGS within the NEW PLYMOUTH CENTRAL BUSINESS DISTRICT. The rules will also apply to the COUNCIL when it is undertaking development on Category A BUILDINGS or items. A process to ensure that all heritage BUILDINGS and items are identified and protected, where possible, when the COUNCIL is undertaking the development of an area will also be developed.

Following feedback from landowners, Category B and C heritage BUILDINGS and items will not have rules attached to them and will not be listed in the plan. However to ensure that the community and landowners are aware that Category B and C heritage BUILDINGS and items are part of the district's heritage resource, the COUNCIL will produce a pamphlet that lists these BUILDINGS and items and include other relevant information such as the availability of funding and architectural advice.

The ACT enables the COUNCIL to place heritage orders on a property or item for the purpose of protecting its heritage value. If the COUNCIL uses the heritage order procedure it is required to compensate the owner for the loss of the use of the feature or withdraw the order, if the placement of the heritage order renders

or will render the land incapable of reasonable use. The use of the heritage order procedure may be costly, and will only be used by the COUNCIL to protect significant heritage places when all other protection methods or avenues have been unsuccessful. A decision on whether the heritage order process is to be used by the COUNCIL would be considered at the time that a heritage resource is placed under threat.

Acquisition of land and heritage resources is another direct mechanism that the COUNCIL can use to protect heritage BUILDINGS and items.

However, regulatory provisions are limited in their effectiveness to protect historic values. For example if an owner of a heritage BUILDING or item does not have the funding to save that BUILDING or item, or if an alternative economic use can not be found, the heritage BUILDING or item is likely to degrade beyond repair. Hence it is important that the Plan uses other methods to promote the protection of heritage resources. The relaxation of standards and terms in the plan can assist in enabling heritage BUILDINGS and items to remain economically viable.

The protection of the district's heritage is reliant on the co-operation and involvement of the public. For a regulatory heritage protection policy to succeed it is necessary for the public to recognise heritage issues and values and to become involved in their protection.

In order for the community to play a meaningful role in the protection of heritage resources they must have sufficient information. The COUNCIL will make information on heritage values available. In addition Heritage New Zealand Pouhere Taonga and the Department of Conservation will be encouraged to participate in the protection of the heritage resources in the district.

Owners will be encouraged to protect their heritage resources through the use of incentives. Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND is available to assist landowners in the protection of heritage BUILDINGS and items, for example funding assistance for work such as earthquake strengthening and the preparation of heritage conservation plans. Priority for funding will be given to the owners of Category A BUILDINGS and items. The COUNCIL will investigate the use of rating relief for heritage BUILDINGS and items that are legally protected on the property title. The use of community awards, will also encourage the protection and enhancement of the heritage values of heritage BUILDINGS and items.

Information on how to carry out maintenance in a manner that is sensitive to the values of the heritage resource will be provided by initial consultation with an architect where alterations are proposed to a heritage BUILDING or item. This will enable the architect to suggest possible design options to the property owner. Technical advice regarding the preservation or conservation of heritage items from a suitably qualified person such as appropriate external colour schemes and methods that can be used to eliminate borer from BUILDINGS will also be provided.

Community groups, such as the Taranaki branch of Heritage New Zealand Pouhere Taonga, the New Plymouth Heritage Group and Mainstreets organisations, can raise the public's awareness of heritage values through publicity campaigns, BUILDING acquisition, upgrading and resale, and identification of additional heritage trails and walks in the district.

### **Policy 11.3**

The special character of heritage character areas should be recognised and promoted.

### **Methods of Implementation 11.3**

#### **Identification of heritage character areas**

- (a) Recording of properties within priority heritage character areas on the COUNCIL'S property information base.
- (b) Development of maps (to be held at the COUNCIL) showing the extent of heritage character areas.

#### **Incentives**

- (c) Funding assistance from New Plymouth District Council's HERITAGE PROTECTION FUND, e.g. financial assistance for maintaining the heritage values of BUILDINGS within priority heritage character areas.
- (d) Community awards for protection and/or enhancement of heritage character areas.
- (e) Provision of technical advice regarding the preservation or conservation of heritage BUILDINGS and items.

- (f) Initial consultation with an architect, at COUNCIL expense, where alterations are proposed to a BUILDING within a priority heritage character area.

#### **COUNCIL action or works**

- (g) Develop, in consultation with property owners, design guides for the residential heritage character areas.
- (h) Investigate ways, in conjunction with property owners and other organisations, to promote the heritage values of the commercial heritage character areas.
- (i) Undertake works, such as heritage signposting, interpretation plaques and improved ROAD surfacing, to promote and enhance the heritage values of heritage character areas.
- (j) At three yearly intervals from the plan being publicly notified, review the integrity of the heritage character areas.
- (k) Consult with landowners of the priority residential heritage character areas, at three yearly intervals, regarding the effectiveness of these methods and whether they wish to consider the implementation of regulatory methods.

#### **Information and education**

- (l) Advocate to the landowners of properties within the priority heritage character areas the values of each of these heritage character areas.
- (m) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within heritage character areas.
- (n) Preparation of design guides and educational pamphlets, in consultation with working groups of property owners, such as a guide on sensitive development within heritage character areas.
- (o) Publicity of funding and architectural assistance available from the COUNCIL and other agencies.

- (p) Encourage the establishment of property owner heritage groups with the purpose of protecting and enhancing the values within heritage character areas.
- (q) Provide information to prospective purchasers where a land information memorandum is applied for where a heritage BUILDINGS or item is located on a property.

### Reasons 11.3

The defining characteristics of heritage character areas relate to the function, scale, age, style and mixture of development, development pattern and the role of, and impact on, the natural setting. Some heritage character areas have consistent cultural heritage values in terms of origin, style and age of development, while other heritage character areas have more complex patterns, and layers of history and development.

A number of heritage character areas have been identified within the district. These are:

#### Residential

- Hine Street.
- Barrett Street.
- Pendarves Street (NZHPT Historic Area).
- Buller Street.
- Fitzroy: Barriball, Richmond, Sackville, Newton and Record Streets.
- Oriental Street.
- Brooklands.

#### Commercial

- New Plymouth Heritage Special Character Area.
- Waitara.
- Inglewood.
- Kaimata.
- Okato.

#### Bach

- Oakura (the keyhole).
- Urenui.
- Onaero Bay.
- Onaero Beach Road.
- Tongaporutu.

Some of these heritage character areas are more significant than others and each is subject to different threats. The priority heritage character areas have been identified based on their significance and their threats as follows:

#### Residential

- Oriental Street.
- Brooklands.

#### Commercial

- New Plymouth Heritage Special Character Area.
- Inglewood.
- Waitara.

As the continued protection of these heritage character areas can only be achieved with the understanding and co-operation of landowners, a programme of consultation with landowners was carried out. This consultation concentrated on the values of the area and the methods of implementation that the landowners favoured.

It is important that prospective purchasers and new landowners are aware that the property is located within a heritage character area. To ensure that this information is available to the public, the COUNCIL will record heritage character areas on its property information base. This will ensure that the COUNCIL provides information to prospective purchasers when a land information memorandum is applied for where a property is located within a heritage character area.

The heritage character areas have been mapped using the boundaries identified in the commissioned heritage studies. These maps are available from the COUNCIL; however the boundaries of the areas shown are indicative only. The

maps have not been included in the plan as further programmes of consultation with the landowners in these areas will be carried out and it is likely that amendments to the indicative areas will occur.

A regulated approach, such as the use of rules to require a resource consent for the demolition and alteration of BUILDINGS, infill subdivision and development within these heritage character areas is not favoured by landowners. They consider generally that any intervention by the COUNCIL, in the form of rules controlling development, is seen as restricting private property rights and reducing the value of their properties. A regulatory approach is not supported by landowners and hence will not achieve the protection of the heritage values of these areas

An advocacy approach whereby the COUNCIL works with landowners to encourage them to recognise, protect and, where practical, enhance the heritage values of these areas is proposed and is more likely to achieve this policy. Providing incentives and assistance such as funding assistance, technical and architectural advice will encourage and help landowners to recognise and protect the heritage values of their area. A community awards scheme will also assist in encouraging the protection and enhancement of these areas.

It is important to recognise that these areas are places where people live and work and properties are privately owned. It is, therefore important to enable use, alteration and demolition of BUILDINGS within these areas. The use of non-statutory design guides that provide a range of suggested design options for alterations, additions and new BUILDINGS within the residential precincts is proposed. These design guides will only cover external features of properties and will be formulated in consultation with landowners. They will provide ideas and guidance to those property owners who want to carry out alterations and additions that will respect and be in harmony with the original style of the property. However, as adherence to the design guide will be voluntary, private property rights will not be restricted.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on heritage character areas. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of network utility operators siting their utility facilities on the same STRUCTURE,

reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However it is recognised that there will be some circumstances where these options are not technically feasible or are impractical due to geographic, environmental, operational or economic constraints and therefore the plan advocates, rather than requires such an approach.

In the commercial heritage character areas property owners considered that rules and restrictions would devalue their properties and design guides would not achieve the protection of heritage values of these areas. Therefore, the COUNCIL will investigate ways in which it can promote, in conjunction with property owners and other organisations such as Mainstreets, the heritage values of these areas. It is anticipated that the heritage ‘branding’ of these retail areas will distinguish them from other retail areas and become a marketing tool.

The COUNCIL can assist in promoting the heritage values of these areas and increasing landowners’ pride by undertaking works which will promote and enhance their heritage values. Such works may include heritage signposting for street names, interpretation plaques explaining the heritage values of the area, and improved ROAD design.

A number of landowners within the residential areas of special character were in favour of rules controlling subdivision, infill development and demolition. However as the support of all the landowners could not be achieved rules will not be implemented at this time.

On a three yearly basis the COUNCIL will review the integrity of the heritage character areas and consult further with the landowners of the residential areas to ascertain whether they wish to add a regulatory component to these methods. Any changes to the current methods of implementation resulting from the reviews would need to proceed through a publicly notified plan change with prior landowner and community consultation.

#### **Policy 11.4**

The Huatoki Stream should be protected from enclosure by development within the New Plymouth CBD, and enhanced to promote its heritage significance.

## Methods of Implementation 11.4

- (a) Rules specifying standards to control BUILDING over the Huatoki Stream within the New Plymouth CBD within OPEN SPACE and BUSINESS ENVIRONMENT AREAS.
- (b) Consider the purchase of properties by the COUNCIL that currently enclose the Huatoki Stream within the New Plymouth CBD.
- (c) Works to enhance the Huatoki Stream and its setting by the COUNCIL.
- (d) Creation of an interpretation scheme by the COUNCIL to describe the Huatoki Stream's historic and cultural significance.
- (e) Opening up of the Huatoki Stream by the COUNCIL wherever possible within the New Plymouth CBD.
- (f) Encourage businesses within the New Plymouth CBD to reopen the Huatoki Stream.

## Reasons 11.4

The Huatoki Stream has important cultural and spiritual values for TANGATA WHENUA. The stream was also one of the reasons for Carrington's specific location of the New Plymouth settlement and it forms strong themes in the town's ongoing history. As the New Plymouth CBD has evolved, sections of the stream have been built over and the mouth has been narrowed, resulting in the loss of the stream's intrinsic character within this area. Because of the historical importance of this waterway, both to TANGATA WHENUA and European settlers, it is important that the stream is preserved and enhanced.

Part of the stream bed, where it passes through the New Plymouth CBD, is in private ownership. This policy seeks to protect the stream from further enclosure through regulatory provisions. As only three of the properties that the stream flows through, within the New Plymouth CBD, are in private ownership, (see Appendix 9), the COUNCIL will consider the purchase of these properties when possible. The COUNCIL will also undertake works within the New Plymouth CBD to enhance the character of the stream and its setting where it is currently degraded; this will include opening up the stream where it is currently built over. Creation of an interpretation scheme by the COUNCIL to describe the stream's historic and cultural significance will raise the community's awareness of the stream's significance.

This policy seeks to protect and enhance the heritage character and cultural significance of the Huatoki Stream within the New Plymouth CBD and hence will achieve the recognition, protection and enhancement of heritage resources of the district.

## Policy 11.5

ARCHAEOLOGICAL SITES should be protected from destruction and alteration that will adversely affect their archaeological values.

## Methods of Implementation 11.5

### Identification of heritage items

- (a) Identification of ARCHAEOLOGICAL SITES from the New Zealand Archaeological Association SITE recording scheme and the Heritage New Zealand Pouhere Taonga List.
- (b) Identification of ARCHAEOLOGICAL SITES on the planning maps.
- (c) Inclusion of an inventory in the appendices of the plan identifying ARCHAEOLOGICAL SITES.
- (d) Develop and maintain a database for ARCHAEOLOGICAL SITES and WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.

### Control of activities on and in proximity to heritage BUILDINGS and items

- (e) Rules specifying standards to control:
  - (i) the ERECTION of STRUCTURES (including BUILDINGS), EXCAVATION and FILLING, planting and clearance of TREES on and within 50m or 100m if over 10m in height of any ARCHAEOLOGICAL SITE or WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI;
  - (ii) subdivision of SITES containing identified ARCHAEOLOGICAL SITES or WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.

- (f) Use of the officers from Puke Ariki to advise the COUNCIL and assess applications for subdivision, use and development that may have adverse effects on ARCHAEOLOGICAL SITES.
- (g) Requesting the comments of Heritage New Zealand Pouhere Taonga on applications for resource consent.
- (h) Requesting the comments of the relevant IWI on applications for resource consent where the ARCHAEOLOGICAL SITE is also WAAHI TAPU.

### **Protection of heritage values**

- (i) The COUNCIL will protect heritage resources by:
  - (i) consideration of the use of heritage order procedures when a significant ARCHAEOLOGICAL SITE will otherwise be lost; and
  - (ii) acquisition of reserves to protect heritage resources.

### **Incentives**

- (j) Use of the COUNCIL'S HERITAGE PROTECTION FUND for the protection and maintenance of ARCHAEOLOGICAL SITES, e.g. financial assistance for fencing of ARCHAEOLOGICAL SITES.

### **Information and education**

- (k) Advocate to statutory agencies such as Heritage New Zealand Pouhere Taonga and the Department of Conservation for assistance in protecting ARCHAEOLOGICAL SITES.

### **Law**

- (l) The Historic Places Act 1993.

## **Reasons 11.5**

ARCHAEOLOGICAL SITES provide an important link to the past and their concentration along the coast of the district reflects the historic patterns of settlements.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) requires a developing agency to obtain an archaeological authority before damaging, destroying or modifying any ARCHAEOLOGICAL SITE. ARCHAEOLOGICAL SITES, which are mapped on the planning maps, have been either recorded by the

New Zealand Archaeological Association or registered by Heritage New Zealand Pouhere Taonga. These lists do not cover all ARCHAEOLOGICAL SITES as there are many SITES that are not recorded. Hence the rules in the District Plan do not protect ARCHAEOLOGICAL SITES which are not recorded. However the legislation (HNZPTA) applies to all ARCHAEOLOGICAL SITES including those which are not recorded or registered.

These SITES have been recorded in a COUNCIL database. To ensure that this information is available to the public, the COUNCIL will record ARCHAEOLOGICAL SITES on its property information data base. This will ensure that the COUNCIL provides information to prospective purchasers when a Land Information Memorandum is applied for where an ARCHAEOLOGICAL SITE is located on a property.

It is important that the plan is consistent with the HNZPTA and regulates the modification, damage or destruction of all ARCHAEOLOGICAL SITES. However, as the extent or setting of many of these SITES has never been identified, and because many of them are also WAAHI TAPU, development in close proximity to them has also been controlled. This will ensure that they are protected from the adverse effects of subdivision, development or use. The officers at Puke Ariki will be used to assist in the consideration of resource consent applications where necessary. The comments of Heritage New Zealand Pouhere Taonga will also be sought due to its statutory role in the issuing of authorities to destroy, damage or modify ARCHAEOLOGICAL SITES. The comments of the relevant IWI will also be sought where the SITE is also a WAAHI TAPU.

The ACT enables the COUNCIL to place heritage orders on a property or item for the purpose of protecting its heritage value. If the COUNCIL uses the heritage order procedure it is required to compensate the owner for the loss of the use of the feature or withdraw the order, if the placement of the heritage order renders or will render the land incapable of reasonable use. The use of the heritage order procedure may be costly, and will only be used by the COUNCIL to protect significant heritage places when all other protection methods or avenues have been unsuccessful. A decision on whether the heritage order process is to be used by the COUNCIL would be considered at the time that a heritage resource is placed under threat.

Acquisition of land and heritage resources is another direct mechanism that the COUNCIL can use to protect ARCHAEOLOGICAL SITES.

For these regulatory provisions to succeed, the COUNCIL must recognise that the protection of heritage values can be costly to landowners. The HERITAGE PROTECTION FUND provides funding assistance to landowners for the maintenance and protection of ARCHAEOLOGICAL SITES. As this financial assistance is limited the COUNCIL will also advocate to other agencies, such as the Department of Conservation and Heritage New Zealand Pouhere Taonga, for assistance to landowners for the maintenance and protection of ARCHAEOLOGICAL SITES.

### **Anticipated Environmental Results 11**

- (a) Public recognition and formal protection of TREES or groups of TREES identified as contributing significantly to environmental quality or overall amenity.
- (b) A district that recognises and protects heritage SITES, BUILDINGS, places or areas that have been identified as heritage resources.
- (c) Retention of the range and qualities of heritage items/character areas in the district.
- (d) A district which provides for the sustainable management of heritage resources.

### **Indicators 11**

- (a) Focus and frequency of the COUNCIL initiated promotion of the district's heritage resources.
- (b) Adequacy of information available to the public on heritage protection in the form of educational pamphlets.
- (c) Incentives used to encourage the protection of heritage items and their effectiveness.
- (d) Public submissions, or effort made, to protect a heritage resource of the district, community, historic or cultural and spiritual value:
  - (i) issue;
  - (ii) reaction; and
  - (iii) action taken.

- (e) Land use consent applications processed for the demolition/removal, redevelopment or alteration of Category A BUILDINGS or items on the schedule of heritage items.
- (f) Assessment of whether identified values have been retained.
- (g) Number of newly identified heritage items (including TREES) that are added to the District Plan.
- (h) Incidences of known non-compliance with heritage protection rules:
  - (i) accidental,
  - (ii) deliberate;
  - (iii) reasons; and
  - (iv) action taken.
- (i) Photographic and written records of works carried out in order to enhance or open up the Huatoki Stream.

# NATURAL HAZARDS

## Issue 12: Actual and potential adverse effects of natural hazards on people, property and the environment

A wide range of natural hazards have the potential to adversely affect the New Plymouth District. These include flooding, coastal erosion and inundation, slope instability, earthquakes and volcanic eruptions.

### Flooding and river bank erosion

Flooding is historically common within the New Plymouth District and in the past this has presented a serious problem for the New Plymouth, Inglewood and Waitara areas in particular. The undulating topography and the relatively small catchment sizes of New Plymouth's waterways, coupled with high intensity rainfall means that RIVERS and streams can rise very rapidly. The level of flooding is dependent on a number of factors including rainfall characteristics, slope, topography, catchment size, groundwater levels, vegetation and the level of development at GROUND LEVEL.

The duration and intensity of flooding within rural areas differs between the eastern hill country and the ring plain, with the level of impact dependent on the degree of development. The eastern hill country is characterised by relatively steep gradients and high rainfall resulting in a rapid rise in RIVER levels during major storm events. Often the valley floors of the eastern hill country is where development has occurred or structures are located. On the ring plain, a high number of small, deeply incised channels mean flood flows are generally well contained.

RIVER and stream bank erosion is also a significant hazard within the district. Rapid rises in water levels, often carrying large quantities of silt, rocks and boulders, can result in scour at the foot of banks, causing instability and slumping.

Effects associated with development, such as modification or removal of natural detention areas, earthworks, an increase in impervious surfaces, or removal of

vegetation can impact on the ability of the environment to cope with storm events. These activities can cause or exacerbate flooding, resulting in increased erosion and siltation, reduced water quality, damage to and destruction of property and INFRASTRUCTURE and potentially, harm to human life.

Climate change may also have an impact on flooding, increasing the level and intensity of rainfall, resulting in increased peak flood flow events, enhanced levels of ponding and overland flow.

A number of studies have been undertaken to identify current stormwater problems and assets in the urban areas of the New Plymouth District. Based on predicted flood flows and levels for extreme storm events under existing and future conditions of catchment development, plans for managing stormwater within each of the urban areas can be developed. There are also five flood control schemes located within the district: the Mangaone, Waiwhakaiho, New Plymouth City, Waiongana and Waitara.

### Coastal erosion and inundation

Coastal processes include beach erosion, cliff and shoreline retreat, and inundation of low-lying areas. Erosion is a natural event. Coastal erosion is generally a result of sea activity (waves, currents etc.), wind activity, rainwater/groundwater seepage or a combination of these elements. Coastal erosion tends to be a long-term problem although in some instances it is possible for substantial erosion to occur in a one-off event (e.g. storm events).

It is well recognised that much of the New Plymouth District coastline is eroding at a substantial rate<sup>11</sup>. This erosion is due to a number of factors including the geomorphology and climate of the area (strong wave and wind action on sedimentary rocks) and a number of human induced factors such as dredging, PROTECTION WORKS and increased human activity along the foreshore.

<sup>11</sup> OCEL (1994). Coastal Erosion Strategy for the New Plymouth District; and Taranaki Catchment Board (1987). Coastal Erosion Hazard Assessment for Clifton County, North Taranaki District and New Plymouth City

Areas within the district most susceptible to coastal erosion are low lying coastal communities and coastal estuaries that have assets of value in close proximity to the receding coastline. Because of the level of development and their proximity to the coast, the settlements of Onaero, Urenui, Waitara River mouth, Oakura, New Plymouth urban area and Bell Block are particularly susceptible to coastal erosion. Some of these areas have protection works in place.

Erosion and inundation may be affected in the long term by sea level rise due to global climate warming. While it can be argued that this may not occur, it is prudent to plan for such an event given that substantial level of investment and development next to the coast.

The controls within the New Plymouth District Plan apply only to the area landward of the COASTAL MARINE AREA. Taranaki Regional Council has jurisdiction within the COASTAL MARINE AREA and has prepared a Regional Coastal Plan for this area.

### **Slope instability**

Slope instability is a natural hazard that may endanger life and property; it can also affect the natural environment through loss of soil and increased sedimentation of waterbodies. The incidence of slope instability is widespread throughout the district but generally is SITE-specific and dependent on topography, geology (e.g. soil type) and climate.

Landslips and earthflows are common in the weak mudstones and siltstones of the eastern hill country. High rainfalls on the unconsolidated materials of the steep slopes of Mount Taranaki/Egmont and the Pouakai and Kaitake ranges cause landslips and earthflows. RIVERS cut deep, steep banks that are prone to erosion and undercutting on the coastal terraces between the hill country and the sea. Although impacts on residential activities in these areas are likely to be minimal due to low population levels, slope instability could potentially adversely affect land productivity, transportation routes and water quality. Conversely, land use activities can also impact on the stability of a slope.

Over the ring plain, the nature of slope instability is different to other areas of the district. Here it is largely confined to steep slopes and the margins of incised RIVER and stream gullies. Slope movement is dominated by soil creep, localised landslips and slab failures. The volcanic ash soils that dominate the soil profile can lose strength when fully saturated, becoming sensitive to disturbance

by EXCAVATION or other development. Because the majority of urban development has and is expected to occur within the New Plymouth urban area, it is here that the impacts of slope failure will be the greatest.

### **Earthquakes**

While the district is not perceived as a seismic ‘hotspot’, there are two known active FAULT LINES within the district capable of producing moderate to major earthquakes – the Inglewood and Norfolk faults. These faults are considered to be Class I, the most active class of earthquake classification within New Zealand.

Earthquakes can affect the environment in a number of ways including surface fault rupture (resulting in scarps such as those associated with the Inglewood fault), ground shaking, land movements (uplift, subsidence or tilting), rock falls and land slides, settlement and liquefaction, tsunami and seiche (periodic waves). While there is potential for liquefaction to occur within the district, the probability is low and the risk can be minimised through engineering solutions.

The probability of future movement has been calculated to be very low to low (five percent) in the next 100 years and of only moderate probability in the next, 1000 years<sup>12</sup>. However, it is considered appropriate to plan for such an event because of the potential adverse effects on human life and property.

### **Volcanic eruption**

Some nine volcanic eruptions from Mount Taranaki/Egmont have occurred over the last, 1000 years, warranting the installation of the ‘Taranaki Volcano – Seismic Network’ to monitor for pre-eruption indicators. It is believed that a major to average sized eruption can be expected approximately every 340 years, with numerous smaller events at more frequent intervals. The main effects that the plan seeks to address include the potential adverse effects on people, property and INFRASTRUCTURE; effects on other aspects of the environment are impossible to control. The significant investment in farms, forest, BUILDINGS, INFRASTRUCTURE and the population in close proximity to the mountain means that the potential effect of an eruption could represent a significant hazard to life and property.

<sup>12</sup> Hull and Dellow, Institute of Geological and Nuclear Sciences (1993). [Earthquake Hazards in the Taranaki Region](#)

The ACT requires the COUNCIL to control any actual or potential effects of the use, development or protection of land, including for the purpose of the avoidance or mitigation of natural hazards. The Regional Policy Statement for Taranaki (1994) has placed responsibility for the “control of the use of land for the avoidance and mitigation of natural hazards” squarely with territorial authorities (part 3.2.5).

## **Objective 12**

**To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment.**

### **Policy 12.1**

Subdivision, land use and development should be designed and located to avoid or mitigate the adverse effects of natural hazards on human life, property, INFRASTRUCTURE and the environment.

### **Methods of Implementation 12.1**

- (a) Identify the following ‘hazard areas’ on planning maps:
  - (i) PONDING AREAS, FLOOD DETENTION AREAS, SPILLWAYS and FLOOD PLAINS;
  - (ii) Inglewood and Norfolk FAULT LINES;
  - (iii) COASTAL HAZARD AREA; and
  - (iv) VOLCANIC HAZARD AREA.
- (b) Rules specifying standards to control:
  - (i) the ERECTION of STRUCTURES (including BUILDINGS and NETWORK UTILITIES);
  - (ii) EXCAVATION and FILLING;
  - (iii) clearance of vegetation;
  - (iv) establishment of HAZARDOUS FACILITIES; and
  - (v) subdivision.

within identified hazard areas, relative to the FAULT LINES, adjacent to WATERCOURSES in rural areas, and on or near steep slopes.

- (c) Conditions on resource consents relating to:
  - (i) minimum floor levels;
  - (ii) BUILDING set backs;
  - (iii) the ability to relocate BUILDINGS; and contingency planning.
- (d) Monitor, gather information and undertake research into natural hazards in conjunction with Taranaki Regional Council.
- (e) Provide information, where available, to the public through project information memorandums (PIMs) and land information memorandums (LIMs).
- (f) Require use of suitably qualified people to provide information with applications for resource consent and by the COUNCIL to assess such applications.
- (g) Apply section 73 of the Building Act 2004 and of the Building Code in relation to the construction of BUILDINGS within identified hazard areas.
- (h) Produce STORMWATER MANAGEMENT PLANS and a staged programme of works to upgrade the stormwater control and disposal systems.
- (i) Liaison with Taranaki Regional Council regarding measures to avoid or mitigate the adverse effects of flooding and river bank erosion.
- (j) Use of the Civil Defence Plan.
- (k) Undertake a programme of education through the production of pamphlets and media articles.

### **Reasons 12.1**

In order that proactive decisions can be made about the use, development and subdivision of the district’s natural and physical resources, it is important to identify (as far as is foreseeable) areas that are affected, or are potentially at risk from natural hazard events. This will ensure risks to people, property and the environment within these areas can be avoided or mitigated through appropriate management.

Natural hazards are by their very nature unpredictable, in that it is never completely possible to estimate the impact of an event, or what areas it may affect. Although understanding of natural hazard events is improving, the primary approach adopted by this plan is one of prudent avoidance – siting new subdivision, use and development away from existing or potential natural hazards. Where existing development precludes a proactive approach (such as with urban development in PONDING AREAS), provision of works and services to mitigate the effects may be required. Flood information is based on a series of stormwater management plans commissioned by the COUNCIL and from information on the flood control schemes within the New Plymouth District.

The location of the Inglewood and Norfolk FAULT LINES has recently been more accurately mapped using GPS surveying equipment.<sup>13</sup>

Within the VOLCANIC HAZARD AREA it is recognised that, in the event of an eruption, there is little that could be done to mitigate the hazard. Therefore, this hazard area has been mapped, based on the best available information<sup>15</sup>, to ensure landowners are aware of the potential hazard. It is up to the community to quantify an acceptable level of risk. For HAZARDOUS FACILITIES the risk of accident where located in proximity to natural hazards, such as volcanic hazard, is significantly increased. The VOLCANIC HAZARD AREA mapped is based on the highest risk hazard zone (lahars and associated floods). There are also areas of moderate to low risk, or at risk from other volcanic hazard events (such as from vents or volcanic debris avalanches) but these are not mapped.<sup>14, 15</sup>

While the plan has taken a comprehensive approach based on the best available information, there will always be some areas prone to natural hazards that are not identified, or areas where identification would be an oversimplification and therefore inappropriate. In many instances it is only possible to establish the likelihood of a natural hazard (such as slope instability, liquefaction potential, etc.) on a SITE and/or development specific basis. Therefore it is the responsibility of the developer to ensure the potential for hazard events is considered and any adverse effects on people, property or the environment are avoided or mitigated. An assessment by a suitably qualified person may be necessary in some instances. Information, where available, can also be gained through use of the LIM and PIM procedures and from monitoring carried out by local authorities.

Where information is insufficient to enable determination of the impact on a natural hazard on proposed development, the adoption of a precautionary

approach would result in prohibition of that activity, or developer liability under section 73 of the Building Act 2004.

The provisions of the District Plan and the Taranaki Civil Defence Emergency Management (CDEM) Group provide the principal means to prevent loss of life and injury. Although the programme may be seen to be essentially responsive, it takes a proactive approach through planning, public awareness and training. This approach complements the long term planning strategy of this plan.

Although subsidence, fire, tsunami, hurricanes and windstorms are also natural hazards that may affect the New Plymouth District, these have not been covered in any detail. This is because either the extent or likelihood of occurrence of the natural hazard is not considered to be significant (subsidence, tsunami), or it is adequately covered by other organisations or statutes (fire, wind). In any event, when considering development of any SITE, the potential for the development to be affected by these natural hazards should be considered and provided for.

## Policy 12.2

The ability of natural features and systems to provide a defence against natural hazards should be recognised and the integrity of these features and systems protected where appropriate.

## Methods of Implementation 12.2

- (a) Rules specifying standards:
  - (i) relating to the ERECTION of STRUCTURES, EXCAVATION and FILLING, and the clearance of vegetation within dune, wetland or estuarine ecosystems; and
  - (ii) requiring esplanade reserves or esplanade strips or management agreements along the coastal marine area.
- (b) Conditions on resource consents relating to the protection of natural systems (e.g. requiring the retention of vegetation).

<sup>13</sup> Townsend, T (1998). Location of Inglewood and Norfolk Fault Lines

<sup>14</sup> Neal, V E and Alloway, B V (1996). Volcanic Hazards of Taranaki

<sup>15</sup> Taranaki Regional Council (1998). Taranaki Regional Volcanic Strategy

- (c) Encourage the protection and enhancement of existing vegetation, dune systems, riparian vegetation and other natural features that protect against natural hazards, including through mechanisms such as covenants.
- (d) Encourage the retention of pervious surfaces and vegetation in urban areas.
- (e) Support the use and implementation of Taranaki Regional Council's riparian management plans.
- (f) Undertake a programme of education on the importance of natural systems in mitigating against natural hazards.
- (g) Encourage establishment of community care groups.

## Reasons 12.2

Ecological systems can prevent or reduce the effects of a natural hazard. Vegetation, such as bush or pasture, reduces the force of raindrops, slows the rate of overland flow and binds soil particles, enabling a higher level of saturation and reducing soil erosion. Foredunes provide a bank of sand available for sand movement within the coastal foreshore system and act as an important buffer against coastal erosion and shoreline retreat. Natural dune vegetation such as spinifex loosely binds the sand of the foredunes, while species such as convolvulus and muehlenbeckia tightly cover the more consolidated dunes to the rear. Riparian vegetation on the banks of lakes and RIVERS reduces the erosive impacts of overland flow as well as protecting other values such as water quality and wildlife habitat.

Disturbance of these natural systems can upset the natural balance, resulting in flooding, erosion, land slippage and migration. It is important to recognise the value of these systems, how they work and the impacts of disturbance or modification. The maintenance and enhancement of these areas can greatly reduce the impact of natural hazards on people and property.

The New Zealand Coastal Policy Statement (1994) and the Regional Coastal Plan for Taranaki (1997) recognise the importance of the integrity of natural systems in the coastal environment and the role they play in buffering development against coastal erosion, inundation, storms, tsunami and the effects of sea level rise. The Regional Policy Statement for Taranaki also recognises the role of forestry, indigenous forests and habitats and other ecological systems in the mitigation of natural hazards.

Protection of natural systems within the coastal environment will be achieved through the regulation of the adverse effects of land use activities. An adverse effect is considered to be one that reduces the ability of the dune, wetland or estuarine ecosystem to buffer against a natural hazard event by disturbing the stability or reducing the quantity of material (such as sand) available, by reducing the vegetative cover, or by introducing pest species. This is not a blanket prohibition, and recognises that there will be some circumstances where the modification of the natural environment is appropriate (for example, to provide directed public access or for "dune care" programmes). Education, information and the establishment of community care groups will assist to engender an understanding of the value of such systems and the importance of protecting them from adverse effects. Esplanade reserves and strips will also assist in their protection as well as providing for natural character and/or public access (Issues 14 and 18).

In terms of the protection of fresh water bodies, the Regional Fresh Water Plan for Taranaki (2001) is considered to be the most appropriate mechanism. The Regional Fresh Water Plan for Taranaki (2001) controls activities within and, where likely to adversely affect them, adjacent to fresh water bodies. While esplanade reserves or strips will be required to be vested or set aside adjacent to PRIORITY WATERBODIES, these have been identified primarily for natural character and/or public access/recreation purposes. Experience (based on results from the regional council's land management plans) has shown that voluntary and incentive approaches achieve a far better result than regulatory mechanisms in that the landowner and/or the community take 'ownership' of the area and its management, feel pride in their achievements, and develop a sense of stewardship.

Issue 14 "Natural Character" also provides mechanisms to protect these natural systems.

## Anticipated Environmental Results 12

- (a) An environment in which resources are managed sustainably and in a manner that does not increase the risk of hazardous events occurring.
- (b) Communities informed about, and prepared for, the occurrence of natural hazards.

## **Indicators 12**

- (a) Land purchases by the COUNCIL for hazard mitigation purposes.
- (b) Number and category of resource consents granted within identified natural hazard areas.
- (c) Known damage to, or loss of, property in an identified natural hazard area.
- (d) Level of public awareness:
  - (i) of natural hazards that are identified in the plan; and
  - (ii) educational programmes that have been undertaken by the COUNCIL.

## **Issue 13: Aggravation of natural hazard events by inappropriate land use practices and activities**

Inappropriate land use practices, particularly within existing hazard-prone areas can increase the occurrence of natural hazards.

The likelihood or severity of slope instability can be affected by the removal of vegetation, earthworks, undercutting of slopes, or increasing the load on steep slopes through BUILDING or soil disposal. Inadequate drainage or disposal of overland flow can also adversely impact slope stability. Existing development within the New Plymouth urban area has often been affected by the subsidence of land in close proximity to the top and bottom of very steep slopes, and where development has occurred on steep slopes.

Flooding can also be affected by land use. In particular, the urbanisation of an area can increase the extent and impact of a storm event, both on the immediate area and on downstream areas.

Urban development generally involves an increase in impervious surfaces. This means that the ability of a catchment to store water during a rainfall event through soil soakage is reduced and consequently the level of overland flow increases. This reduces the ability of stormwater systems to cope with events they were designed for. Blockage or constraint of floodways and overland flow paths by piping, construction of STRUCTURES or barriers, or even through dense planting can modify the direction, path or flow rate of the flood. Inappropriate development in floodways, PONDING AREAS and overland flow paths can result in debris, causing erosion or potential structural damage to property or harm to human life.

Land use practices and activities within the coastal environment have accelerated the rate of coastal erosion from the sea in a number of areas. Often the most attractive places to build in the coastal environment are those that are most prone to such hazards. This development can (and often has) involve removal or modification of the dunes, cliffs and other systems that would otherwise provide a natural buffer. The resultant pressure from the community to protect their properties has often resulted in inadequately designed PROTECTION WORKS,

providing a short-term solution at best and often an aggravation or redirection of the erosion problem in the long term.

Other practices such as inappropriately located stormwater outlets, the development and dredging of Port Taranaki and increased human activity in coastal areas have also contributed to the problem.

## Objective 13

**To ensure that land use activities do not increase the likelihood or magnitude of natural hazard events.**

### Policy 13.1

Subdivision, development and other land uses should not result in aggravation of natural hazards.

### Methods of Implementation 13.1

- (a) Identify the following ‘hazard areas’ on planning maps:
  - (i) PONDING AREAS, FLOOD DETENTION AREAS and SPILLWAYS;
  - (ii) COASTAL HAZARD AREA; and
- (b) Rules specifying standards relating to:
  - (i) the ERECTION of STRUCTURES (including BUILDINGS, NETWORK UTILITIES and HARD PROTECTION WORKS);
  - (ii) EXCAVATION and FILLING; and
  - (iii) clearance of vegetation.within identified hazard areas, and relative to steep slopes and rural WATERCOURSES.
- (c) Conditions on resource consents relating to prevention of the aggravation of natural hazards, such as monitoring erosion rates.
- (d) Provide information, where available, to the public through project information memorandums (PIMs) and land information memoranda (LIMs), especially the location of overland flow paths where known.
- (e) Support Taranaki Regional Council’s Sustainable Land Management Programme and encourage the adoption of sustainable land management practices.

- (f) Encourage the retention of vegetation in erosion prone areas.
- (g) Apply section 73 of the Building Act 2004 and the Building Code in relation to the development of STRUCTURES within identified natural hazard areas.
- (h) Adopt a precautionary approach where the effects of activities on natural hazard events are unknown.
- (i) Promote the protection of steeper land through Taranaki Regional Council’s property plans, Taranaki Tree Trust and other organisations such as QEII.
- (j) Encourage the use of industry recognised guidelines or codes of practice and the use of environmental management systems by industry.

### Reasons 13.1

Hazard events can be accelerated and magnified by inappropriate land use and development. Land use activities can cause aggravation of slope instability, flooding and erosion through inappropriate design, construction or location. Management of land use factors that could contribute to the occurrence of natural hazards can, through appropriate standards, avoid or reduce the frequency and magnitude of such events.

In some areas, the adverse effects of land use activities on natural hazards can be avoided by providing a buffer zone – such as the COASTAL HAZARD AREA, floodways and PONDING AREAS. Activities in these areas will be carefully controlled, depending on the type of natural hazard, to ensure that they do not increase the likelihood of that natural hazard occurring nor its magnitude if it does occur. Activities that are likely to have such an effect will not be allowed to establish.

In other instances however, it is not easy to determine whether or not an activity is likely to aggravate a natural hazard – this is often the case with slope instability. In such cases, the effects of an activity are dependent on SITE-specific characteristics, such as slope, soil type and saturation, climate etc. Because of this SITE/development specificity it is impossible to provide generic controls to ensure appropriate land uses in such situations. Therefore the emphasis is on indicative controls (slopes, levels of EXCAVATION and FILL, etc.) coupled with SITE investigations, information gathering, expert advice and good management practice.

In urban areas this means careful SITE selection, investigation and good design. In rural areas where population and development levels are lower, this means using good land use practices, such as those promoted by Taranaki Regional Council, in regard to soil conservation and riparian management. In any case, the COUNCIL will continue to encourage land users to consider the potential their use or development will have for aggravation of natural hazards and ways in which this potential can be avoided or mitigated. Use of the project information memorandum (PIM) and land information memorandum (LIM) systems will aid by providing information where available.

Good information and an adequate assessment of effects are essential. Where information is insufficient to demonstrate that a development is able to avoid or mitigate its downstream or disruption effects, then the adoption of the precautionary approach would warrant that the proposal be turned down.

### Policy 13.2

Works designed to protect INFRASTRUCTURE, development, land and other assets from natural hazards will only be allowed where they are the best practicable option and should be designed and located so as to avoid adverse effects on other environmental values.

### Methods of Implementation 13.2

- (a) Rules restricting the use of HARD PROTECTION WORKS in the COASTAL HAZARD AREA.
- (b) Refusal of resource consent for HARD PROTECTION WORKS where the developer, at the time of development, accepted the risk of the hazard event affecting that development.
- (c) Apply section 73 of the Building Act 2004 and the Building Code in relation to the development of STRUCTURES within identified natural hazard areas.
- (d) Advocate for the use of ‘soft’ erosion control measures to achieve the protection of existing INFRASTRUCTURE and other development from the impact of hazard events.

### Reasons 13.2

Natural hazards are a feature of the environment and cannot be totally prevented or controlled. Attempts to control natural hazard events may increase natural hazard effects or risks elsewhere and are often only short-term solutions. There is a need to consider the effects that PROTECTION WORKS have on the coast, land, fresh water, ecological systems and people’s use of these resources and assess whether short term goals outweigh any adverse effects these works may have on the environment in the long term.

The emphasis of this policy is to avoid the need to establish PROTECTION WORKS in response to natural hazards by siting new subdivision, land use and development away from existing or potential natural hazards. However, there will be situations where the risk or likely impact of the hazard is considered minimal (for example, TEMPORARY STRUCTURES), or where a developer is willing to carry the risk. In such situations, where the developer has been made aware of the risk but chooses to develop anyway, the developer will not have the right to protect that development from the adverse effects of that natural hazard through the implementation of HARD PROTECTION WORKS.

Where existing development is at risk from natural hazards there is a need to consider whether PROTECTION WORKS are the best practicable solution to the natural hazard problem, having considered all options, including abandonment or relocation of existing STRUCTURES. This will require consideration of:

- The level of risk to the development.
- The likely flow-on effects (such as erosion elsewhere).
- The effects on other aspects of the environment such as visual, natural character and ecological values.
- The value of the asset to be protected against the costs (including environmental costs) of providing such protection.
- The likelihood of the need for future works.
- Ongoing maintenance and monitoring costs.

This policy also recognises that there will be situations where modifying natural hazards will produce benefits to the community in excess of the costs involved in protection or prevention works or programmes. Where such works or activities are considered necessary they should not result in the transfer of costs or risks from one party to another or to the environment.

The COUNCIL supports the use of ‘soft’ protection controls such as retention of vegetation, planting, renourishment and “dune care” programmes. These methods not only work ‘with nature’, meaning the likely impacts on the natural processes will be much lower, but generally are cheaper, less obtrusive and less maintenance intensive once established than traditional HARD PROTECTION WORKS. In many cases they also provide enhanced recreational opportunities.

It should be noted that Taranaki Regional Council controls works below mean high water springs mark, and a resource consent may be required from them.

### **Anticipated Environmental Results 13**

- (a) A process that allows for thorough assessment of any proposed hazard protection measure in order to ensure it is not contrary to environmental values.
- (b) An environment in which resources are managed sustainably and in a manner which does not increase the risk of hazardous events occurring.

### **Indicators 13**

- (a) ‘Soft’ protection measures implemented.
- (b) An assessment of resource consents that have been granted within identified natural hazard areas.
- (c) Incidences where an activity or a development has contributed to an actual or potential hazard event.

# NATURAL VALUES

## Issue 14: Adverse effects of subdivision, use and development on the natural character of the coastal environment, wetlands, lakes and RIVERS and their margins

Natural character is a complex integration and interrelation of a range of qualities and features that have been created by nature as distinct from those constructed by people. The qualities that make up natural character may be ecological, physical, spiritual, cultural or aesthetic in nature and include modified and managed environments.

The ACT states that the preservation of the natural character of the coastal environment, wetlands, lakes and RIVERS and their margins and the protection of them from inappropriate subdivision, use and development is a matter of national importance which local authorities must recognise and provide for in resource management.

### The coastal environment

The 'coastal environment' is an environment in which the coast is a significant part or element. It will vary from place to place depending on the extent to which it is affected by coastal processes.

The New Zealand Coastal Policy Statement (1994) recognises the importance of protecting areas of significant INDIGENOUS VEGETATION and significant habitats of indigenous fauna (Policy 1.1.2). It also identifies the following features that are of particular importance to the natural character of the coastal environment (Policy 1.1.3):

- Landscapes, seascapes and land forms.
- Characteristics of special spiritual, historical or cultural significance to Maori.
- Significant places or areas of historical and cultural significance.

The Regional Policy Statement for Taranaki (1994) in determining the natural character of the coastal environment, includes the following additional matters to be considered:

- The degree of modification from a natural state.
- Amenity values, with particular emphasis on aural and visual amenity.
- The functioning of ecological and physical processes.
- The natural quality of water and air, natural biodiversity and productivity and the intrinsic value of ecosystems.
- The degree of integration of human use, development and subdivision with the above components.

The Regional Coastal Plan for Taranaki (1997) identifies areas within the coastal marine area that are of value for natural character, ecological, landscape, social or cultural reasons and recognises the need for integrated management within the coastal environment to protect these features.

The degree of natural character remaining in the coastal environment is determined by the extent to which the above elements have been modified by land use. The New Plymouth District has a substantial coastline highly valued for recreation and lifestyle by the community. It is predominantly rural, dominated by pasturelands with pockets of bush, wetland or other natural areas in reserves or riparian strips. Small urban centres intersect the rural land, with the majority of urban development centred in New Plymouth. Here the foreshore has been extensively modified through reclamation, urban and commercial development and by the development of Port Taranaki.

Natural character may be adversely affected by inappropriate subdivision use and development through intensification of urbanisation (resulting in more built STRUCTURES), loss of vegetation or alteration of landform; these are all issues within the New Plymouth District. Other associated effects include loss of habitat, amenity, heritage or landscape values, loss of recreational opportunity and potentially an increase in natural hazard events.

The controls within the District Plan apply only to the area landward of the COASTAL MARINE AREA. Taranaki Regional Council has jurisdiction within the COASTAL MARINE AREA and has prepared a Regional Coastal Plan for this area.

### **Margins of wetlands, RIVERS and lakes**

The natural character of a wetland, river or lake is comprised of a number of elements including topography and form, water flow characteristics and water quality, and the diversity of plants and animals (both aquatic and terrestrial) and their ecosystems. Other perceived values associated with these elements include recreational, aesthetic, scenic and cultural values. Maori perceive water as having the qualities of mauri (life force) and wairua (spirituality) and have long used such areas as a source of food, medicine and materials.

The natural character of many RIVERS, lakes and wetlands in the district has been modified to varying degrees, by human activities. Those with the greatest degree of remnant natural character have generally been least modified, and have retained much of their natural cover of riparian vegetation. In the district this applies to the upper reaches of ring plain streams, the forested headwaters of eastern hill country RIVERS, and wetlands within Egmont National Park. Intensive development of the ring plain area has resulted in the modification of many streams and rivers, with a subsequent loss of riparian vegetation. Wetlands in Taranaki are particularly valued, not only for their rarity but also for the important hydrological functions they perform and their high level of ecological diversity.

RIVERS, lakes and wetlands which still have a high degree of natural character are more likely to be significantly affected by activities than those that have already been substantially modified and which are therefore less susceptible to further change.

Natural character can be modified by placement of STRUCTURES, removal of vegetation (including riparian vegetation), recontouring of land, erosion due to poor land use practices, alteration of water conditions (such as through abstraction, diversion or drainage), reduction in water quality through point and diffuse pollution sources, and through inappropriate access to sensitive areas.

Use of water and activities in, on or over the bed of any lake or RIVER are controlled by Taranaki Regional Council, as is the drainage of wetlands. Surface water activities are discussed under Issue 8.

Natural character is a broad concept. It is made up of many elements that individually are of value to the community. Therefore it is appropriate not only to recognise and provide for natural character, but also in some areas to enhance it. One of the most effective ways of restoring natural character is through the implementation of riparian management programmes.

### **Objective 14**

**To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and RIVERS and their margins.**

#### **Policy 14.1**

The natural character of the coastal environment should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.

#### **Methods of Implementation 14.1**

- (a) Develop and implement a COASTAL POLICY AREA (Appendix 2) and identify its location on the planning maps.
- (b) Determine SIGNIFICANT COASTAL AREAS (Appendix 20) and identify their location on the planning maps.
- (c) Rules specifying standards within the COASTAL POLICY AREA relating to:
  - (i) ERECTION of STRUCTURES including BUILDINGS, ROADS and HARD PROTECTION WORKS;
  - (ii) EXCAVATION and FILL;
  - (iii) Clearance of vegetation;
  - (iv) Subdivision; and
  - (v) The creation of esplanade reserves or strips at the time of subdivision of land adjacent to the coast.
- (d) Use assessment criteria to consider the impact of development on the natural character of the coastal environment and, where appropriate, apply conditions on resource consents.

- (e) Encourage the enhancement of the natural character of SIGNIFICANT COASTAL AREAS in line with the options proposed for their management.
- (f) Support Taranaki Regional Council's use of voluntary property plans.
- (g) Provide information and technical advice relating to the protection of natural character of the coastal environment in conjunction with Taranaki Regional Council, Taranaki Tree Trust and the Department of Conservation.
- (h) Consider the use of incentives to encourage the protection and enhancement of natural character.
- (i) Promote community awareness of the importance of, threats to, and protection of natural character.
- (j) Planting of esplanade reserves and other public open space areas by the COUNCIL.
- (k) Promote the establishment of community care groups.
- (l) Formulation of design guides to encourage consideration of natural character in development of land within the coastal environment.

Note: Where it is proposed to subdivide or develop a SIGNIFICANT NATURAL AREA, the rules relating to that SIGNIFICANT NATURAL AREA will take precedence, see Issue 16.

## Reasons 14.1

This policy recognises that the natural character of the coastal environment is a matter of national importance. While neither "coastal environment" nor "natural character" is defined, both the New Zealand Coastal Policy Statement and the Regional Policy Statement for Taranaki provide some guidance.

The coastal environment of the New Plymouth District can be considered to comprise three main areas: urban development, open space areas and rural land. The natural character of each of these areas is very different. Urban development often has little remnant natural character, consisting of built form of a utilitarian nature, softened in some areas (especially residential) through planting or open space. Open space areas (such as reserves) are often managed for aesthetic and conservation purposes and therefore have a higher level of natural character.

The rural environment, although modified from its original vegetative cover, is perceived to retain a level of natural character due to the generally unmodified landforms, green pastures, remnant areas of vegetation and lack of built form. Natural character will vary from SITE to SITE.

How an activity impacts on natural character (and therefore whether it is determined to be an "inappropriate subdivision, use or development") is dependent on both the level of natural character of a SITE and the elements that define it. For example, in an area of urban development, the introduction of a BUILDING would not have as great an impact as it would in an open space or rural area. The methods for protecting the natural character take these differences into account.

The COASTAL POLICY AREA provides a mechanism to protect natural character by delineating the area where the impacts of inappropriate subdivision, use and development will be greatest. It does not determine the extent of the coastal environment nor the extent of natural character. Because the existing natural character is largely a result of present land use practices, such uses are accordingly allowed provided they meet the standards for the underlying ENVIRONMENT AREA. It is only those activities that are likely to adversely affect the natural character in the context of the district that will be controlled. An adverse effect is considered to be one that will reduce the ability of the dune, wetland or estuarine ecosystem to be self-sustaining in the long term and would include consideration of impacts on the stability and quantity of material (such as sand), vegetative cover and species composition. This is not a blanket prohibition, and recognises that there will be some circumstances where the modification of the natural environment is appropriate (for example, to provide directed public access or for "dune care" programmes). Standards that are designed to ensure the rural character of an area is protected (Issue 4) will also help to protect natural character.

HARD PROTECTION WORKS have been used in the past to protect both public and private property. However, there has been an increasing recognition both of the potential adverse effects associated with HARD PROTECTION WORKS and the value of retaining natural systems. HARD PROTECTION WORKS will be allowed only where the positive effects on the environment clearly outweigh the adverse effects. This will include a consideration of the value of the resource being protected to the community and alternatives considered.

The setting aside of esplanade reserves and strips along the coastal margin will enable not only the preservation of natural character in these areas but also, where appropriate, restoration and rehabilitation and provision for public access (refer also to Issue 18).

The incorporation of natural character into the assessment criteria will ensure that those activities with the potential to adversely affect it take it into account. The criteria will include whether an activity needs to locate in the coastal environment and consideration of alternative locations and methods. They will also require consideration of impacts on TANGATA WHENUA, natural hazards, natural form, potential cumulative effects, and the level of benefit to the community. The use of conditions on consent will allow the SITE-specific impacts of such activities to be addressed.

While the ACT does not specifically require enhancement, the New Zealand Coastal Policy Statement states “It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate” (NZCPS Policy 1.1.5). The Regional Coastal Plan for Taranaki (1997) recognises areas that are of “outstanding coastal value”. On this basis, ten areas of significant coastal value have been identified within the district (Appendix 20).

The SIGNIFICANT COASTAL AREAS within this plan are those areas where natural character constitutes an important component of the sustainable management of the coastal environment; especially those areas where the land-water interaction is the greatest. In the New Plymouth District this means in general, RIVER mouths and the Sugar Loaf Islands (Nga Motu) Marine Protected Area. It is around these areas that efforts at restoration and rehabilitation will be focussed. The COUNCIL commissioned a qualitative study<sup>16</sup>, encompassing all of the identified areas. The study identifies the values of each area and outlines possible management options. These will be implemented on a non-regulatory basis although underlying rules for the COASTAL POLICY AREA will apply. This means that esplanade strips will be required at the time of subdivision of adjoining land; where a larger width of strip is desired, this will be negotiated at the time of subdivision with the developer. This will depend on the desired outcome, the best means to achieve it and any practical constraints that may exist; these will determine where restoration, rehabilitation or enhancement is “practicable”. In addition, the options identified for each of the areas will ensure a consistent and focussed approach is taken to their management.

<sup>16</sup> Mead, S (1998). Significant Coastal Areas Study

Although efforts at restoration and rehabilitation of the natural character of the coastal environment will be focussed on these areas, it will also be encouraged elsewhere. Taranaki Regional Council has a programme of advocacy and advice that provides a voluntary mechanism for the protection of riparian areas. The COUNCIL can encourage landowners to make use of this service, complement it through the provision of information and technical advice, and consider the use of incentives to protect and enhance natural character.

The COUNCIL has a programme of works for the enhancement of reserve areas.

The New Zealand Coastal Policy Statement provides for the protection of natural character by encouraging development in areas already ‘compromised’. The district contains a number of urban settlements where the natural character has largely been modified and, where there is a demand for residential expansion, it is more likely to be readily absorbed into these locations than those where there is still a predominance of natural character. No expansion should occur immediately adjacent to the coast.

## **Policy 14.2**

The natural character of wetlands and RIVERS and lakes and their margins should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.

### **Methods of Implementation 14.2**

- (a) Determine PRIORITY WATERBODIES for the protection and enhancement of natural character (Appendix 18) and identify them on the planning maps.
- (b) Identify unprotected regionally significant wetlands as SIGNIFICANT NATURAL AREAS.
- (c) Determine preferred esplanade reserves and strips to be created/set aside at the time of subdivision and identify them on the planning maps.
- (d) Rules specifying standards relating to the creation of esplanade strips in the RURAL ENVIRONMENT AREA at the time of subdivision adjacent to PRIORITY WATERBODIES.
- (e) Use assessment criteria to consider the impact of development on the natural character of wetlands, RIVERS and lakes and their margins and, where appropriate, apply conditions on resource consents.

- (f) Advocate, in conjunction with the advisory services of the Land Management Section of Taranaki Regional Council, the protection of riparian margins on a catchment wide basis, and the protection of wetlands.
- (g) Promote the voluntary creation of esplanade strips and other protection mechanisms on a catchment wide basis.
- (h) Provide information and technical advice relating to the protection of natural character, including riparian management, in conjunction with Taranaki Regional Council, Taranaki Tree Trust and the Department of Conservation.
- (i) Promote community awareness of the importance of, threats to, and protection of natural character.
- (j) Provide rating relief for areas that are protected by legal instruments on the certificate of title.
- (k) Consider the use of other incentives to encourage the protection and enhancement of natural character.
- (l) Planting of esplanade reserves and other public open space environment areas by the COUNCIL.

Note: Where it is proposed to subdivide or develop a SIGNIFICANT NATURAL AREA, the rules relating to that SIGNIFICANT NATURAL AREA will take precedence, see Issue 16.

## Reasons 14.2

It is important to recognise the interaction between waterbodies and land and the role the transitional area or “margin” plays. There is not much case law on the natural character of freshwater bodies; generally it has been considered to relate to the riparian margin.

Riparian margins contribute to the natural functioning, quality and character of the district’s waterbodies. They are important not only for their visual, aesthetic and amenity values, but also because they play a crucial role in maintaining the integrity of both the terrestrial and aquatic ecosystems. Appropriate riparian management reduces erosion by binding soil particles and slowing overland flow, improves water quality by filtering surface and groundwater, fixing nutrients and binding other chemicals, improves water temperatures through shading, and provides habitat for a range of species, both resident and transitory.

Other associated benefits include shelter and shade for stock, improved farm management, and reduced stock losses (if an area is fenced).

It is therefore very important to ensure protection of these margins from inappropriate subdivision, use and development, and to enhance their natural character where it has been degraded through inappropriate land use or other practices. This will in turn ensure that the values of the waterbody itself (such as ecological values and water quality) will not be adversely affected by land use activities. Restoration of some of the former riparian linkages would assist in re-establishing a mountain to sea forest sequence, and restore some of the integrity of the former landscape.

The main threats to the natural character of wetlands, lakes and RIVERS within the New Plymouth District are drainage and land disturbance. Control of water (including drainage) and activities that may affect a fresh water body are regional council functions and are controlled through the Regional Fresh Water Plan for Taranaki (2001). Use of the Riparian Management Strategy for Taranaki is seen by the regional council as “a more effective means [compared with rules] of achieving the objectives of the plan”.

To achieve its obligations under the ACT, the COUNCIL proposes to take a similarly non-regulatory role for land use activities within the district. Although much of the riparian vegetation in the district has been removed through agricultural development, there is a developing awareness of the value of retaining or enhancing riparian margins. Taranaki Regional Council has undertaken a sustainable land management programme of advocacy and advice, including the preparation of property plans. Experience has shown that voluntary and incentive approaches, by involving the landowner or community willingly, promote an ethic of stewardship and therefore often achieve better results than a purely regulatory approach. The report State of the Environment - Taranaki Region (1996) states that “landowner initiative, voluntary co-operation and ongoing commitment are vital for the long term success of riparian management”.

It is appropriate that the COUNCIL supports these initiatives to protect natural character by ensuring landowners are aware of the advantages of riparian management and take ownership of such programmes for their land. The COUNCIL can provide assistance in the form of information, technical advice and by considering mechanisms such as incentives.

Although enhancement is not required by the ACT, both the Regional Policy Statement for Taranaki and the Implementation Strategy for Management of Riparian Margins (1993) recognise its importance. To target areas for enhancement, some areas have been identified as ‘priority’ for reasons of recreational, fishery, aesthetic and scenic values. The PRIORITY WATERBODIES are listed in Appendix 18 and are based on the Regional Policy Statement for Taranaki (1994) and the Regional Freshwater Plan for Taranaki (1998). Subdivision adjacent to these PRIORITY WATERBODIES will require legal protection of the riparian margin through creation of an esplanade strip, covenant or by other means. In urban areas (and some rural), areas required for public access purposes have been identified as “preferred esplanade reserves or strips” (refer to Issue 18 for further detail). These will also assist in the protection and enhancement of natural character within the district.

It is recognised that the management of riparian margins at a catchment level is the most effective means of enhancing the value of those catchments for water supply purposes, scenic and recreational uses, cultural and spiritual values and for in-stream habitat and fishery values. For this reason, the COUNCIL will use advocacy initiatives on a catchment wide basis.

Regionally significant wetlands, both protected and unprotected, have been identified in the Regional Fresh Water Plan for Taranaki (2001). Those that are unprotected are identified within this plan as SIGNIFICANT NATURAL AREAS and the methods pertaining to them will apply accordingly.

This policy is in line with the Regional Policy Statement’s promotion of good land management practices to ensure the values of our land and water resources are maintained and enhanced for present and future generations.

### **Anticipated Environmental Result 14**

A district where the value of the coastal environment, wetlands, RIVERS and lakes is recognised and the natural character preserved and, where possible, enhanced.

### **Indicators 14**

- (a) An assessment of land use and subdivision consents granted in the COASTAL POLICY AREA and areas that include defined PRIORITY WATERBODIES and wetlands.
- (b) Adequacy of information available to the public in the form of educational displays, pamphlets and/or design guides.
- (c) Community awareness of the importance of, threats to, and protection of natural character.
- (d) An assessment of the effectiveness of non-regulatory methods in protecting and enhancing natural character.

## **Issue 15: The potential adverse effects of inappropriate subdivision, use and development on OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES**

The ACT requires the COUNCIL to recognise and provide for the protection of OUTSTANDING LANDSCAPES from inappropriate subdivision, use and development. Although ‘outstanding’ is not defined in the ACT it may be considered to refer to those landscapes of exceptional value or of eminence or distinction on a national scale. The term landscape is difficult to define but refers to the cumulative effects of physical and cultural processes.

Following an initial assessment by LA4 Landscape Architects in 1995 and initial community feedback on the proposed objectives, policies and rules from the amenities technical paper, a Landscape Focus Group was formed. The Landscape Focus Group consisted of representatives from landowners, TANGATA WHENUA, Federated Farmers, Taranaki Regional Council, Transit New Zealand and Ministry of Agriculture.

The purpose of the group was to audit the work already completed by LA 4 Landscape Architects and the COUNCIL. The Landscape Focus Group used a methodology which defined areas of landscape, known as landscape units, identified each unit’s visual landscape characteristics and qualities, and ranked each as an OUTSTANDING LANDSCAPE, REGIONALLY SIGNIFICANT LANDSCAPE or neither, i.e. no ranking given. The visual threats likely to occur over the next 10 years to those landscape units that were ranked OUTSTANDING LANDSCAPES or REGIONALLY SIGNIFICANT LANDSCAPES, were then identified.

The audit process identified the following OUTSTANDING LANDSCAPES within the district:

- Mount Taranaki/Egmont.
- The Kaitake and Pouakai mountain ranges

These landscapes are limited to within the Egmont National Park boundaries.

Although these landscapes are not under threat from activities, such as track and hut construction and maintenance, larger scale activities such as a proposal for a gondola or a COMMUNICATION FACILITY, may have adverse visual effects on this landscape. As these areas are protected by national park status, the Egmont National Park Management Plan 2002-2012 is the primary means to control activities proposing to locate within them.

The Landscape Focus Group identified the protection and enhancement of REGIONALLY SIGNIFICANT LANDSCAPES as a further issue for the district. The following REGIONALLY SIGNIFICANT LANDSCAPES were identified:

- Coastal terrace between Mohakatino and White Cliffs.
- White Cliffs and associated conservation forest.
- Sugar Loaf Islands and Paritutu.
- Eight RIVER mouths as follows:
  - Mohakatino.
  - Tongaporutu.
  - Mimi.
  - Urenui.
  - Onaero.
  - Waiongana.
  - Tapuae.
  - Hangatahua (Stony).

The development threats to the REGIONALLY SIGNIFICANT LANDSCAPES are considered to be low over the next 10 years. However, there is the possibility of development, such as the construction of BUILDINGS or STRUCTURES at greater than the permitted HEIGHT levels, which may have adverse visual impacts on the REGIONALLY SIGNIFICANT LANDSCAPES. Although the likelihood of such developments occurring is low, such activities have the potential to have high visual impacts on the REGIONALLY SIGNIFICANT LANDSCAPES.

The controls within this only apply to the area landward of the COASTAL MARINE AREA. Taranaki Regional Council has jurisdiction within the COASTAL MARINE AREA and has prepared a Regional Coastal Plan for this area.

## Objective 15

To protect and enhance OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES within the district.

### Policy 15.1

Subdivision, use and development should not result in adverse visual effects on, and should enhance, where practicable, the following OUTSTANDING LANDSCAPES:

- Mount Taranaki/Egmont.
- The Kaitake and Pouakai mountain ranges.

### Methods of Implementation 15.1

- (a) Identify the OUTSTANDING LANDSCAPES on the planning maps.
- (b) Use assessment criteria to consider the visual impact of development on the OUTSTANDING LANDSCAPES for all resource consent applications that may visually affect the OUTSTANDING LANDSCAPES and, where appropriate, apply conditions on resource consents.
- (c) Publicly notify resource consent applications that may have an adverse visual impact on the OUTSTANDING LANDSCAPES.
- (d) Liaise with Taranaki Regional Council and Department of Conservation regarding any resource consents for developments which may have adverse visual impacts on the OUTSTANDING LANDSCAPES.
- (e) Liaise with the Department of Conservation when the management plan for the Egmont National Park is reviewed to ensure the landscape values of this area are recognised, provided for and enhanced, where practicable.
- (f) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
  - (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within OUTSTANDING LANDSCAPES.

- (g) Advocate to Transit New Zealand for appropriate signposting of existing rest areas on STATE HIGHWAYS that have views of the OUTSTANDING LANDSCAPES.
- (h) Work with Transit New Zealand to identify where new rest areas may be developed to view OUTSTANDING LANDSCAPES.

### Reasons 15.1

Mount Taranaki/Egmont and the Kaitake and Pouakai mountain ranges have been identified as OUTSTANDING LANDSCAPES within the district. In response to community preference the extent of these OUTSTANDING LANDSCAPES are limited to within the National Park boundary.

#### Mount Taranaki/Egmont

This unique distinctive landform dominates the region through the height and slope of its volcanic cone, and the extent of its INDIGENOUS VEGETATION.

#### The Kaitake and Pouakai mountain ranges

This area is characterised by the dramatic volcanic peaks, almost solid indigenous forest cover and lack of development.

Most activities that occur within the National Park, such as track construction and maintenance do not result in adverse visual effects. However, there is the possibility that further activities such as a gondola or COMMUNICATION FACILITY may have potential adverse visual impacts.

As the OUTSTANDING LANDSCAPES are protected by National Park status all activities are subject to controls under the Egmont National Park Management Plan. Section 4 of the ACT allows activities undertaken by the Crown within the National Park that are consistent with the Egmont National Park Management Plan to occur without application for land use consents. Hence the COUNCIL will liaise with the Department of Conservation to ensure that the landscape values of these areas are recognised and provided for when the Egmont National Park Management Plan is reviewed.

Where a proposed activity is not consistent with the management plan and/or has significant adverse effects beyond the boundary of the National Park, it will require a resource consent if it does not meet the conditions for a permitted activity within the RURAL ENVIRONMENT AREA. Although the likelihood of such activities occurring is low there is potential for them to have high visual impacts on the OUTSTANDING LANDSCAPES.

The mapping of the OUTSTANDING LANDSCAPES and the use of assessment criteria to evaluate the visual impact of development on them should ensure that they are not adversely affected. As the community has identified the OUTSTANDING LANDSCAPES it is important that they have the opportunity to comment on any such resource consents through public notification. The COUNCIL will also liaise with Taranaki Regional Council and the Department of Conservation regarding resource consent applications which may have adverse visual impacts on the OUTSTANDING LANDSCAPES.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on OUTSTANDING LANDSCAPES. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of network utility operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However it is recognised there will be some circumstances where these options aren't technically feasible, or are impractical due to geographic, environmental, operational or economic constraints and therefore the plan advocates, rather than requires such an approach.

Both OUTSTANDING LANDSCAPES are highly visible from STATE HIGHWAYS 3, 3A and 45. To enable visitors to, and residents of, the district to enjoy the views of these landscapes safely, the COUNCIL will advocate to Transit New Zealand for appropriate signposting of existing rest areas. The COUNCIL will also advocate to Transit New Zealand for the development of new rest areas to view the OUTSTANDING LANDSCAPES.

## Policy 15.2

Subdivision, use and development should not result in adverse visual effects on, and should enhance, where practicable, the following REGIONALLY SIGNIFICANT LANDSCAPES:

- Coastal terrace between Mohakatino and White Cliffs.
- White Cliffs and associated conservation forest.
- Sugar Loaf Islands and Paritutu.
- The following RIVER mouths:
  - Mohakatino.
  - Tongaporutu.
  - Mimi.
  - Urenui.
  - Onaero.
  - Waiongana.
  - Tapuae.
  - Hangatahua (Stony).

## Methods of Implementation 15.2

- (a) Identify the REGIONALLY SIGNIFICANT LANDSCAPES on the planning maps.
- (b) Use assessment criteria to consider the visual impact of all development, located both within and outside REGIONALLY SIGNIFICANT LANDSCAPES, on those REGIONALLY SIGNIFICANT LANDSCAPES and, where appropriate, apply conditions on resource consents.
- (c) Rules specifying standards to control subdivision of, and development on or within 50m of, WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.
- (d) Liaise with:
  - (i) the Department of Conservation when the management plans for the:
    - Mohakatino Swamp Conservation Area.
    - Kawau Pa Historic Reserve.
    - Umukaha Point Recreation Reserve.

- Tongaporutu Conservation Area.
  - Pou Tehia Historic Reserves.
  - White Cliffs Conservation Area.
  - Urenui River Local Purpose Reserve (Esplanade).
  - Pukemiro Historic Reserve.
  - Onaero Recreation Reserve.
  - Onaero River Scenic Reserve.
  - Sugar Loaf Islands Conservation Park.
- are reviewed;
- (ii) the COUNCIL when the management plans for the:
- Tongaporutu Domain
  - Urenui Domain
  - Onaero Domain
- are reviewed; and
- (iii) Taranaki Regional Council where landscapes that are listed as significant in the Regional Coastal Plan for Taranaki (1997) may be adversely affected by land use activities.
- (e) Advocate to landowners within the REGIONALLY SIGNIFICANT LANDSCAPES the landscape values of each REGIONALLY SIGNIFICANT LANDSCAPE.
- (f) Work with landowners within the REGIONALLY SIGNIFICANT LANDSCAPES to develop non-statutory guidelines for the location, bulk and HEIGHT of development within REGIONALLY SIGNIFICANT LANDSCAPES.
- (g) Advocate to and negotiate with NETWORK UTILITY operators and developers to encourage, where practical:
- (i) the co-siting of public works and NETWORK UTILITIES during the resource consent or designation process; and
  - (ii) the undergrounding of electricity distribution LINES and communication LINES within REGIONALLY SIGNIFICANT LANDSCAPES.

- (h) Advocate to Transit New Zealand for appropriate signposting of existing rest areas on STATE HIGHWAYS that have views of the REGIONALLY SIGNIFICANT LANDSCAPES.
- (i) Work with Transit New Zealand to identify where new rest areas may be developed to view REGIONALLY SIGNIFICANT LANDSCAPES.
- (j) Consider purchasing land within REGIONALLY SIGNIFICANT LANDSCAPES and vesting these areas as reserves.
- (k) Advocate the use of covenants to protect land within REGIONALLY SIGNIFICANT LANDSCAPES.
- (l) Advocate the enhancement of the REGIONALLY SIGNIFICANT LANDSCAPES through planting on reserves and other protected areas to the Department of Conservation and the COUNCIL.

## Reasons 15.2

REGIONALLY SIGNIFICANT LANDSCAPES warrant protection from inappropriate subdivision, use and development. The values and threats to these areas are as follows.

### The coastal terrace between Mohakatino and White Cliffs

This area comprises a flat area of land from the cliff edge running up to the top of the inland hills. The pasture covered hill slopes present a smooth, rolling appearance occasionally interrupted by patches of bush. Very few streams cross the flat areas and they have the appearance of being flat, smooth and uninterrupted. Single BUILDINGS are occasionally seen within this landscape. The main quality of this landscape is its openness, expansiveness and simplicity. The landscape is unique within the district because these marine terraces are special to the district and they have a strong sense of remoteness.

This area is private land, which is farmed for sheep and beef. There are unlikely to be any development threats to this landscape within the next 10 years as the area is unsuitable for forestry and the land uses are likely to remain as extensive pastoral farming.

### **Sugar Loaf Islands and Paritutu**

Paritutu is highly visible and distinctive as it rises out of the flat coastal edge. The physical nature and appearance of the Sugar Loaf Islands reflect the often harsh nature of the conditions. The dynamic interaction between the land and the sea is a crucial element of the character of this landscape. This rugged and undeveloped landscape conveys a strong sense of natural heritage. The strong visual association of the islands and Paritutu link the sea to the land.

There are no development threats to this landscape as the Sugar Loaf Islands are in Crown ownership and are protected by their status as the Sugar Loaf Islands Marine Protected Area. Paritutu is also protected, as it is part of the Paritutu/Centennial Park that is gazetted as a recreation reserve.

### **White Cliffs and conservation forest**

White Cliffs form a dramatic sea/land interface with sandstone cliffs backed by bush covered hills. The distinctive pattern of this landscape is due to its simplicity, bush and white cliffs with the occasional plateau of pasture. White Cliffs is a distinctive remote feature that appears to rise out of the sea.

There are no development threats to this landscape as it is in Crown ownership and is protected by its status as the White Cliffs Conservation Area.

### **RIVER mouths of the district**

The Mohakatino, Tongaporutu, Mimi, Tapuae and Hangatahua (Stony) RIVER mouths are characterised by their remoteness and lack of development. These landscapes have high aesthetic value due to their powerful landforms and RIVER mouths. Their main characteristic is their wild, remote quality and exposed nature.

The development threats to the above RIVER mouths REGIONALLY SIGNIFICANT LANDSCAPES are considered to be low. There is the possibility of development, other than usual rural development, that may have adverse visual impacts on these REGIONALLY SIGNIFICANT LANDSCAPES, for example, the construction of BUILDINGS or STRUCTURES at greater than the permitted HEIGHT levels. Although the likelihood of these types of activities occurring is low, they may have high adverse visual effects on these REGIONALLY SIGNIFICANT LANDSCAPES.

The Urenui and Onaero RIVER mouths are substantially modified with development including baches and caravans on the RIVER flats adjacent to the RIVER mouths; and at Urenui, with residential development on the south-western slopes. The Waiongana Stream mouth is also modified with some development and pasture, a reserve and a pine plantation. However these three RIVER mouths still have high aesthetic value due to their powerful landforms, the RIVER mouths and bush covered cliffs and hills.

Some of the land area around these RIVER mouths is already protected, as it is reserve land vested in the COUNCIL or protected by the Department of Conservation or through the Regional Coastal Plan for Taranaki (1997). However the majority of the land within these landscape units is in private ownership and is used for farming, holiday accommodation or residential development. It is unlikely that the land uses in these areas will differ or expand over the next 10 years so the development threats to the RIVER mouth landscape units are considered to be minimal.

This policy is not intended to halt any further development in these areas. Rather, any future subdivision, use and development within, or in close proximity to these REGIONALLY SIGNIFICANT LANDSCAPES should not be out of character with the existing natural and physical environment.

The mapping of the REGIONALLY SIGNIFICANT LANDSCAPES and the use of assessment criteria to evaluate the visual impact of development on them should ensure that they are not adversely affected by development in or in close proximity to them.

The boundaries of the landscape units often encompass WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI, especially pa SITES on headlands adjacent to RIVER mouths. Therefore, rules that protect the cultural heritage values of these areas will also protect their landscape values.

Some of the land within these landscape units is reserve land vested in the COUNCIL or protected by the Department of Conservation. Reserve management plans provide for the detailed management of each reserve and are considered the most appropriate management tools for these areas. Hence the COUNCIL will liaise with the Department of Conservation to ensure that the landscape values of these areas are recognised and provided for when the management plans for these areas are reviewed.

A number of areas located below mean high water springs are identified and protected by the Taranaki Regional Coastal Plan. Subdivision, use and development adjacent to these areas, above mean high water springs may adversely affect their visual characteristics. Hence the COUNCIL will liaise with Taranaki Regional Council where landscapes that are listed as significant in the Regional Coastal Plan for Taranaki (1997) may be adversely affected by land use activities.

The COUNCIL will work with affected landowners where REGIONALLY SIGNIFICANT LANDSCAPES are on private land to develop non-statutory guidelines for the location, bulk and HEIGHT of development within the REGIONALLY SIGNIFICANT LANDSCAPES. The COUNCIL will also encourage the protection of these landscapes by advocating the use of covenants to protect bush or historic areas. Where these methods are not successful and the landscape and associated values (such as historic) are significant and under threat, the COUNCIL may consider purchasing the land and vesting it as a reserve.

While public works and NETWORK UTILITIES provide an important service to the community, there is the potential, due to their operational requirements, for their design and location to result in adverse visual effects on REGIONALLY SIGNIFICANT LANDSCAPES. Methods such as co-siting or undergrounding can provide effective mitigation of adverse visual effects. Co-siting involves a number of network utility operators siting their utility facilities on the same STRUCTURE, reducing the visual impact of NETWORK UTILITIES to predetermined SITES. Undergrounding involves relocating LINES that have in the past been provided by way of overhead servicing, thereby removing their visual impact. However it is recognised there will be some circumstances where these options are impractical due to geographical, environmental, operational or economic constraints and therefore the plan advocates, rather than requires such an approach.

The REGIONALLY SIGNIFICANT LANDSCAPES are highly visible from STATE HIGHWAYS 3 and 45. To enable visitors to, and residents of, the district to enjoy the views of these landscapes safely, the COUNCIL will advocate to Transit New Zealand for appropriate signposting of existing rest areas. The COUNCIL will also advocate to Transit New Zealand for the development of new rest areas to view the REGIONALLY SIGNIFICANT LANDSCAPES.

This policy also seeks to encourage the COUNCIL, the Department of Conservation and private landowners to enhance the REGIONALLY SIGNIFICANT LANDSCAPES through planting.

### **Anticipated Environmental Result 15**

The qualities and values of OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES, as identified by the community, are protected and retained.

### **Indicators 15**

- (a) Assessment of consents that were publicly notified because they had the potential to adversely impact on identified OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES.
- (b) A re-evaluation of the identified REGIONALLY SIGNIFICANT LANDSCAPES in order to identify any changes and/or potential threats.

## Issue 16: Degradation and loss of INDIGENOUS VEGETATION and habitats of indigenous fauna

Section 6(c) of the ACT requires the COUNCIL to recognise and provide for the protection of significant INDIGENOUS VEGETATION and significant habitats of indigenous fauna as a matter of national importance.

As “significant” is not defined in the ACT, in preparing the Proposed District Plan an ecological consultant, Mrs Maggie Bayfield, was employed to determine the criteria that would define significance for the New Plymouth District. Using the criteria for significance, a total of 164 SIGNIFICANT NATURAL AREAS were identified within the district. At the time of notification, 133 of these were already protected being either in the public estate (94) or covenanted in private ownership (39). The remaining 31 were in private ownership and unprotected. Since this time, a number of these have also been legally protected. Only those SIGNIFICANT NATURAL AREAS that have no legal protection have been listed in the District Plan and individually identified in Schedule 21.2 in Appendix 21.

The criteria used for the initial identification of SIGNIFICANT NATURAL AREAS were based on a number of widely recognised criteria. These included those identified in Policy 1 of Issue 3.2.3 of the Regional Policy Statement for Taranaki 1994, the criteria used for ranking Sites of Special Biological Interest (developed by C. Ogle 1987), and the criteria used to identify Recommended Areas for Protection from the Protected Natural Areas Programme. The Protected Natural Areas Programme was established by the Department of Conservation in 1983 to ensure the preservation of representative samples of all classes of natural ecosystems that originally gave New Zealand its own recognisable character. This was achieved by dividing New Zealand into “Ecological Regions” according to geological, topographical, climatic and biological features and processes, which produced characteristic landscapes and ranges of biological communities. Within these regions, individual areas were identified based on species diversity, representativeness, presence of rare, vulnerable or endangered endemic species and important habitat types.

As a result of a District Plan appeal amended ‘significance’ criteria were applied to those areas listed in schedule 21.2 in appendix 21. A review was undertaken

(2009-2012) to apply the amended criteria to these existing SNA to amend the extent of these areas in relation to new criteria. The review process confirmed that all of the sites identified in Appendix 21.2 meet the section 21.1 criteria for determining SIGNIFICANT NATURAL AREAS. The review process confirmed and adjusted where necessary the spatial extent of those SIGNIFICANT NATURAL AREAS. Ecological regions continue to be important in the identification of SIGNIFICANT NATURAL AREAS.

It is recognised that ecological values are not static and will continue to change over time as areas of indigenous vegetation respond to different environmental pressures/threats. Regular monitoring of INDIGENOUS VEGETATION in the New Plymouth District and application of ‘significance’ criteria will ensure that Appendix 21 is complete. INDIGENOUS VEGETATION will continue to be monitored throughout the district to determine if areas meet ‘significance’ criteria.

The New Plymouth District includes parts of two ecological regions: the Egmont Ecological Region and the Taranaki Ecological Region.

The volcanic landforms of Mount Taranaki/Egmont, the Pouakai and Kaitake Ranges and their associated ring plain of ash, lahars and debris flows dominate the Egmont Ecological District. Most of the land surrounding Egmont National Park on this fertile ring plain has been highly developed for intensive agriculture and as a result there is little remaining indigenous forest or wetlands. Of this remaining vegetation, less than one percent of the original coastal, semi-coastal and lowland forests are currently protected<sup>17</sup>. Those other remaining areas of INDIGENOUS VEGETATION are mostly small in size and in private ownership. However, while many of these areas are not legally protected, they are often fenced and managed for their preservation.

The Taranaki Ecological Region is divided into two ecological districts, namely the Matemateaonga Ecological District and the North Taranaki Ecological District. Only the North Taranaki ecological district lies within the jurisdiction of the COUNCIL. This Ecological District consists of sedimentary landforms that are often steeply dissected, although alluvial valley floors, wetlands, elevated plateaus and coastal landforms such as marine terraces, dunes and cliffs also feature in some areas. The lower fertility of the soils and the steep slopes have been less

<sup>17</sup> Bayfield, M and Benson, M (1996). Egmont Ecological Region. Survey Report for the New Zealand Protected Natural Areas Programme

favourable to intensive development, as a result of which there are large tracts of indigenous forest remaining. While many of these remnants are in the ownership of the Crown, these protected areas are not truly representative of all forest and habitat types as they are on steep land. There are a few areas of remaining vegetation on private land that contain vegetation types or ecosystems that are not found in the protected areas and so are considered to be significant.

The SIGNIFICANT NATURAL AREAS identified in the Wildland Consultants report “Ecological Assessment of the Unprotected parts of 25 Significant Natural Areas in the New Plymouth Council Plan, Report 1665a (2009)” include a diverse range of INDIGENOUS VEGETATION types and habitats of indigenous fauna. For example, coastal and lowland forest, wetlands and large tracts of indigenous forest that provide habitat for indigenous fauna and habitats of uncommon bird species such as the vulnerable Australasian bittern and the threatened North Island brown kiwi.

In the past the clearance of vegetation for pasture, forestry or development has been the greatest threat to the survival of SIGNIFICANT NATURAL AREAS. However with the greater awareness of the importance of natural bush and wetland areas and the introduction of the Forestry Amendment Act (which provides for the conservation of INDIGENOUS VEGETATION by limiting timber removal to a sustainable level), most landowners would no longer consider large scale clearance of these areas. Although immediate threats in the form of the loss of INDIGENOUS VEGETATION by clearance or logging do still exist, extensive consultation shows that clearance is considered to be a viable option by only a very few landowners (five of the 77 landowners), and only as a last resort. The greatest threat to these areas is their loss or reduction in quality through infestation by pests and grazing by stock.

An earlier report prepared by Maggie Bayfield in 1996 “Significant Natural Areas in the New Plymouth District” recognised that there were areas of remnant vegetation that, although not meeting the criteria for significance, were still important. These areas have intrinsic value, provide wildlife habitat and wildlife corridors, help protect water quality and quantity and contribute to soil conservation, landscape and amenity values. Issues 4, 5 and 15 also address these values.

The ACT requires that particular regard be given to the intrinsic value of ecosystems and the maintenance and enhancement of the quality of the

environment. Most landowners have provided some level of protection for these natural areas and maintain an ethic of stewardship over them. However, there is the possibility of threat to these areas where ownership changes or where economic circumstances force a reconsideration of the values of such areas. Inappropriate subdivision, use or development may result in clearance for development, pasture or exotic forestry plantations; damage through grazing, burning, or infestation by noxious species; or by inducing changes in water level in wetlands.

Domestic goats farmed or otherwise kept within proximity to Egmont National Park can pose a threat to the INDIGENOUS VEGETATION of the park if not securely confined.

## Objective 16

**To sustainably manage, and enhance where practical, INDIGENOUS VEGETATION and habitats.**

### Policy 16.1

Land use, development and subdivision should not result in adverse effects on the sustainable management of, and should enhance where practical, SIGNIFICANT NATURAL AREAS.

### Methods of Implementation 16.1

#### Identification of SIGNIFICANT NATURAL AREAS

- (a) Development of criteria to determine whether a natural area is significant (refer to section 21.1 in Appendix 21).
- (b) Identification of SIGNIFICANT NATURAL AREAS using these criteria.
- (c) Identification of SIGNIFICANT NATURAL AREAS that are currently unprotected (legally) on the planning maps.
- (d) Compiling a schedule of the identified SIGNIFICANT NATURAL AREAS in the plan (refer to Schedule 21.2 in Appendix 21).
- (e) Development and maintenance of a database of SIGNIFICANT NATURAL AREAS.

- (f) Recording of SIGNIFICANT NATURAL AREAS on the COUNCIL'S property information data base.
- (g) Identification of protected (legally) SIGNIFICANT NATURAL AREAS in the plan (refer to Table 21.3).
- (h) Following full legal protection of a SIGNIFICANT NATURAL AREA, the COUNCIL will transfer reference to the SIGNIFICANT NATURAL AREA from Schedule 21.2 to Table 21.3 by updating the plan without further formality.

### **Incentives**

- (i) Rule specifying standards relating to allowing the subdivision of an additional lot provided that the SIGNIFICANT NATURAL AREA is legally protected, e.g. by a covenant or other legal mechanism which is registered on the title.
- (j) Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND to assist landowners in the protection of SIGNIFICANT NATURAL AREAS.



- (k) Rating relief for SIGNIFICANT NATURAL AREAS that are covenanted or otherwise protected by legal instruments registered on the title. Such options may include an equivalent reduction in rate to the proportion of the total area of the property which is covenanted or otherwise protected.
- (l) Community awards for protection and/or enhancement of SIGNIFICANT NATURAL AREAS.
- (m) Use of subsidised work schemes such as Taskforce Green, to provide labour to assist landowners in the protection and enhancement of SIGNIFICANT NATURAL AREAS, e.g. fencing and enhancement planting.
- (n) Use of the SIGNIFICANT NATURAL AREAS database for prioritising incentives.

#### **COUNCIL action or works**

- (o) The COUNCIL will give consideration to the:
  - (i) use of heritage orders when SIGNIFICANT NATURAL AREAS will otherwise be lost; and
  - (ii) acquisition of land to protect SIGNIFICANT NATURAL AREAS.
- (p) Facilitate, with landowner consent, management agreements between the COUNCIL and landowners to legally protect SIGNIFICANT NATURAL AREAS as an alternative to otherwise recognised covenants.
- (q) Facilitate the use of subsidised work schemes through the organisation and supervision of labour.
- (r) Investigate, in conjunction with Taranaki Regional Council, the Department of Conservation, the Queen Elizabeth II National Trust and Taranaki Tree Trust the implementation of district based community awards including the possibility for corporate sponsorship.
- (s) Explore different techniques to enhance the monetary value of rating relief for legally protected SIGNIFICANT NATURAL AREAS.
- (t) Investigate with Taranaki Regional Council and the Department of Conservation ways in which the COUNCIL can assist owners of SIGNIFICANT NATURAL AREAS with pest control.

#### **Control of activities on and in proximity to SIGNIFICANT NATURAL AREAS**

- (u) Providing for the legal protection of SIGNIFICANT NATURAL AREAS where subdivision occurs.
- (v) Rules controlling the modification of INDIGENOUS VEGETATION identified as a SIGNIFICANT NATURAL AREA in Schedule 21.2.
- (w) Attaching conditions to resource consents to ensure that subdivision does not adversely affect SIGNIFICANT NATURAL AREAS.
- (x) Use of a suitably qualified person to advise the COUNCIL and assess applications for subdivision, use and development that may have adverse effects on SIGNIFICANT NATURAL AREAS.

#### **Information, education and consultation**

- (y) Publicity about mechanisms and funding available from the COUNCIL and other agencies to protect and sustainably manage SIGNIFICANT NATURAL AREAS.
- (z) Promote community awareness about the values of, threats to and protection of SIGNIFICANT NATURAL AREAS.
- (aa) Provide, in liaison with Taranaki Regional Council, advice to landowners of SIGNIFICANT NATURAL AREAS about sustainable management and enhancement including fencing, revegetation and plant and pest control.
- (bb) Advocate to agencies such as the Department of Conservation, Taranaki Regional Council and Taranaki Tree Trust for funds to assist in the protection, enhancement and/or purchase of SIGNIFICANT NATURAL AREAS.
- (cc) Encourage community liaison with the Department of Conservation, Taranaki Regional Council, Taranaki Tree Trust and the Queen Elizabeth II National Trust regarding protection and enhancement of SIGNIFICANT NATURAL AREAS.
- (dd) Consultation by the COUNCIL with landowners about the protection and enhancement of SIGNIFICANT NATURAL AREAS on their property.

- (ee) Provide information on the location of SIGNIFICANT NATURAL AREA to prospective purchasers when a land information memorandum is applied for.

### Monitoring

- (ff) Develop an ongoing monitoring programme to measure the effectiveness of the COUNCIL methods to achieve the objective and policy.
- (gg) At two yearly intervals from the plan being publicly notified, review the effectiveness of the methods of implementation for the sustainable management of SIGNIFICANT NATURAL AREAS within the district.
- (hh) Where the results of monitoring indicate that the objective and policy for SIGNIFICANT NATURAL AREAS are not being met consider additional and/or alternative methods, including the use of rules, with landowner and stakeholders to control the clearance of vegetation or substantial modification within SIGNIFICANT NATURAL AREAS.

### Reasons 16.1

Section 6(c) of the Resource Management Act 1991 requires the COUNCIL to recognise and provide for the protection of areas of significant INDIGENOUS VEGETATION and significant habitats of indigenous fauna. Protection does not necessarily include enhancement but nevertheless the community wishes to ensure that the quality of the environment is maintained and enhanced. However, it is recognised that enhancement may not always be practical and the wording of Objective 16 and Policy 16.1 reflects this.

As “significance” has not been defined in the ACT it has been defined for the purposes of this plan having regard to the district context and is identified in section 21.1 in Appendix 21. These criteria provide a framework for consistent and objective assessment of SIGNIFICANT NATURAL AREAS. The criteria also require that the area is sustainable in the long term. Sustainability depends on a number of factors including the size and shape of the area, buffering, and the quality of vegetation or the habitat for species, including the diversity of species, the regenerative capacity, presence of pests, and management required. Twenty-five SIGNIFICANT NATURAL AREAS that are currently unprotected have been identified using these “significance” criteria. These natural areas have remained only because the landowners concerned, often over more than one generation, have made a conscious effort to protect and maintain these areas and forgo other uses, such as clearance and grazing for productive purposes.

Updated May 2015 (update 8ac)

As the continued protection of these areas can only be achieved with the understanding and co-operation of landowners a programme of consultation with landowners was carried out. This consultation concentrated on the landowner’s future plans for and perceived threats to their natural area and the methods of implementation that they favoured to achieve sustainable management of the area. A database of SIGNIFICANT NATURAL AREAS has been developed from this consultation process and will be maintained to ensure that all known information, such as the values of the areas and whether the areas are covenanted, fenced etc. is available. The provisions relating to the disturbance of INDIGENOUS VEGETATION within a SIGNIFICANT NATURAL AREA are complemented by the Methods of Implementation identified in the plan to assist landowners of SIGNIFICANT NATURAL AREAS.

It is important that prospective purchasers and new landowners are aware that a SIGNIFICANT NATURAL AREA is located on a property. To ensure that this information is available to the public, the COUNCIL will record SIGNIFICANT NATURAL AREAS on its property information data base and unprotected SIGNIFICANT NATURAL AREAS on the planning maps. A register of the identified SIGNIFICANT NATURAL AREAS is also included in this plan (refer to Schedule 21.2 in Appendix 21). This will ensure that the COUNCIL provides information to prospective purchasers when a land information memorandum is applied for where a SIGNIFICANT NATURAL AREA is located on a property.

The purpose of the ACT is to ‘...promote the sustainable management of natural and physical resources...’ Therefore, this policy seeks to ensure that these areas are sustainably managed rather than preserved. In a practical sense, this means that subdivision, use and development can occur adjacent to or within these areas provided that the character and natural processes of the ecosystem are able to continue. Hence, in many situations, activities such as sustainable harvesting and the removal of dead vegetation may occur without affecting the sustainability of the natural area.

Where SIGNIFICANT NATURAL AREAS are under threat of being lost, the COUNCIL will consider the use of heritage orders or the acquisition of land to ensure that these areas are kept. The COUNCIL will also investigate the use of management agreements between the landowner and the COUNCIL to protect SIGNIFICANT NATURAL AREAS where a recognised covenant is unacceptable to a landowner.

Where development occurs, provision for SIGNIFICANT NATURAL AREAS may be made through conditions on consent. A suitably qualified person with knowledge of the biodiversity values of these areas will be used to assist planning staff to assess any applications that may have adverse effects on SIGNIFICANT NATURAL AREAS.

An approach whereby the COUNCIL works with landowners to encourage them to continue protecting and, where practical, enhance these areas is proposed and is more likely to achieve this policy. Providing incentives such as an extra lot on subdivision, rates relief and funding encourages landowners to recognise the value of continuing to protect natural areas and provides some level of compensation for use they might otherwise have made of that land. It encourages landowners to place high value on the retention of areas of INDIGENOUS VEGETATION and habitats. The COUNCIL has investigated alternative mechanisms for assessing rates relief, and rates remissions policy currently acknowledges unprotected SIGNIFICANT NATURAL AREAS and provides further incentive for the legal protection of SIGNIFICANT NATURAL AREAS. A community awards scheme and subsidised work schemes to provide labour for and recognise the protection and/or enhancement of SIGNIFICANT NATURAL AREAS are other ways of recognising and encouraging the protection of these areas.

The greatest threat to these areas is their loss or reduction in quality through infestation by pests and grazing by stock. It is recognised that the eradication of pests, both plants and animals, is expensive and time-consuming for landowners. Hence the COUNCIL will work with Taranaki Regional Council and the Department of Conservation to investigate ways in which the COUNCIL can assist owners of SIGNIFICANT NATURAL AREAS with pest control. The COUNCIL recognises that the fencing of SIGNIFICANT NATURAL AREAS can be costly for landowners so the COUNCIL will also provide funding assistance for fencing for the protection of SIGNIFICANT NATURAL AREAS.

The COUNCIL can also provide for the recognition and protection of the values of SIGNIFICANT NATURAL AREAS through provision of information and advice. There are a number of agencies involved in the protection of natural areas and their involvement will be dependent on the particular values and circumstances. It is important that the community is aware such organisations exist, how they can help and how to contact them. Help can include provision of advice, materials, labour and/or funding. The COUNCIL can provide this information and advice to landowners through ongoing liaison, through written and verbal communication,

the distribution of pamphlets and by visiting the landowners individually on a regular basis.

## **Policy 16.2**

Land use, development and subdivision should not result in adverse effects on, and should enhance where practical, the quality and intrinsic values of areas of INDIGENOUS VEGETATION and habitats.

## **Methods of Implementation 16.2**

### **Incentives**

- (a) Consideration of rating relief for areas of INDIGENOUS VEGETATION and habitats that are legally protected.
- (b) Consider the use of the COUNCIL'S HERITAGE PROTECTION FUND to assist in the protection of areas of INDIGENOUS VEGETATION and habitats.

### **Control of activities on and in proximity to INDIGENOUS VEGETATION or habitats**

- (c) Rules specifying standards to control the containment of goats owned, farmed or otherwise kept within 2km of Egmont National Park.
- (d) Conditions on resource consents to ensure that subdivision, use or development does not adversely affect the quality and intrinsic values of INDIGENOUS VEGETATION and habitats.

### **Information, education and consultation**

- (e) Support the advisory services of Taranaki Regional Council's land management section.
- (f) Promotion of community awareness about the values of, threats to and protection of areas of INDIGENOUS VEGETATION and habitats.
- (g) Publicity about mechanisms and funding available from the COUNCIL and other agencies to protect and enhance INDIGENOUS VEGETATION and habitats.

- (h) Encourage landowners to liaise with the COUNCIL, the Department of Conservation, Taranaki Regional Council, Taranaki Tree Trust and the Queen Elizabeth II National Trust regarding advice and assistance with the protection and enhancement of areas of INDIGENOUS VEGETATION and habitats.
- (i) Provision of information and advice about mechanisms to maintain and enhance areas of INDIGENOUS VEGETATION and habitats.

## Reasons 16.2

Section 6(c) of the Resource Management Act 1991 requires the COUNCIL to recognise and provide for the protection of areas of significant INDIGENOUS VEGETATION and significant habitats of indigenous fauna. Protection does not necessarily include enhancement but nevertheless the community wishes to ensure that the quality of the environment is maintained and enhanced. However, it is recognised that enhancement may not always be practical and the wording of Objective 16 and Policy 16.2 reflects this.

This policy applies to all areas of INDIGENOUS VEGETATION and habitats within the district that have not been identified as SIGNIFICANT NATURAL AREAS.

Intrinsic values, although difficult to define, relate to the essential nature of ecosystems and are individual to each area or circumstance. These values can include the integrity, form, uniqueness, functioning inter-relationships and resilience of ecosystems. It is recognised that it is important to protect areas of INDIGENOUS VEGETATION and habitats for these intrinsic values. By doing so the quality of the environment will also be maintained and enhanced.

Maintenance and enhancement of natural areas can also provide for soil and water conservation, landscape and amenity values, cultural and spiritual values of TANGATA WHENUA, heritage, recreation, natural hazards avoidance and mitigation, maintenance and enhancement of water quality and quantity, and protection of wildlife and fisheries habitats.

There is an opportunity to provide for the protection of natural areas at the time of subdivision, use or development. Where development occurs, provision for natural areas may be made through conditions on consent.

Although many people already recognise the values of such areas and have made provision for their protection, there needs to be an increase in individual landowner and general community awareness. Information can be made available through a variety of methods such as the publication of leaflets and community displays.

Once there is recognition of the qualities and intrinsic values of such areas, the next step is to provide for their protection through the use of incentives and provision of information and advice. There are a number of agencies involved in the protection of natural areas and their involvement will be dependent on the particular values and circumstances. It is important that the affected landowners and the community are aware that such organisations exist, how they can help and how to contact them. Help can include provision of advice, materials, labour and/or funding.

Although much of the riparian vegetation in the district has been removed through agricultural development, there is a developing awareness of the value of retaining or enhancing riparian margins. Taranaki Regional Council has undertaken a sustainable land management programme of advocacy and advice, including the preparation of property plans. Experience has shown that voluntary and incentive approaches, by involving the landowner or community willingly, promote an ethic of stewardship and therefore often achieve better results than a purely regulatory approach. It is appropriate that the COUNCIL supports these initiatives to protect natural character by ensuring landowners are aware of the advantages of riparian management and take ownership of such programmes for their land. The COUNCIL can provide assistance in the form of information, technical advice and by considering mechanisms such as incentives.

Providing incentives such as rates relief and funding encourages landowners to recognise the value of protecting natural areas and provides some level of compensation for use they might otherwise have made of that land. It encourages them to place greater value on the retention of areas of INDIGENOUS VEGETATION and habitats.

Rules setting standards for the containment of goats kept within 2km of the boundary of Egmont National Park will assist in minimising the escape of goats into the park. Using approved animal identification systems will help to trace the ownership of domestic goats that may escape or otherwise be released from

captivity. These provisions will be consistent with and complementary to the maintenance of the park's INDIGENOUS VEGETATION for future generations.

### Anticipated Environmental Results 16

- (a) The retention, protection and sustainable management of SIGNIFICANT NATURAL AREAS.
- (b) Increased community awareness and recognition of the qualities and intrinsic values of SIGNIFICANT NATURAL AREAS.
- (c) The protection and enhancement of areas of INDIGENOUS VEGETATION and habitats.
- (d) Implementation of a monitoring programme.

### Indicators 16

- (a) Assessment of resource consents granted where a SIGNIFICANT NATURAL AREA is identified.
- (b) Adequacy of information available to the public in the form of educational displays, pamphlets and/or design guides.
- (c) Incentives used to preserve and/or protect INDIGENOUS VEGETATION and habitats.
- (d) Results of the monitoring programme, including:
  - (i) Percentage loss or gain of different vegetation and habitat types of SIGNIFICANT NATURAL AREAS;
  - (ii) Percentage loss or gain of different types of INDIGENOUS VEGETATION and different habitat types of indigenous fauna;
  - (iii) Extent, location and type of INDIGENOUS VEGETATION that has been covenanted and legally protected; and
  - (iv) Extent, location and type of INDIGENOUS VEGETATION that has been fenced.

## Issue 17: Degradation of OUTSTANDING NATURAL FEATURES

The ACT requires the COUNCIL to recognise and provide for the protection of OUTSTANDING NATURAL FEATURES from inappropriate subdivision, use and development.

OUTSTANDING NATURAL FEATURES are not defined in the ACT. For the purposes of this plan OUTSTANDING NATURAL FEATURES are defined as those natural landforms and geological features which are of international or national importance that are identified within the Inventory of Geological Sites and Landforms in the Taranaki and Wanganui Regions.<sup>18</sup>

This inventory also includes man-made landforms and other geological features. These features have not been included as OUTSTANDING NATURAL FEATURES because they are not natural features and they are protected by other mechanisms. Such items include the Alpha 1 Oil well SITE, St Mary's Church and Te Koru Pa stonework.

The OUTSTANDING NATURAL FEATURES within the district, their levels of protection and the threats to them are listed on the following page.

<sup>18</sup> Kenny, J and Hayward, B (1993). Inventory of Important Geological Sites and Landforms in the Taranaki and Wanganui Regions Geological Society of New Zealand Miscellaneous Publication No. 72

<b>OUTSTANDING NATURAL FEATURE</b>	<b>Level of Protection</b>	<b>Threats</b>
Katikara Formation aeolian tephra sections	Private land (not formally protected)	ROAD widening operations and grass seeding
Mount Taranaki/Egmont strato-volcano	Mount Taranaki/Egmont National Park (statutory protection)	Erosion from visitors
Sugar Loaf Islands and Paritutu	Sugar Loaf Islands (Nga Motu) Marine Protected Area and Partitutu/Centennial Park (statutory protection)	Marine and air pollution, coastal erosion and erosion from use by visitors
Sugar Loaf Islands taranakite	Sugar Loaf Islands (Nga Motu) Marine Protected Area (statutory protection)	Unlikely to be damaged
Tongaporutu Coast Miocene fossil sequence	White Cliffs Conservation Area, Mimi-Pukearuhe Coast Marginal Strip, Onaero Coast Marginal Strip and private land (statutory protection but some areas not formally protected)	Coastal erosion
White Cliffs coastal cliffs	White Cliffs Conservation Area (statutory protection)	Erosion from goats and possums and land disturbance by the Maui pipeline

(Note: Taranaki Regional Council has responsibility for marine and air pollution)

Many of these features are already legally protected with National Park, Conservation Area, Marine Protected Area, reserve or marginal strip status. Other features, such as the Tongaporutu Coast Miocene fossil sequence, are threatened by natural processes, such as erosion, which the plan cannot control.

Only two OUTSTANDING NATURAL FEATURES, the Katikara Formation aeolian tephra sections and some of the Tongaporutu Coast Miocene fossil sequence area, are in private ownership and threatened by activities. The Tongaporutu Coast Miocene Fossil Sequence is threatened by coastal erosion which can not be addressed by the plan. However the Katikara Formation aeolian tephra sections are threatened by ROAD widening activities which may be addressed by the plan.

### **Objective 17**

**To protect and enhance OUTSTANDING NATURAL FEATURES from inappropriate subdivision, use and development.**

#### **Policy 17.1**

Subdivision, use and development should not result in adverse effects on, and should enhance, where practicable, the geological and landform values of OUTSTANDING NATURAL FEATURES.

#### **Methods of Implementation 17.1**

##### **Identification of OUTSTANDING NATURAL FEATURES**

- (a) Develop criteria to determine whether a natural feature is outstanding (section 14.1 in Appendix 14).
- (b) Identify OUTSTANDING NATURAL FEATURES using these criteria (Schedule 14.2 in Appendix 14).

##### **Protection of OUTSTANDING NATURAL FEATURES**

- (c) Use assessment criteria and matters over which control is reserved to consider the impact of subdivision on the Katikara Formation aeolian tephra sections and, where appropriate, apply conditions on resource consents.
- (d) Use of a suitably qualified person to assess applications which may adversely affect OUTSTANDING NATURAL FEATURES.
- (e) The COUNCIL'S consideration of:
  - (i) the use of heritage order procedures when an OUTSTANDING NATURAL FEATURE will otherwise be lost; and
  - (ii) acquisition of land to protect OUTSTANDING NATURAL FEATURES.

### **Information, education and consultation**

- (f) Promote community awareness about the values of, threats to and protection of OUTSTANDING NATURAL FEATURES.
- (g) Consultation, by the COUNCIL, with landowners about the protection of OUTSTANDING NATURAL FEATURES on their property.
- (h) Liaise with:
  - (i) the Department of Conservation when the management plans for the:
    - Egmont National Park
    - White Cliffs Conservation Area
    - Sugar Loaf Islands (Nga Motu) Marine Protected Area
 are reviewed;
  - (ii) the COUNCIL when the management plan for the Paritutu/ Centennial Park is reviewed; and
  - (iii) the appropriate ROAD CONTROLLING AUTHORITY
 to ensure the landform and geological values of the OUTSTANDING NATURAL FEATURES are recognised, provided for and enhanced, where possible.

### **Reasons 17.1**

As OUTSTANDING NATURAL FEATURES have not been defined in the ACT they have been defined for the purposes of this plan, having regard to the district context, by section 14.1 in Appendix 14. Six OUTSTANDING NATURAL FEATURES have been identified using these criteria.

The majority of these OUTSTANDING NATURAL FEATURES are already legally protected through national park, conservation area, marine protected area, reserve or marginal strip status. Advocacy by the COUNCIL to the Department of Conservation and the COUNCIL when the management plans for these protected areas are reviewed will assist in ensuring these OUTSTANDING NATURAL FEATURES are protected. Therefore it is not considered necessary to use regulatory provisions within the plan to protect OUTSTANDING NATURAL FEATURES that are already legally protected.

Some OUTSTANDING NATURAL FEATURES, such as the Tongaporutu Coast Miocene fossil sequence, are threatened, however, only by natural process such as coastal erosion, which the District Plan cannot control.

The Katikara Formation aeolian tephra sections are three small important sections which are exposed on the ROAD cuttings on the southern side of Carrington Road between Oxford Road and Dover Roads, Junction Road north of Kent Road and Saunders Road. These sections are threatened by ROAD widening or straightening activities. The use of rules within the plan will not protect these sections of the OUTSTANDING NATURAL FEATURE as these roading activities would occur through the designation process and will not be bound by the rules of the plan. Consultation and liaison with the ROAD CONTROLLING AUTHORITY is the most appropriate mechanism to use to ensure the landform and geological values of this OUTSTANDING NATURAL FEATURE are recognised, provided for and enhanced, where possible.

The use of conditions on resource consents and the use of a suitably qualified expert to assess applications that may adversely affect OUTSTANDING NATURAL FEATURES will also be used to protect these features.

Where OUTSTANDING NATURAL FEATURES are under threat of being lost, the COUNCIL will consider the use of heritage orders or the acquisition of land to ensure that these areas are kept. The COUNCIL will also investigate the use of management agreements between the landowner and the COUNCIL to protect OUTSTANDING NATURAL FEATURES where a recognised covenant is unacceptable to a landowner.

Information, education and consultation will be used to promote community awareness of the values of, threats to and protection of OUTSTANDING NATURAL FEATURES.

### **Anticipated Environmental Result 17**

The preservation of OUTSTANDING NATURAL FEATURES in the district.

### **Indicators 17**

- (a) Assessment of resource consents that include conditions relating to the protection and/or enhancement of OUTSTANDING NATURAL FEATURES.
- (b) Adequacy of information available to the public regarding the location, type and significance of OUTSTANDING NATURAL FEATURES within the district.

## Issue 18: Provision of public access to and along the coast, lakes and RIVERS

Public access to and along the coastal marine area, lakes and RIVERS is a matter of national importance that the COUNCIL must recognise and provide for. The provision of access has interconnections with other issues, including recreation and conservation values.

Generally, the public has a good degree of access to the coast within the district via public ROADS, marginal strips, public reserves or public walkways. There is also a good level of public access to RIVERS, lakes and streams within urban areas. However, within rural areas, marginal strips, esplanade reserves and unformed legal roads are scattered and not easily identifiable by the general public.

However, acquiring additional land to provide continuous linkages with open space areas and waterbodies could enhance existing public access. The COUNCIL has identified areas of land that would link existing OPEN SPACE ENVIRONMENT AREAS (for example, the coastal land between Hickford Park and the Waiwhakaiho River). These areas are predominantly located in the urban areas of Oakura, Inglewood, Lepperton, Waitara, Egmont Village and New Plymouth. The majority adjoin waterbodies and would constitute an important addition to the walkways network.

The COUNCIL has also identified a number of PRIORITY WATERBODIES to which the enhancement of public access is desirable. Access to the coast continues to be a high priority for the community.

The provision of any future public access needs to be balanced against other important considerations, including conservation and cultural values, public health and safety, and security issues that may be compromised by inappropriate access.

## Objective 18

To maintain and enhance public access to and along the coast, lakes and RIVERS.

### Policy 18.1

Public access should be provided to and along the coast and PRIORITY WATERBODIES except where such access should be restricted:

- To preserve natural character.
- To protect SIGNIFICANT COASTAL AREAS.
- To protect SIGNIFICANT NATURAL AREAS.
- To safeguard ecological, intrinsic or recreational attributes.
- To avoid conflicts between competing uses.
- To protect cultural and spiritual values of TANGATA WHENUA.
- To protect human health and safety.
- For reasons of security.
- To prevent aggravation of a natural hazard.
- To protect the integrity of RIVER and flood control works.
- To provide for any other exceptional circumstances that are sufficient to justify the restriction, not withstanding the national importance of maintaining access.

### Methods of Implementation 18.1

- (a) Determine preferred esplanade reserves and strips (Appendix 17) and identify them on the planning maps.
- (b) Determine PRIORITY WATERBODIES for public access/recreational purposes (Appendix 18) and identify them on the planning maps.
- (c) Rules specifying standards relating to the creation of esplanade reserves and strips at the time of subdivision consent.

- (d) Consider use of negotiated agreements between the COUNCIL and landowners for public access purposes, including the creation of esplanade strips and access strips under the ACT or walkways through the provisions of the Walkways Act 1990.
- (e) Identification of preferred access strips as listed in Table 22.3 in Appendix 22.
- (f) Continue liaison with recreational user groups within the districts through the COUNCIL.
- (g) Provide information on areas available to the public for access, including information on where such areas are, what access is allowed, any restrictions that apply and how to protect sensitive areas.
- (h) Promote and support dune care groups and community involvement in issues relating to public access and the protection of sensitive areas.
- (i) Retain unformed legal roads where stopping would adversely affect public access to the coast and lakes and rivers.

### Reasons 18.1

The ACT enables the COUNCIL to identify land to be set aside for:

- The protection of conservation values.
- Public access.
- To enable recreational use where that use is compatible with conservation values.

This policy relates to the use of reserves, strips and other mechanisms to provide for public access, which in most situations will provide for enhanced recreational use of these areas. As the coast is perceived to be a public amenity, access is highly valued and provision will be made for this purpose on subdivision by setting aside esplanade strips.

The COUNCIL has identified PRIORITY WATERBODIES where esplanade strips will be set aside in rural areas to enhance public access and recreational opportunities. The COUNCIL has also identified areas important as linkages, both in the urban and rural areas, and targeted them for public acquisition as esplanade reserves or for access by way of esplanade strips to facilitate public access.

However, this policy is qualified because, in some cases, public access may result in the degradation of other community values (such as ecology or WAAHI TAPU),

may adversely affect other uses (such as defence activities or by affecting the security of private property) or may compromise public safety (such as within the industrialised areas of the port). Where this is the case, it would be inappropriate to provide for unrestricted access. Depending on the level of impact, conditions may be required to mitigate adverse effects, or an application may be declined. There are also circumstances where other legislation deals with the need to provide public access. Section 24B of the Conservation Act 1987 provides for an exemption from the requirement to provide marginal strips where Crown land is disposed of. It is recognised that where this section of the Act (or the relevant section of its predecessors) applies, and the reason for the exemption is still valid, it would be inappropriate to require provision for public access.

There are also mechanisms available for negotiated public access, both through the ACT and through the Walkways Act 1990. Often it may not be possible to take an esplanade reserve or strip or it may be more appropriate to confine access to a negotiated easement. The COUNCIL has identified preferred access strips within urban areas for this reason. Such agreements will further enhance the passive recreational opportunities within the district.

Unformed ROADS within the district have the potential to provide for access to the coast, lakes and RIVERS. Therefore, when considering a request for a ROAD to be stopped under the Local Government Act 1974, the COUNCIL will have regard to the effect of such a stoppage on the ability to provide for such public access.

### Anticipated Environmental Result 18

The provision of safe and appropriate public accessways adjoining the coastline and PRIORITY WATERBODIES.

### Indicators 18

- (a) Assessment of esplanade reserves and/or strips set aside adjoining the coast, PRIORITY WATERBODIES or as PREFERRED ESPLANADE RESERVES or STRIPS or as an off-set to a financial contribution requirement.
- (b) Areas where access to SIGNIFICANT COASTAL AREAS has been restricted (and reasons why).
- (c) Negotiated agreement(s) between the COUNCIL and landowners for public access purposes.

## Issue 19: The traditional relationship of TANGATA WHENUA with the natural environment of the district

The Maori perception of the natural world and its origins provides the foundation to resource management for TANGATA WHENUA.

IWI and HAPU traditions describe the natural world as originating from a spiritual realm. The children of Papa-tu-a-nuku (earth mother) and Ranginui (sky father) created and maintained their own domains over the natural world as atua or gods, breathing mauri (life force) into them. The authority of the atua as kaitiaki (guardians) is handed down to TANGATA WHENUA through whakapapa (genealogy), imposing a responsibility on present and future generations to care for the TAONGA (gifts) left by Papa and Ranginui.

Customary practices and values, known as tikanga, are observed to maintain the mauri of the natural world. These customary practices include institutions such as TAPU (sacredness) and noa tapu (non-tapu); ihi (awesome power) and wehi (reverence); mana (authority) and wairua (spirituality). The guiding principle that recognises the authority to care for TAONGA is that of KAITIAKITANGA (guardianship).

The TANGATA WHENUA of the district are represented by six IWI. These are Ngati Maniapoto, Ngati Tama, Ngati Mutunga, Ngati Maru, Te Atiawa and Taranaki. Each is comprised of one or more HAPU, each of which have their own area or ROHE.

The ACT places a duty on local authorities to recognise and provide for the special cultural and spiritual relationship Maori have with the environment (te taiao) as a matter of national importance. In undertaking its resource management functions, the COUNCIL must also have regard to KAITIAKITANGA and the principles of the TREATY OF WAITANGI (TE TIRITI O WAITANGI).

## Objective 19

To recognise and provide for the cultural and spiritual values of TANGATA WHENUA in all aspects of resource management in the district in a manner which respects and accommodates TIKANGA MAORI.

### Policy 19.1

The use of land for traditional Maori activities should be recognised and provided for.

### Methods of Implementation 19.1

- (a) Standards which allow MARAE and other associated facilities to establish subject to meeting the standards for permitted activities.
- (b) Special provisions for PAPAKAINGA HOUSING relating to:
  - (i) COVERAGE of the SITE; and
  - (ii) number of HABITABLE BUILDINGS in the RURAL ENVIRONMENT AREA.
- (c) Encourage access to reserve land for traditional activities in accordance with the reserve management plans.
- (d) Advocate for and facilitate access to traditional areas and resources.

### Reasons 19.1

This policy recognises that the Maori way of life revolves around the extended family. The MARAE is the centre of the community - the cultural and spiritual focus for IWI and HAPU. The activities that take place on MARAE are often similar in nature to those occurring at churches, schools and community halls. Other activities associated with MARAE can include traditional crafts such as wood and rock carving. Potential adverse effects of BUILDINGS include changes to stormwater runoff, production of contaminants, shading of adjoining properties, overspill lighting, noise, dust and high traffic generation.

Although MARAE and other communal areas are not specifically listed as permitted activities, provided they meet the required standards, they will be able to establish as-of-right in all ENVIRONMENT AREAS. In recognition of the communal nature of PAKAINGA HOUSING, special provisions relating to SITE COVERAGE and maximum number of HABITABLE BUILDINGS (RURAL ENVIRONMENT AREA) have been included in the plan. Because these special provisions are targeted specifically to meet the needs of Maori, the term PAKAINGA HOUSING is linked to use of Maori land by an IWI, HAPU or WHANAU for the benefit of its members, in recognition of part 6(e) of the ACT.

Traditional resources that yield food and materials that have cultural uses, such as flax, kiekie and pingao, may be found in public reserves, water bodies and coastal water. Access to these places should be provided for through reserve management plans.

Some areas of importance to IWI (such as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI) are on private land. The COUNCIL will endeavour to facilitate access to such SITES through mediation/negotiation if required.

## Policy 19.2

Subdivision, land use or development should not adversely affect the relationship, culture or traditions that TANGATA WHENUA have with WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.

## Methods of Implementation 19.2

- (a) Support and assist IWI as appropriate with their identification of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.
- (b) Develop a WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI inventory, using both open registers and SILENT FILES.
- (c) Identify the general locality of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI on the planning maps, and where agreed to by TANGATA WHENUA, record the full extent of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.
- (d) Rules specifying standards to control:

- (i) the ERECTION of STRUCTURES (including BUILDINGS) on and within 50m of any WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI located within the RURAL, INDUSTRIAL or OPEN SPACE ENVIRONMENT AREA identified by the IWI or HAPU of the district;
  - (ii) the ERECTION of STRUCTURES (including BUILDINGS) on WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI located within the RESIDENTIAL or BUSINESS ENVIRONMENT AREA identified by the IWI or HAPU of the district;
  - (iii) the EXCAVATION and FILLING, planting and clearance of TREES on and within 50m of any WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI identified by the IWI or HAPU of the district; and
  - (iv) subdivision of SITES containing identified WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.
- (e) Notify affected IWI of all notified and relevant non-notified resource consent applications, and consult with relevant IWI and HAPU to:
- (i) establish whether WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI are present and their extent;
  - (ii) establish whether the proposed use or development may adversely affect them;
  - (iii) establish whether there are ways in which to avoid, remedy or mitigate adverse effects on them; and
  - (iv) consider opportunities for traditional resource management methods as an alternative method for protecting TAONGA.
- (f) Promote an awareness of the importance of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and, by prior agreement with the relevant IWI or HAPU, encourage APPLICANTS to consult directly with TANGATA WHENUA and the Heritage New Zealand Pouhere Taonga where development is proposed on or in close proximity to identified WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.
- (g) Where requested by IWI or HAPU, facilitate practical and legal access to WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI by mediation and/or negotiation with landowners.

- (h) Protect sensitive information about the location and nature of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI in the consent and hearing processes through public exclusion and restrictions on release of this information.
- (i) Consider the option of the COUNCIL protecting WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI by heritage protection order if requested to do so by TANGATA WHENUA.
- (j) Encourage landowners to protect WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI on their properties through voluntary agreements or covenants, and facilitate meetings and mediate between landowners and TANGATA WHENUA when appropriate.
- (k) Use of the COUNCIL'S HERITAGE PROTECTION FUND for the protection and maintenance of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and areas, e.g. financial assistance for fencing of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and areas.
- (l) Rating relief for WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and areas that are formally protected.
- (m) Advocate to statutory agencies such as the Heritage New Zealand Pouhere Taonga and the Department of Conservation for assistance in protecting WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI.

## Reasons 19.2

WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI are SITES, places and things that are TAPU, sacred or spiritually endowed and of special importance to TANGATA WHENUA. WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI encompass the concept of pupuri (to hold, grip, maintain, keep in the memory, save). They may include:

- Urupa (burial SITES).
- Historic pa and kainga SITES.
- Battle grounds.
- Sacred mountains (such as Mount Taranaki/Egmont).
- RIVERS, wetlands (repo) and lakes.
- Symbolic and legendary landscape features.

- Mauri stones and trees.
- Tauranga waka (canoe landing SITES).
- Sources of water for baptism or other ceremonial rites.
- Mahinga kai (food gathering areas).
- TAONGA raranga and rongoa (plants prized for weaving, medicine and healing).

TAONGA (treasure) is a term which carries a deep spiritual meaning. TAONGA can include things that cannot be seen or touched and include te reo (the Maori language), WAAHI TAPU, waterways, fishing grounds and mountains.

Historically there has been much damage and desecration to WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and TAONGA in the district resulting from a variety of land use activities, including earthworks, grazing, BUILDING and TREE planting. These environmental outcomes have adversely affected the relationship of TANGATA WHENUA and their culture and traditions with those aspects of their environment which matter greatly to them.

The COUNCIL is required to recognise and provide for the relationship of Maori, their culture and traditions with their ancestral lands, water, SITES, WAAHI TAPU and other TAONGA as a matter of national importance under the ACT. The identification and recording of these areas will better enable their protection. In considering applications for activities on or near WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI, the COUNCIL must ensure that it considers the values placed on those SITES by TANGATA WHENUA.

WAAHI TAPU and TAONGA are not defined in the ACT. As kaitiaki it is appropriate for IWI and HAPU to define the nature and extent of the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI within their ROHE. As there may be instances where TANGATA WHENUA may prefer not to disclose the location of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI (such as urupa) to the general public, the COUNCIL will make use of section 42 of the ACT to restrict the publication of information which may offend TIKANGA MAORI. Consultation with the relevant IWI and HAPU where development is in close proximity to such SITES will be encouraged.

The COUNCIL has used the best available information to map and schedule all known WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI. Any WAAHI TAPU or TAONGA not identified in this plan will not be subject to the

rules of the District Plan. However, the COUNCIL will be obliged to have regard to the provisions of the ACT, and in particular section 6(e), in dealing with matters relating to WAAHI TAPU or TAONGA. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 may also be applicable, in particular the requirements to obtain an authority from Heritage New Zealand Pouhere Taonga in order to modify or destroy an ARCHAEOLOGICAL SITE.

### Policy 19.3

The cultural and spiritual values of TANGATA WHENUA should be recognised and provided for in the resource management of the district.

### Methods of Implementation 19.3

- (a) Consult with IWI and HAPU to determine the meaning of KAITIAKITANGA in terms of the management of the districts resources and the way in which the COUNCIL can appropriately incorporate this ethic in resource management decision making.
- (b) Consult with IWI and HAPU as to how best to accommodate the role of tribal kaitiaki in the management of natural and physical resources of the district.
- (c) Provide for the views of TANGATA WHENUA to be represented in the development of resource management policy and plans through:
  - (i) consultation with appropriate TANGATA WHENUA representatives, including through hui;
  - (ii) provision of sufficient information for TANGATA WHENUA to make informed decisions and provide representative views;
  - (iii) contracting, as appropriate, IWI and HAPU to supply information, provide representative views, act as facilitators and undertake specific research work or specific projects for policy and plan preparation; and
  - (iv) providing, where the COUNCIL'S resources allow, technical, administrative and other support to assist the understanding and participation of IWI in resource management.
- (d) Provide TANGATA WHENUA with the opportunity to participate in the resource consent process by:

- (i) consulting with TANGATA WHENUA where applications for resource consent may adversely impact on their cultural and spiritual relationship with their ancestral lands, water, SITES, WAAHI TAPU or other TAONGA; and
  - (ii) arranging and facilitating meetings between resource consent applicants and members of affected IWI and HAPU.
- (e) Provide for TIKANGA MAORI to be recognised in the hearing process by:
- (i) arranging interpretation services, when requested, for the presentation of evidence in Maori;
  - (ii) holding pre-hearing meetings and hearings on MARAE as may be appropriate, at the request of affected IWI and HAPU; and
  - (iii) restricting the publication of evidence during a hearing where the council considers this is necessary to avoid offence to TIKANGA MAORI or the disclosure of the location of WAAHI TAPU.
- (f) Prepare guidelines on what constitutes good consultation for inclusion in the plan (see the implementation section).
- (g) Encourage IWI participation in environmental monitoring, including input into the design of monitoring programmes and involvement in monitoring activities, when appropriate.
- (h) Consider opportunities for traditional resource management methods as an alternative method of achieving sustainable management or protecting TAONGA.

### Reasons 19.3

KAITIAKITANGA is the exercise of guardianship and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself. It is descriptive of the relationship TANGATA WHENUA have with the environment. The IWI and HAPU of the New Plymouth District are the sole custodians of knowledge of their cultural and spiritual values. They have the right and responsibility to articulate these values and belief systems to enable the COUNCIL to carry out its obligations under the ACT, and to provide guidance for other resource managers in the district. IWI have indicated the principle of KAITIAKITANGA is very clear to Maori.

The 1997 amendment to the ACT clarified the definition of KAITIAKITANGA to confirm that the concept was particular to Maori. However, this amendment also recognised the importance of the “ethic of stewardship” to the community by including it as section 7(aa), a matter to which any body exercising any form of jurisdiction under the ACT must have particular regard.

IWI and HAPU will be consulted on an individual basis to determine how KAITIAKITANGA can be recognised and provided for in the resource management of the district. This will enable the COUNCIL to have regard to this concept and provide for the role of tribal kaitiaki in appropriate circumstances.

Consultation will provide the basis for inclusion of traditional Maori cultural and spiritual values in the formulation of resource management policy and plans. Where appropriate, and with the prior consent of the mana whenua IWI or HAPU, applicants for resource consent will be encouraged to consult with TANGATA WHENUA to ensure these values are provided for. In all other circumstances the COUNCIL officers will consult directly with the mana whenua. The level of consultation and the manner in which it is undertaken will be dependent on the circumstances; a consensus approach may be appropriate in some cases while others may require consultation on a resource or SITE specific basis.

In meeting its responsibilities under the ACT, the COUNCIL is dependent on the ability and willingness of TANGATA WHENUA to articulate their knowledge and concerns about resource management matters. It is therefore important to ensure that TANGATA WHENUA have access to sufficient information and technical support to fulfil this role. It is also important to recognise and provide for customary practices. Provision for hearing evidence in Maori and holding pre-hearing meetings and hearings on MARAE recognises the relationship of the TANGATA WHENUA with the environment and their role as kaitiaki in the resource management of the district. IWI involvement in monitoring will enable them to be satisfied that KAITIAKITANGA is being appropriately exercised and is achieving the desired aims.

### Policy 19.4

The principles of the TREATY OF WAITANGI (TE TIRITI O WAITANGI) will be taken into account in the management of the natural and physical resources of the district.

### Methods of Implementation 19.4

- (a) Consider, after consultation with TANGATA WHENUA, how best to establish formal and informal working relationships to meet the COUNCIL’S obligations to TANGATA WHENUA under the ACT, including:
  - (i) opportunities for the transfer of resource management functions, powers or duties to IWI AUTHORITIES in the circumstances and terms provided for by section 33 of the ACT;
  - (ii) the desirability of establishing a forum for discussion, to provide advice and to make recommendations on matters of concern to TANGATA WHENUA;
  - (iii) appointment of TANGATA WHENUA representation on the COUNCIL hearings for relevant notified resource consent applications; and
  - (iv) the most appropriate mechanisms to provide for TIKANGA MAORI in resource management processes and/or committees.
- (b) Consult with IWI on how best to provide for IWI management of tribal land.
- (c) Support IWI initiatives to prepare IWI planning documents through provision of technical and financial assistance, as appropriate, on a case by case basis.

### Reasons 19.4

All those exercising functions, powers and duties under the ACT are required to take into account the principles of the TREATY OF WAITANGI (TE TIRITI O WAITANGI). A number of principles have been defined through the findings of the Waitangi Tribunal and the Court of Appeal and include, among others, partnership, TINO RANGITIRATANGA (self regulation) and active protection. As the meaning and practical implications of these principles will continue to evolve over time, it is not the intent of this policy to explicitly limit them. Rather, the principles provide a framework for addressing resource management issues.

The starting point for the resolution of issues is seen as consultation between IWI and the COUNCIL. The ACT provides new opportunities for the management of the district’s natural and physical resources. Through a process of negotiation and consultation, the COUNCIL can order its organisational structures and decision-making processes to reflect Maori concerns, beliefs, aspirations and values in the resource management of the district.

The ACT provides for the transfer of powers, functions or duties to IWI AUTHORITIES (section 33) or delegation of powers to committees of the COUNCIL (section 34). Both provide for greater involvement of IWI in the resource management process. Which process is more appropriate depends on the nature of the resource and the relationship of the IWI, HAPU or WHANAU to it.

Because of the inherent statutory nature of the responsibility, the complexity of the issues involved, and the level of resourcing required, it is considered that at present central administration by the COUNCIL is the most efficient and effective. However, these options may be appropriate in some circumstances and should be investigated where this is the case.

Section 74 of the ACT requires local authorities to have regard to planning documents recognised by IWI AUTHORITIES. A number of authorities are presently considering or are in the process of preparing IWI management plans or similar documents. Through the consultation process, IWI have indicated that they are very much under resourced, typically lacking finance and skilled personnel. As a group being called on to actively participate in an increasing range of consultative issues, this lack of resources restricts their ability to participate on an equal footing. Having regard to the Treaty principles of partnership and active protection, the provision of resources would benefit not only TANGATA WHENUA but the district as a whole. The COUNCIL can provide such assistance to IWI by providing technical expertise and assistance if required and considering options for funding.

### **Anticipated Environmental Results 19**

- (a) The development, maintenance and enhancement of MARAE, PAPA KAINGA and kaumatua housing and other facilities in the district.
- (b) Ongoing protection of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI within the New Plymouth District.
- (c) Accommodation of the cultural and spiritual values of TANGATA WHENUA.
- (d) Resource management decisions reflective of the philosophy of KAITIAKITANGA and the ethic of stewardship.

- (e) An increased understanding of the environmental perspectives and values of TANGATA WHENUA.

### **Indicators 19**

- (a) Assessment of the extent to which the COUNCIL undertakes consultation with TANGATA WHENUA and the levels of satisfaction of TANGATA WHENUA with such consultation.
- (b) Views of TANGATA WHENUA about the opportunities available through the district planning process to manage and protect their ancestral lands and resources.
- (c) Acceptability of outcomes.
- (d) Establishment of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI inventories.
- (e) Consultation, hui and meetings with IWI and HAPU of the district.
- (f) The creation and use of an organisational structure that provides for the Maori viewpoint and participation in the COUNCIL decision-making.

## Issue 20: Adverse effects of activities on the safe and efficient operation of the district's ROAD TRANSPORTATION NETWORK

The district's ROAD TRANSPORTATION NETWORK provides for the movement of people, goods and services in and out of, and within the district. It also plays a vital social role by linking together communities and other regions.

The COUNCIL provides for operation and maintenance of district ROADS, pedestrian footpaths and cycleways. It is the role and responsibility of Transit New Zealand to operate a safe and efficient STATE HIGHWAY system (pursuant to section 5 of the Transit New Zealand Act 1989). The district has four STATE HIGHWAYS, namely STATE HIGHWAYS 3, 3A, 44 and (Surf Highway) 45. Both the local and STATE HIGHWAY roading systems represent a significant investment to the nation.

Because the ROAD TRANSPORTATION NETWORK is a physical resource of strategic importance the system needs to be safeguarded from those activities that can adversely affect its safe and efficient operation.

Within this district, safety and efficiency of the ROAD TRANSPORTATION NETWORK may be adversely affected by the design and/or location of DRIVEWAYS, RIGHT OF WAYS, VEHICLE ACCESS POINTS, parking, loading and standing areas, SIGNS, the movement of pedestrians and cyclists, stock truck effluent disposal, activities in proximity to railway level crossings, GLARE, inappropriate subdivision or high traffic generators locating on low order ROADS in the ROADING HIERARCHY.

### **Vehicle access, parking and loading**

The design and/or location of new VEHICLE ACCESS POINTS to the ROAD TRANSPORTATION NETWORK can affect its safe and efficient operation. Therefore appropriate design, construction, gradient and/or location of

DRIVEWAYS, RIGHT OF WAYS or VEHICLE ACCESS POINTS is critical to ensure minimum disruption to the traffic flow. Conflicts between adjoining land uses and the continued safety and efficiency of the ROAD TRANSPORTATION NETWORK may be compounded by inappropriate VEHICLE access. This is a territorial cross boundary issue, particularly in regard to the relationship between traffic generation and access points to STATE HIGHWAYS.

Provision for VEHICLE movements within a SITE is also an important consideration. Inappropriately designed DRIVEWAYS or RIGHT OF WAYS may result in a reduction in user safety through lack of visibility, congestion, or lack of manoeuvrability. They may cause further conflict on the ROAD TRANSPORTATION NETWORK if a driver is forced to reverse onto busy adjoining ROADS.

Insufficient provision for off-street parking for MEDIUM SERVICE VEHICLES or larger, can also compromise the functioning of the ROAD TRANSPORTATION NETWORK. VEHICLES unable to find sufficient parking within SITES will often park on adjoining ROADS, impacting on available ROAD width, reducing visibility, adding to potential driver distraction and often causing ROAD congestion. Adequate provision also needs to be made for on-SITE loading and standing requirements to prevent VEHICLE queuing, inappropriate manoeuvring and ensure VEHICLES do not block traffic passage while unloading.

All these matters are particularly important on ROADS where VEHICLE movements are the highest – the major transport routes. Reduction in the need for on-street manoeuvring, VEHICLE queuing and other potential traffic hazards will enhance safety and efficiency on the ROAD TRANSPORTATION NETWORK.

### **Pedestrians and cyclists**

As motor VEHICLES are not the only ROAD users, there is the potential for conflict where adequate provision is not made for pedestrians and cyclists. Safety and efficiency on the ROAD TRANSPORTATION NETWORK for both groups can be achieved by reducing the potential for conflict, or by separating them

completely. The provision of cycle lanes, judder bars or slow speed zones on busy sections of the ROAD TRANSPORTATION NETWORK are some of the options available to avoid or remedy hazards for pedestrians and cyclists.

It is also important to consider how the design and construction of new ROADS and/or improvements to the existing network will provide for these potentially incompatible activities. For example, in pedestrian orientated areas if the ROAD CARRIAGEWAY is wide, motorists will tend to travel at speeds that can create a safety hazard to pedestrians within that area.

## **SIGNS**

SIGNS can both enhance and potentially be detrimental to traffic safety.

OFFICIAL SIGNS provide important and often critical safety information for ROAD users. It is therefore essential that they are conspicuous with uninterrupted views for drivers and pedestrians, and not confused with other signage.

ADVERTISING SIGNS may have adverse effects on traffic safety by:

- Distracting driver attention from the task of driving.
- Obscuring driver sight lines, particularly at intersections.
- Obscuring or reducing the prominence of OFFICIAL SIGNS.
- Minimising OFFICIAL SIGNS or other safety features such as hazard lights.

Therefore, care needs to be taken with SIGN location, orientation, design, and illumination.

The impact of ADVERTISING SIGNS is likely to be greatest on STATE HIGHWAYS and other major transport routes. Not only do these routes attract the greatest pressure from potential advertisers (as high traffic volumes provide the greatest advertising opportunity), they are also potentially (again, due to the high traffic levels) at greatest risk from traffic conflicts.

ADVERTISING SIGNS can also create unsafe conditions for pedestrians and motorists. Located on or above public footpaths they can obstruct pedestrian flow, and be a hazard to sight impaired and physically disabled persons. “Sandwich board” SIGNS can also be a hazard in strong winds.

## **Stock effluent**

Stock effluent on ROADS within the district is largely the result of two activities: the movement of stock across or along ROADS and the transportation of stock to meat processors, sale yards and the like. It can result in slippery surfaces that can be hazardous to ROAD users, particularly cyclists and motorcyclecyclists, and can cause accelerated decay of the roading surface. Such hazards may compromise the safety and efficiency of the district’s ROAD TRANSPORTATION NETWORK.

Although most stock carriers have effluent tanks fitted to their trucks, many encounter effluent disposal difficulties once they have reached their destination. This is because often meat processors, sale yards or abattoirs do not have adequate disposal facilities. As a result there have been instances where effluent has been dumped illegally onto ROADS.

## **Railway level crossings**

A railway level crossing is where a railway crosses a ROAD. Restriction of visibility at a level crossing presents a potential hazard to both rail and ROAD traffic. Visibility may be impeded by vegetation, BUILDINGS or other STRUCTURES. ROAD user safety and the efficiency of the rail network can be compromised if strict standards are not adhered to.

Within the New Plymouth District there are 31 level crossings, owned by Toll Rail, the COUNCIL or Transit New Zealand, or the Waitara Preservation Society or lessees. By ensuring adequate visibility at all of these ROAD rail intersections the element of uncertainty and the probability of unnecessary risks being taken by ROAD users can be substantially reduced.

## **Vegetation**

It is acknowledged that in some circumstances the density and/or location of roadside vegetation may adversely affect safety and efficiency on the ROAD TRANSPORTATION NETWORK. For example, shading of the ROAD may create icing or restrict driver visibility and motorist sightlines. However, it is considered that the matters associated with roadside vegetation and its impact on safety and efficiency on the ROAD TRANSPORTATION NETWORK is not a significant resource management issue for this district. NETWORK UTILITY operators and road controlling authorities have the ability through other legislation

to require TREES to be cut down, lowered or trimmed where they are adversely affecting the operation of a network utility or ROAD.

### **GLARE**

GLARE can obstruct, distract or confuse the visibility of a motorist and this may adversely affect the ability of that person to safely drive on the ROAD TRANSPORTATION NETWORK.

Historically there is little evidence of GLARE being an issue for ROAD safety in the New Plymouth District. If and when an impact on traffic safety requires that action be taken, GLARE will be managed through the provisions contained within Issue 2, Amenity Health and Safety.

### **Subdivision**

The COUNCIL has an integrated management role in relation to managing any adverse effects that may arise from subdivision and any subsequent land use on the safe and efficient operation of the ROAD TRANSPORTATION NETWORK, in particular those affecting STATE HIGHWAYS.

Patterns and the location of subdivision in relation to ROADS have a major bearing on land use activities. While the subdivision itself may not impact on the safety and efficiency of the ROAD TRANSPORTATION NETWORK, the resultant land use can give rise to significant adverse environmental effects. This can include a proliferation of, or inappropriately spaced or located, VEHICLE ACCESS POINTS as a result of ribbon-type residential development, clusters of small rural allotments, intensive agriculture or horticulture, or rural industry.

At the time of subdivision it is therefore considered essential to consider the form of the subdivision and that appropriate provision is made for VEHICLE access onto the adjoining ROAD.

### **Traffic generation**

The effects of an activity on the safe and efficient operation of the ROAD TRANSPORTATION NETWORK are generally proportional to the volume of traffic it generates. As traffic volumes increase, so too does the potential for ROAD user, pedestrian and cyclist conflict. These can include, for example, congested traffic conditions, reduced speed, unsafe driving manoeuvres due to delays in travel time. It is therefore possible to determine the adverse effects of

an activity on the ROAD TRANSPORT NETWORK based on the traffic each SITE generates. (The amenity and character issues associated with high traffic generating activities are discussed in Issues 4 and 6).

Where traffic movements from an activity such as those associated with a major TEMPORARY EVENT, are likely to disrupt those typical for the locality, a temporary traffic management plan is required to be provided to the Council pursuant to the Council-adopted NZTA Code of Practice for Temporary Traffic Management (CoPTTM).

## **Objective 20**

**To ensure that the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.**

### **Policy 20.1**

The movement of traffic to and from a SITE should not adversely affect the safe and efficient movement of VEHICLES, both on-SITE, onto and along the ROAD TRANSPORTATION NETWORK.

### **Methods of Implementation 20.1**

- (a) Develop a ROADING HIERARCHY and identify its component parts on the planning maps.
- (b) Identify INDICATIVE ROADS on planning maps and rules specifying standards relating to the requirement to protect INDICATIVE ROADS.
- (c) Standards relating to the requirement for, and dimensions, location and size and construction standards for VEHICLE ACCESS POINTS, DRIVEWAYS, RIGHT OF WAYS and ROADS.
- (d) Matters over which control will be reserved in relation to RIGHT OF WAYS and ROADS.
- (e) Use the designation process to assess and mitigate any adverse effects arising from major roading projects.
- (f) Identify LIMITED ACCESS ROAD Declarations under the Transit New Zealand Act 1989 on the planning maps and list (refer to Appendix 23).
- (g) Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- (h) Consult with ROAD CONTROLLING AUTHORITIES.
- (i) Use of Temporary Traffic Management Plans.

## Reasons 20.1

Using a ROADING HIERARCHY as a planning tool will assist in the management of the adverse effects generated by land use and development on the ROAD TRANSPORTATION NETWORK. It will enable an overview of likely ROAD user conflicts and allow standards to be set accordingly.

It is considered appropriate to classify all of the district's ROADS in conjunction with a ROADING HIERARCHY similar to that adopted by Transit New Zealand. The terminology used within the ROADING HIERARCHY used by Transit New Zealand has been simplified for administration purposes within this plan. 'Primary arterial routes' and 'secondary arterial routes' have been grouped together as ARTERIAL ROADS. ROAD classifications are determined by taking into account traffic volumes, street function and ROAD engineering specifications; this results in a four-tier hierarchy<sup>18a</sup>:

STATE HIGHWAYS	ROADS of national strategic importance are significant elements to the national economy, have the highest degree of access control and the highest level of user service. STATE HIGHWAYS include all motorways and declared LIMITED ACCESS ROADS.
ARTERIAL ROADS	ROADS of regional or district strategic importance that are significant elements of the regional or local economy, and have access standards determined principally on the basis of strategic function and traffic volumes.
COLLECTOR ROADS	ROADS that are locally preferred routes between or within areas of population or activity. They collect, distribute or link traffic from the arterial network, and have property access as a high priority.
LOCAL ROADS	All other ROADS servicing land use activities, including cul-de-sacs and SERVICE LANES

<sup>18a</sup> Refer to Appendix 23G for the rural ROADING HIERARCHY

The potential for VEHICLE access to conflict with ROAD users can be directly related to the volume of traffic. Standards for DRIVEWAYS and VEHICLE ACCESS POINTS that have regard to the ROADING HIERARCHY and traffic generation can minimise the potential for such conflicts.

Minimum design and construction standards for DRIVEWAYS are critical to provide for ease of access and the protection of the safety of users. All RIGHTS of WAY will require a controlled resource consent. The length and number of SITES they serve are important factors that need to be considered, as is the gradient. If they are too steep then access can be difficult and dangerous. Footpaths on at least one side of a RIGHT OF WAY can provide for pedestrian convenience and safety.

VEHICLE ACCESS POINTS should also be located in positions where the visibility of motorists entering and exiting SITES is not impaired. If VEHICLE ACCESS POINTS are inappropriately located in relation to STATE HIGHWAYS or intersections, traffic conflicts can arise as a result of interference with SIGNS, passing traffic or turning movements. The width and location of VEHICLE ACCESS POINTS needs to be controlled to allow ease of VEHICLE access while protecting other ROAD users and pedestrians from unpredictable manoeuvres.

The total combined width of VEHICLE ACCESS POINTS along a ROAD BOUNDARY is another important consideration. A series of VEHICLE ACCESS POINTS (the cumulative effect) on a section of ROAD can increase the opportunity for conflict and can create traffic friction, causing slowing of traffic and have an adverse effect on pedestrian safety. This is particularly the case on STATE HIGHWAYS and arterial routes.

Some lengths of the district's STATE HIGHWAYS have been declared as LIMITED ACCESS ROADS (LAR) under section 88 of the Transit New Zealand Act 1989. Any proposed access in relation to a LAR will require the consent of Transit New Zealand pursuant to the TNZ Act. These provisions are not subject to control by the plan. For the purpose of assisting APPLICANTS, all LARs within the district will be notated on planning maps and listed within Appendix 23.

It is considered inappropriate to contain provisions within the plan on the design and construction of vehicle crossings (the point of entry onto a SITE from the ROAD), as the matter is addressed by the part of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.

## Policy 20.2

The safe and efficient operation of the ROAD TRANSPORTATION NETWORK should not be adversely affected by land use activities that have insufficient parking areas for MEDIUM SERVICE VEHICLES or larger and loading areas; or substandard parking or loading areas.

### Methods of Implementation 20.2

- (a) Rules specifying standards for:
  - (i) minimum number of on-SITE parking for MEDIUM SERVICE VEHICLES or larger (including bicycle parking), LOADING and STANDING SPACE requirements; and
  - (ii) minimum design and construction standards for off-street parking, LOADING and STANDING SPACE, including manoeuvring and QUEUING SPACE.
- (b) Provide public parking facilities or parking spaces for bicycles.
- (c) Conditions on resource consents relating to SITE layout in terms of parking, LOADING and STANDING SPACES.
- (d) Provide design guidelines for on-SITE VEHICLE parking.

### Reasons 20.2

The demand for VEHICLE parking is an effect generated by most land use activities. Sufficient parking should be provided to cater for normal demands for MEDIUM SERVICE VEHICLES or larger. If parking facilities are inadequate, parking can overspill onto the adjoining ROAD resulting in excessive on-street VEHICLE circulation and ROAD congestion.

However, there is no requirement for an activity to provide a minimum number of on-SITE VEHICLE parking spaces if it is located in a defined area in the New Plymouth central business district. This area is known as the PARKING EXEMPTION AREA. The provision of on-SITE VEHICLE parking spaces in the PARKING EXEMPTION AREA is unnecessary given the results of occupancy monitoring which show that all types of parking in the New Plymouth central business district have been under utilised for a significant period of time. This exemption will help to promote an attractive, vibrant and efficiently functioning environment.

Parking for MEDIUM SERVICE VEHICLES or larger will be determined on how many visit the SITE on a regular basis or perform a function in the operation of an activity or through establishing the maximum peak number of VEHICLE EQUIVALENT MOVEMENTS. It is acknowledged that vehicle parking space for disabled people is a necessary requirement to ensure their safety and wellbeing. However, it is considered the Building Act 2004 adequately addresses this matter.

Adequate on-SITE LOADING and STANDING SPACE is also necessary for activities in order to protect the function and safety of the ROAD from manoeuvring VEHICLES, double parked VEHICLES, or VEHICLES loading and unloading across pedestrian areas. These too are determined by establishing the number and type of service VEHICLES accessing the SITE.

Minimum design standards for on-SITE vehicle parking space, LOADING and STANDING SPACE is necessary to ensure there is adequate on-SITE space for motor VEHICLES parking or delivering service goods and that users can easily and safely manoeuvre in and out of the VEHICLE parking or loading area. A critical matter in this respect is the need to provide sufficient on-SITE manoeuvring and QUEUING SPACE so VEHICLES are not forced to reverse onto the adjoining ROAD. VEHICLE parking spaces and the adjoining access may also require permanent hard surfacing to avoid the deterioration of ROAD and footpath surfaces and to provide all weather access. Maximum gradients, width, HEIGHT clearance or SEAL type are necessary to ensure safety and ease of access. The provision of design guidelines for on-SITE VEHICLE parking (where it is still required or if developers still choose to provide it) will contribute to the maintenance of a safe and efficient ROAD TRANSPORTATION NETWORK.

To address the potential adverse effects that may occur between cyclists, pedestrians and traffic within urban areas, it is considered appropriate to make provision for bicycle parking spaces.

Significant traffic volumes, over and above average volumes for a locality, can be generated by TEMPORARY EVENTS. In such circumstances a temporary traffic management plan provided to the Council pursuant to the Council-adopted NZTA Code of Practice for Temporary Traffic Management (CoPTTM) can be the most efficient and effective way of managing traffic safely and efficiently for the duration of an event.

### **Policy 20.3**

Potential conflict between VEHICLES, pedestrians and cyclists moving on the ROAD TRANSPORTATION NETWORK should be minimised to protect the safety and efficiency of ROAD and footpath users.

#### **Methods of Implementation 20.3**

- (a) Develop a DEFINED RETAIL FRONTAGE within parts of BUSINESS A and C ENVIRONMENT AREAS and identify them on the planning maps.
- (b) Rules specifying standards relating to:
  - (i) the dimensions and construction standards for new ROADS;
  - (ii) provision and design of bicycle parking space;
  - (iii) the location of VEHICLE ACCESS POINTS that adjoin DEFINED RETAIL FRONTAGE; and
  - (iv) traffic generation standards.
- (c) Identify INDICATIVE ROADS on the planning maps and rules specifying standards relating to the requirement to protect INDICATIVE ROADS.
- (d) Determine the matters over which the COUNCIL will restrict its control or reserve its discretion in evaluating the necessity of developing cycle lanes on certain classifications of new ROADS or ROAD widening.

- (e) Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- (f) Good design and provision of traffic management devices by the ROAD CONTROLLING AUTHORITY, for example ROAD marking, footpaths, signage, pedestrian thresholds, chicanes, judder bars and off-ROAD cycle lanes).
- (g) Use the designation process to assess and mitigate any adverse effects arising from major roading or rail projects.
- (h) Promote community awareness about the existing network of cycle lanes.

### Reasons 20.3

When designing and constructing new ROADS and/or improving the existing ROAD TRANSPORTATION NETWORK, consideration needs to be given not only to the efficient flow of vehicular traffic, but also the needs of cyclists and pedestrians. In pedestrian orientated areas the ROAD design will be critical in giving visual signals to VEHICLES that they are entering a slow speed environment. If the ROAD CARRIAGEWAY is wide, motorists will tend to speed up which can create a safety hazard to pedestrians within that area. The potential for conflict between pedestrians and vehicular traffic can be reduced through the inclusion of separate footpaths as part of any new ROAD, or where high usage warrants the construction of footpaths on both sides of an existing ROAD. In the RURAL ENVIRONMENT AREA it is essential that new ROADS are not only functional but that they are of a scale that supports an intensity of use that retains RURAL CHARACTER, as discussed further in Policy 4.8.

To recognise the safety needs of pedestrians within the BUSINESS A and C ENVIRONMENT AREA, it is considered appropriate to control the location of VEHICLE ACCESS POINTS. By implementing a DEFINED RETAIL FRONTAGE over those parts of the CBD and suburban shopping strips that have high pedestrian counts, and implementing controls, the likelihood of user conflict occurring between motorists and pedestrians can be reduced. It is acknowledged that SERVICE LANES function to mitigate the adverse effects of such a situation.

Cyclists, as ROAD users, can be particularly vulnerable to both moving and parked traffic. The opening of car doors from stationary vehicles can be a potential hazard. The separation of cycle traffic from moving and parked VEHICLES can help enhance the safety of cyclists and may be achieved through the use of cycle lanes (within the ROAD reserve), off-ROAD cycle lanes and signage. CARRIAGEWAY construction and maintenance practices should also

ensure that ROAD surfaces are free of debris and smooth enough to provide a reasonable level of comfort for cyclists.

INDICATIVE ROADS serve the function of providing developers with an indication as to a suitable location and layout pattern of a new ROAD or pedestrian linkage system. The location and design of new roads need to be controlled to ensure the ROAD TRANSPORTATION NETWORK is maintained and road user issues do not arise in respect of existing roading patterns.

The provision of traffic management devices, such as judders, or speed humps at pedestrian thresholds can also be used along particular traffic routes to improve safety and efficiency. They can also be used to discourage heavy traffic volumes of traffic along LOCAL ROADS within RESIDENTIAL ENVIRONMENT AREAS and the central business district.

Engineering issues such as design and construction of ROADS are appropriately addressed within the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.

Within the RURAL and RESIDENTIAL ENVIRONMENT AREAS it is considered appropriate to control, in some circumstances the maximum levels of traffic generation a SITE may generate. This is important because where high traffic generators are located on SITES that access a LOCAL ROAD or RIGHT OF WAY, they may in fact be more appropriately situated on SITES that access ROADS within the hierarchy designed to handle large volumes of traffic, particularly when the associated adverse traffic effects on ROAD user, pedestrian or cyclist safety cannot be mitigated. Traffic generation can also alter the character of an area. This issue is addressed directly in Policy 4.8 where traffic generation standards are used to control the appropriate scale of development in the RURAL ENVIRONMENT AREA. This will ensure the safe and efficient operation of the ROAD TRANSPORTATION NETWORK, whilst allowing for the day to day operational requirements of activities to continue.

### Policy 20.4

SIGNS should be designed and located to avoid ROAD or footpath user obstruction, distraction or confusion.

### Methods of Implementation 20.4

- (a) Rules specifying standards for:
  - (i) the location of OFFICIAL SIGNS; and

- (ii) the location, content, appearance, illumination, minimum lettering size, movement, size, number and projection of ADVERTISING SIGNS.

## Reasons 20.4

OFFICIAL SIGNS are important for ROAD safety and should be given priority for location within ROAD reserves without visual impediment to ROAD users or the possibility of confusion with other signage. Avoidance of clutter from ADVERTISING SIGNS in ROAD reserves is also important. No person may erect any ADVERTISING SIGN on any part of a ROAD reserve (STATE HIGHWAY or a district ROAD) unless the consent of the ROAD CONTROLLING AUTHORITY and a resource consent is obtained first. Making an exception for FOOTPATH SIGNS located on public footpaths is considered appropriate as they pose little danger to ROAD safety provided such factors as size and design are controlled.

ADVERTISING SIGNS play an important role for commerce, public service and non-profit organisations by providing information to the community. However, if care is not taken with the location, content (RURAL ENVIRONMENT AREAS only), design and illumination of ADVERTISING SIGNS, particularly when placed in proximity to ROADS, adverse effects for ROAD users may result. When drivers are distracted or confused by ADVERTISING SIGNS unsafe conditions for all ROAD users, including pedestrians, are likely. SIGN visibility and readability, information overload, and motoring speeds all impact on ROAD safety. Where driver sight lines are obscured by signage, particularly at intersections, the danger to all ROAD users is significantly increased.

Controlling the location, content (RURAL ENVIRONMENT AREAS only), design (including the size of lettering) and illumination of ADVERTISING SIGNS throughout the district will help to ensure that any adverse effects on ROAD user safety are mitigated or avoided. Particular importance is given to the New Plymouth heavy haul route, where the restrictions on ADVERTISING SIGNS are tighter to ensure that over dimension loads can pass safely.

As identified by the Land Transport Safety Authority<sup>19</sup>, special consideration is required for illuminated ADVERTISING SIGNS as they may be confused with other illuminated devices designed to promote ROAD safety, for example, traffic

<sup>19</sup> Land Transport Safety Authority (1993). Advertising Signs and Road Safety: Design and Location Guidelines

signals and lighting on emergency service vehicles and ROAD works hazard warning lights. Prohibiting certain types of lighting for illuminated ADVERTISING SIGNS is also desirable as a means of avoiding adverse conditions for drivers and promoting the safety and efficiency of the ROAD TRANSPORTATION NETWORK.

## Policy 20.5

Adverse effects from stock truck effluent spillage onto ROADS should be avoided or minimised to ensure the safety and efficiency of the ROAD TRANSPORTATION NETWORK.

## Methods of Implementation 20.5

- (a) Rules requiring stock truck effluent receiving facilities within RURAL and INDUSTRIAL ENVIRONMENT AREAS.
- (b) Use of COUNCIL bylaws to control the movement of stock on the district's ROADS.
- (c) The COUNCIL will consider the establishment of stock truck effluent discharge stations along strategic routes within the district in coordination with other roading authorities.

## Reasons 20.5

Because this is a regional issue, a working party was established to investigate the problem of stock effluent on ROADS within Taranaki. The working party was made up of representatives from Taranaki Regional Council, New Plymouth District Council, Stratford District Council, South Taranaki District Council, Transit New Zealand, Western Central District Road Transport Association and Federated Farmers.

The working party assessed the feasibility of a number of options to address the issue of stock effluent on ROADS and has implemented a regional strategy. Based on their findings, it is considered appropriate that a standard be included within the District Plan requiring adequate stock truck effluent receiving facilities to be provided by new SITES receiving large numbers of stock each month. Within the RURAL and INDUSTRIAL ENVIRONMENT AREA this will be one of the most effective ways to reduce the potential for stock effluent spillage from trucks onto ROADS.

The COUNCIL bylaws that control the movements of stock on the district's ROADS also help to address the issue. The bylaws address issues such as animals wandering, tethering or loitering, stock driving on ROADS (night or day) and appropriate stock routes.

Further investigation into the establishment of stock effluent receiving facilities along strategic routes within the district is also considered to be an appropriate method to avoid or minimise stock effluent spillage onto ROADS. Liaison with other roading authorities within the region will ensure a coordinated approach.

These methods will complement the advocacy work undertaken by Taranaki Regional Council, Federated Farmers and the Road Transport Association who are promoting good practice techniques to farmers to minimise effluent disposal problems, for example, standing stock before travel.

### **Policy 20.6**

Motorist sightlines at ROAD/railway level crossings should not be restricted by the establishment or siting of vegetation, BUILDINGS or other STRUCTURES.

### **Methods of Implementation 20.6**

- (a) Rules specifying standards to control the location of STRUCTURES including BUILDINGS relative to ROAD/railway level crossings.
- (b) Consult with railway operators to resolve issues associated with vegetation within road/railway level crossing intersections.

### **Reasons 20.6**

The district's rail network provides for the bulk transport of primary products and manufactured goods in and out of the district. An efficient rail network assists in reducing the amount of heavy traffic on the district's ROAD TRANSPORTATION NETWORK. There is a potential hazard to both ROAD and rail traffic safety and efficiency if BUILDINGS or other STRUCTURES inhibit visibility at level crossings.

Toll Rail has established a number of safety standards and specifications for railway level crossings. The standards seek to optimise conditions of visibility for motorists approaching level crossings and preserve the view of motorists from approaching trains. Rules specifying standards within the New Plymouth District

Plan consistent with Toll Rail's restrictions are considered necessary to avoid conflicts between the ROAD and rail networks, and to protect the safety of users. The impact of vegetation on sightlines at level crossings will be addressed on a case by case basis by Toll Rail, if and when a problem is identified.

### **Policy 20.7**

Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.

### **Methods of Implementation 20.7**

- (a) Rules specifying:
  - (i) the requirement for SITES to have access;
  - (ii) standards for VEHICLE ACCESS POINTS, RIGHTS OF WAY and DRIVEWAYS including design and location matters;
  - (iii) maximum number of lots that may be served by a RIGHT OF WAY; and
  - (iv) maximum number of HABITABLE BUILDINGS on SITES served by a RIGHT OF WAY.
- (b) Conditions on subdivision consent to address the design and location of VEHICLE ACCESS POINTS and ROADS to new lots.
- (c) Develop a ROADING HIERARCHY and identify its component parts on the planning maps.
- (d) Identify INDICATIVE ROADS on planning maps and rules specifying standards relating to the requirement to protect INDICATIVE ROADS.
- (e) LIMITED ACCESS ROAD declarations under the Transit New Zealand Act 1989.

### **Reasons 20.7**

It is considered appropriate to use conditions on resource consents to assist managing the adverse effects of subdivision. This will ensure that the safe and efficient operation of the ROAD TRANSPORTATION NETWORK is not adversely affected by the creation of new ALLOTMENTS through subdivision

and subsequent land uses on the SITE. Of particular importance will be the requirement for design and/or location of VEHICLE ACCESS POINTS.

Using a ROADING HIERARCHY as a planning tool will assist in the management of the adverse effects generated by subdivision, land use and development on the ROAD TRANSPORTATION NETWORK. It will enable an overview of likely ROAD user conflicts and allow standards to be set accordingly.

VEHICLE ACCESS POINTS from new ALLOTMENTS should be located in positions where the visibility of motorists entering and exiting SITES is not impaired. If VEHICLE ACCESS POINTS are inappropriately located in relation to ROADS or intersections, traffic conflicts can arise as a result of interference with SIGNS, passing traffic or turning movements. The width and location of VEHICLE ACCESS POINTS also needs to be considered to allow ease of VEHICLE access while protecting other ROAD users and pedestrians from unpredictable manoeuvres.

The total combined width of VEHICLE ACCESS POINTS along a ROAD BOUNDARY is another important consideration. A series of VEHICLE ACCESS POINTS (the cumulative effect) on a section of ROAD can increase the opportunity for conflict and can create traffic friction causing slowing of traffic and have an adverse effect on pedestrian safety. This is particularly the case on STATE HIGHWAYS and arterial routes. Multiple VEHICLE ACCESS POINTS along a rural ROAD can also influence RURAL CHARACTER as indicated in Policy 4.8.

Subdivision off RIGHT OF WAYS can have the potential to cause adverse effects on the safety of traffic using a RIGHT OF WAY where it has not been designed to take the increased levels of traffic movement from the subdivision. Therefore rules have been placed on the subdivision of land off existing RIGHT OF WAYS to ensure potential adverse effects can be assessed on a case-by-case basis. Limiting the number of HABITABLE BUILDINGS on a SITE served by a RIGHT OF WAY has also been controlled for a similar reason. The number of ALLOTMENTS served by a RIGHT OF WAY can also influence RURAL CHARACTER.

INDICATIVE ROADS serve the function of providing developers with an indication as to a suitable location and layout pattern of a new ROAD or pedestrian linkage system. The location and design of new roads and pedestrian

linkages need to be controlled to ensure the ROAD TRANSPORTATION NETWORK is maintained and road user issues do not arise in respect of existing roading patterns.

Some lengths of the district's STATE highways have been declared as LIMITED ACCESS ROADS (LAR) under section 88 of the Transit New Zealand NZ Act 1989. Any proposed access in relation to a LAR will require the consent of Transit New Zealand pursuant to the TNZ Act. These provisions are not subject to control by this plan. For the purpose of assisting APPLICANTS, all LARs within the district will be notated on planning maps and are listed in Appendix 23.

### **Anticipated Environmental Results 20**

- (a) Minimal adverse effects on the district's ROAD TRANSPORTATION NETWORK from users and adjoining activities.
- (b) A safe and efficient pedestrian and cyclist environment.
- (c) Construction of new and existing access points, loading and parking areas to appropriate use and safety standards.

### **Indicators 20**

- (a) Justified complaints and/or investigation regarding adjoining uses that affect the safe and efficient movement of traffic (including):
  - (i) SIGNS;
  - (ii) location of VEHICLE ACCESS POINTS and on-SITE manoeuvrability;
  - (iii) parking and loading facilities; and
  - (iv) other ROAD users (movement of stock, heavy VEHICLES).
- (b) Type and length of cycle lanes in the district.
- (c) Residents' views about access around the district using a bicycle or by foot (including the availability of alternative cycle and pedestrian routes).

## **Issue 21: Adverse effects of activities on the safe and efficient operation of air traffic at New Plymouth airport**

New Plymouth airport provides for the movement of people, goods and services in and out of the district by air transportation. The airport also plays a vital social role by linking together communities and other regions.

Because New Plymouth airport is a physical resource of strategic importance, air traffic needs to be safeguarded from those activities that could adversely affect its safe and efficient operation.

Tall BUILDINGS, TREES, or other STRUCTURES may compromise air safety in and around New Plymouth airport, particularly if they are located within defined AIRPORT FLIGHT PATH SURFACES.

Certain air spaces have been defined around the district for the flight paths of aircraft approaching and taking off from New Plymouth airport. HEIGHT restrictions are required to ensure that these AIRPORT FLIGHT PATH SURFACES are not penetrated or obstructed.

GLARE may obstruct, distract or confuse the visibility of a pilot and this may adversely affect the safe and efficient operation of New Plymouth airport. Historically there is little evidence of GLARE being an issue for air traffic safety in the New Plymouth District. If and when an adverse effect on air safety requires that action be taken, GLARE will be managed through the provisions contained within Issue 2 that addresses the adverse effects of GLARE on safety.

The safety and efficiency of air traffic at private airstrips is not considered an issue for the plan. Issues relating to the adverse effects of noise generated by activities at New Plymouth airport and NOISE SENSITIVE ACTIVITIES locating in proximity to New Plymouth airport are addressed under Issues 1 and 2.

### **Objective 21**

**To ensure that all air traffic using New Plymouth airport will be able to operate safely and efficiently.**

### **Policy 21.1**

BUILDINGS, STRUCTURES and TREES should not encroach upon defined AIRPORT FLIGHT PATH SURFACES of New Plymouth airport.

### **Methods of Implementation 21.1**

- (a) Define AIRPORT FLIGHT PATH SURFACES and identify them on planning maps. (Refer to Appendix 11).
- (b) Rules specifying standards for maximum HEIGHTS for BUILDINGS, STRUCTURES, and TREES within defined AIRPORT FLIGHT PATH SURFACES.

### **Reasons 21.1**

Unobstructed airspace is essential for the safe approach, take-off and manoeuvring of aircraft in the vicinity of New Plymouth airport. HEIGHT limits have been set for the AIRPORT FLIGHT PATH SURFACES, with the aim of providing certainty to the adjoining landowners and the New Plymouth airport operator. Maximum HEIGHT levels vary according to both the distance from the airport and the type of activity being undertaken in that location (i.e. landing, taking off or manoeuvring).

Past use of restrictions to control the HEIGHT of BUILDINGS, TREES and STRUCTURES around the airport are considered to have worked successfully. It is considered that a continuation of this approach will ensure the safe and efficient operation of air traffic at New Plymouth airport. It is acknowledged that TREES are slow growing. Negotiation between the landowner and the airport operator will be encouraged to resolve any issues, if and when necessary, regarding a TREE over 20m.

Because GLARE is technically complex to measure and there has been little complaint in the past, the COUNCIL officers or its agents will determine on a case-by-case basis if GLARE, in any part of the district and in any given circumstances, is offensive or objectionable. Mediation between the affected parties will be the first approach to the resolution of such complaints. If mediation is not successful the enactment of enforcement procedures under Part XII of the ACT is the available statutory remedy.

## **Anticipated Environmental Result 21**

New Plymouth airport is safeguarded from activities that could adversely affect its safe and efficient operation.

### **Indicators 21**

- (a) Assessment of land use consents that have been granted within defined AIRPORT FLIGHT PATH SURFACES.
- (b) Justified complaints received and/or investigation regarding adverse effects of GLARE on air traffic.

## **Issue 22: Adverse effects due to increased demand on INFRASTRUCTURE, COMMUNITY FACILITIES and requirements for new areas of open space**

District population projections indicate moderate growth over the next 10 years and a steady demand for new dwellings is anticipated. The Final Framework for Growth (March 2008) has predicted that for New Plymouth District approximately 280 new dwellings per annum will be required to meet population demands. The annual average of new dwellings in the district for the 10 years ended 31 December 2013 was 328. There has been an annual average of 247 new dwellings over the 20 years since 1993.

New dwellings result in increased demand on existing INFRASTRUCTURE including, for example, water supply, sewage and stormwater disposal, and roading. Lack of provision of POTABLE WATER, reticulated sewerage and stormwater in response to development demand may result in adverse effects on community health and wellbeing and damage to property and the environment.

Demand for unlimited access resulting in increased traffic levels to and from new subdivisions and developments may also have adverse effects on the safety and efficiency of the ROAD TRANSPORTATION NETWORK. Heavy VEHICLE movements directly associated with specific activities, such as quarrying and energy exploration, may not only adversely affect the safe functioning of public ROADS but also their structural integrity. New development has the potential to result in increased traffic levels which in turn has the potential to effect the safety and efficiency of the roading network associated with development within the Egmont Road Industrial C Environment Area Structure Plan in Appendix 28. To mitigate the effects and cumulative effects of increased traffic a financial contribution shall be taken on subdivision or at the time of resource consent.

All people living in the district, be they urban or rural dwellers, have a need for and place demands on the district's COMMUNITY FACILITIES. These facilities contribute significantly to the community's health, and social and cultural wellbeing.

Increased population densities from infill development places increased demand on existing public open space areas such as parks, playgrounds, sportsgrounds and walkways. New residential areas require neighbourhood parks. The residents of new subdivision and housing development have access to and benefit from the existence of available or planned cultural and recreational facilities, such as the TSB Showplace, libraries and museum, TSB stadium, the multi-purpose sports stadium, CBD upgrades and the New Plymouth foreshore redevelopment. New areas identified for future growth will require open space (such as neighbourhood parks) when developed. New development across the district should contribute to the enhancement of existing and planned new COMMUNITY FACILITIES as identified in the COUNCIL'S Long-Term Plan.

### **Objective 22**

**To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.**

#### **Policy 22.1**

Subdivision and development should provide:

- A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses.
- A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision.

- A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment.
- For connection to reticulated water, stormwater and sewerage systems where they are available and it is practical to do so.
- Sufficient areas of new open space to meet local community needs.

## Methods of Implementation 22.1

- (a) Rules specifying standards requiring:
- provision of water supply;
  - control of stormwater drainage;
  - connection to the COUNCIL owned sewerage systems, where available;
  - provision of on-SITE sewage disposal where a reticulated system is not available;
  - provision of a suitable BUILDING platform;
  - provision of esplanade reserve or strips; and
  - financial contributions.
- (b) Conditions on resource consents relating to:
- design, layout and development of the subdivision;
  - land subject to natural hazards;
  - protection of topographical features and areas of vegetation.
- (c) Consent notices under section 221 of the ACT.
- (d) Use of the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.

## Reasons 22.1

A potable and reliable water supply is necessary to ensure consumption, health and firefighting requirements can be met. Where the public water supply is not

available, a suitable alternative, such as surface water, ground water or rainfall, must be provided.

Because of its undulating topography, soils, climate and relatively small catchment sizes, the New Plymouth District can be prone to surface flooding during medium to large scale storm events. Subdivision, and the resulting land uses, can increase the amount of impermeable surfaces within a catchment, increasing levels of stormwater runoff and the potential for flooding. Therefore when undertaking a subdivision of land, developers will be required to ensure adequate and appropriate provision is made for the disposal of stormwater.

Untreated sewage is a contaminant that can affect the health of residents and the functioning of ecosystems where there is no provision for its safe treatment and disposal. Within urban areas, it is the COUNCIL'S function to provide a means for disposal of sewage effluent. However, within rural and some semi-urban areas, reticulated sewerage is not available and therefore developers will be required to ensure ways to dispose and treat effluent on-SITE are provided.

Responsibility for the taking of water from ground or surface water sources and the discharge of water or contaminants to land or water are functions of Taranaki Regional Council. Developers should ensure, when undertaking any subdivision of land, that all consent requirements are met.

Open space and access to areas of open space, waterbodies and the coast are important considerations when undertaking a subdivision, especially of a larger scale. Areas to be vested as esplanade reserve, set aside as esplanade strip or negotiated for access purposes have been identified by the COUNCIL (refer to Tables 17.1 and 17.2 in Appendix 17 and Table 22.3 in Appendix 22). Historically, the district has had sufficient land as reserve so, rather than acquiring land for open space for particular areas on subdivision, financial and development contributions are taken for COMMUNITY FACILITIES. Following the adoption of the Framework for Growth (2008) land has been progressively rezoned for urban use. It is important that these future growth areas are supplied with appropriate levels of open space, such as neighbourhood parks, or pathways and cycleways when developed. Other environmental effects from subdivision may need to be considered resulting in areas of open space to address amenity effects. A specific financial contribution is required to ensure that these areas are provided and paid for by those who have created the demand or adverse effect.

Where there is a need for further open space areas, the COUNCIL will negotiate with the landowner or developer for this purpose.

Section 220 of the ACT allows for the imposition of certain conditions as a means for the COUNCIL to ensure that the effects of subdivision on the environment are avoided, remedied or mitigated. The type of conditions that are imposed will depend on the physical and natural qualities of the area that is being subdivided.

Consent notices allow for conditions of an ‘ongoing’ nature, by recording them against the certificate of title. This condition has often been used in the past to protect TREES or areas of vegetation or to specify BUILDING restrictions or minimum floor levels.

Compliance with the COUNCIL’S adopted Land Development and Subdivision Infrastructure Standard will generally be required as a condition of subdivision consent.

Roading is referred to under Issue 20, Traffic and Transport (Policy 20.7).

## Policy 22.2

Where there is new or increased demand for INFRASTRUCTURE, COMMUNITY FACILITIES or new areas of open space, they should be provided for on a fair and reasonable basis by the APPLICANT.

## Methods of Implementation 22.2

- (a) Rules specifying standards requiring APPLICANTS to provide, or make financial contributions for, the provision of INFRASTRUCTURE, COMMUNITY FACILITIES or new areas of open space upon subdivision, or ERECTION or RELOCATION of a BUILDING or DWELLING HOUSE, or development or subdivision within the Egmont Road Industrial C Environment Area Structure Plan.
- (b) ROAD maintenance agreements between ROAD CONTROLLING AUTHORITIES and resource users.
- (c) Use the COUNCIL’S adopted Land Development and Subdivision Infrastructure Standard as assessment criteria or as the basis for setting conditions of resource consent.

## Reasons 22.2

Subdivision, use and development place demands on the capacities of existing INFRASTRUCTURE and COMMUNITY FACILITIES. In order to avoid adverse effects and promote positive effects that contribute to the community’s health, safety and social and cultural wellbeing, existing INFRASTRUCTURE and COMMUNITY FACILITIES may need to be upgraded or new capacity established. New neighbourhood reserves may be required in areas of new residential development. It is inappropriate for the wider community to meet the full cost of the upgrading of existing, or the establishment of new, INFRASTRUCTURE, COMMUNITY FACILITIES or of providing new areas of open space which result from development demands.

Where upgrading or extension of INFRASTRUCTURE, COMMUNITY FACILITIES or new areas of open space are required, it is both fair and reasonable for the developer, as resource consent APPLICANT, to meet all, or an equitable share, of the costs. This applies to both the on-SITE and off-SITE demands of a development and can be through the provision of money or land, either alone or in combination, or the required physical works.

A specific contribution for land or money is required for new areas of open space to ensure that the costs of providing reserves for these new neighbourhoods is provided for on a fair and reasonable basis by those who create the demand.

Financial contributions to mitigate adverse effects may include the cost of providing:

- Water supply to promote community health.
- Sanitary sewerage and storm-water services to avoid potential contamination of natural waters and soil and damage to property.
- New or improvements to existing COMMUNITY FACILITIES to promote community health and well being and avoid the degradation of amenity values.
- New areas of open space that promote community health and well-being and ensure an appropriate level of amenity.
- ROADS or roading improvements and maintenance so as to assist in promoting traffic safety and efficiency throughout the district.

ROAD maintenance agreements between ROAD CONTROLLING AUTHORITIES and APPLICANTS may be initiated as a condition of resource consent and provide for the cost of extraordinary ROAD maintenance anticipated to occur as a consequence of land use activities.

The Land Development and Subdivision Infrastructure Standard adopted by the COUNCIL sets minimum design and construction standards. In specified circumstances proposed works may be required to meet these standards either by reference to assessment criteria when considering resource consent applications or as a condition of resource consent. A financial contribution shall be required within the Egmont Road Industrial C Environment Area Structure Plan to deal with the effects associated with traffic on the local road network. The appropriate level of contribution will be considered at the resource consent stage depending on the extent of the traffic effects.

## Anticipated Environmental Results 22

- (a) Adequate provision of INFRASTRUCTURE and COMMUNITY FACILITIES.
- (b) The construction and maintenance of INFRASTRUCTURE in the district to appropriate use and safety standards.
- (c) Land set aside for public open space in response to development and subdivision.

## Indicators 22

- (a) Land use and subdivision applications granted with conditions relating to provision of full or partial development INFRASTRUCTURE.
- (b) An analysis of land use and subdivision applications granted with a financial contribution condition in regard to INFRASTRUCTURE provision.
- (c) Assessment of complaints received regarding the perceived inadequate provision of INFRASTRUCTURE, COMMUNITY FACILITIES and areas of open space in the district.
- (d) Land set aside through the land use and subdivision consent process for:
  - (i) public open space;
  - (ii) esplanade strips;

- (iii) esplanade reserves; and
- (iv) access strips.

## Issue 23: The need to comprehensively plan for future urban development

FUTURE URBAN GROWTH AREAS, essentially ‘greenfield’ areas that are rural in character, have been identified for conversion to residential and industrial/commercial activity as discussed under Issue 1AF. These areas are progressively being rezoned for urban use. There are opportunities for these areas to be comprehensively planned to address site specific issues and to ensure the resulting development achieves desirable planning objectives and satisfactory environmental outcomes.

Some of the areas for future urban development will have site specific issues that will need to be addressed by detailed planning to ensure the comprehensive development of the area. These issues can be compounded where the area for future development is in multiple land holdings in separate ownership. If an area is not comprehensively planned there is a risk that the resulting development will be fragmented and disjointed and will achieve unsatisfactory environmental outcomes. Such outcomes can result in places that are less than optimal in terms of pleasantness, coherence, convenience and accessibility for the persons and communities that will reside there.

Connectivity of transport corridors and the orderly and logical extension of infrastructure may not be able to be adequately considered without a comprehensively planned approach. Site specific features or constraints will only get considered if they are currently listed in the District Plan; and it is known there are such features and constraints that are not currently identified in the District Plan in some areas identified for future urban growth. Therefore to achieve desired environmental outcomes where complex site specific issues arise within defined geographical areas, an integrated and comprehensive planning approach, utilising the mechanism of structure plans is required. There are numerous opportunities

to achieve this on land identified for future urban use prior to subdivision or land development occurring.

### Objective 23

**That land identified for future urban use is comprehensively planned to facilitate an integrated approach to land development while addressing site specific issues to provide for accessible, connected, efficient, liveable communities and coherent urban spaces.**

### Policy 23.1

To control the design and layout of future urban areas through structure plans to allow for the comprehensive development of the area by ensuring:

- a) The type, location and density of the development is suitable for the site;
- b) Infrastructure is provided in a co-ordinated manner by considering location, type and staging;
- c) The development considers topography and minimises changes to landform;
- d) That the constraints are identified and managed to ensure resilient and safe communities.
- e) Interfaces with surrounding land-uses are assessed and adverse effects are mitigated;
- f) Open space, parks and esplanade reserves or strips are provided for;
- g) Connectivity and accessible urban form is provided for; and
- h) That special features are recognised and that those features of particular significance are protected.

### Methods of Implementation 23.1

Rules requiring development and subdivision to be undertaken in accordance with the relevant structure plan.

## Reasons 23.1

To achieve desired environmental outcomes where complex site specific issues arise within a defined geographical area, an integrated, comprehensive development approach is required. Some of the site specific issues that arise within future urban areas are unable to be addressed by current mechanisms in the District Plan; therefore a structure plan is required to address these. A structure plan is a framework to guide the development of an area. A structure plan contains maps, concept plans and is supported by text explaining the background to the issues and what is trying to be achieved through the structure plan. A structure plan is a tool that allows integrated management, staging of development and co-ordination of infrastructure provisions for land owned in multiple ownership to ensure comprehensive development occurs in the most sustainable manner.

Each area that is developed for future urban use will have different density capacity and therefore layout and development type needs to be considered for each area. This will ensure that co-ordinated and compatible development patterns and densities are achieved across all parcels of land within the area that is being rezoned for future urban use. This also allows for a better understanding of inter-related issues and ensures the best comprehensively planned approach is used. When land is held in multiple land holdings in separate ownership it can make it more difficult to comprehensively develop the area. The aim is to avoid piecemeal development and encourage an integrated development pattern that creates a high quality living environment. The provision of infrastructure (roading, sewerage, water and stormwater) is a major component for subdivision and development of an area. It is crucial that consideration is given to location, type and staging of infrastructure to ensure that the area can be developed in a comprehensive manner that will result in integrated, connected, efficient and liveable communities.

It is important that the topography and landscape character of the area is taken into consideration in the design and layout phase. Land development should take into account the topography to avoid unnecessary earthworks and work with the existing landforms to ensure that development can be accommodated into the receiving environment.

Areas prone to hazards (e.g. flooding and liquefaction), contaminated land and or other engineering constraints (such as fill) may need to be addressed early on in the design and layout of the land to ensure resilient and safe communities can develop and live in these areas.

In some circumstances a buffer may be considered necessary between the area being rezoned for future urban use and existing neighbouring land uses to avoid reverse sensitivity and conflict between incompatible land uses. It is important that this is considered at the design and layout stage for the area that is being developed or subdivided to ensure that any effects are mitigated between conflicting land uses.

Open space, community facilities, walkways and esplanade reserve/strips are important considerations for any area of land that is being subdivided or developed. It is important that an assessment is undertaken to determine what open space is required and that it is provided to meet the needs of the community. Connected urban form is important for achieving high quality urban environments. This should take into account all types of transport modes including pedestrians, cyclists and cars. Integration of transport routes and linkages with surrounding land uses beyond the site is also important.

Special features can relate to the protection of sites, or other ecological features or cultural, historical or amenity values within areas for future urban use. It is crucial that special features are recognised and protected if required. This protection needs to be factored into the design and layout of the development from the outset.

Waitara Area A and Bell Block Area Q have been rezoned from RURAL ENVIRONMENT AREA to RESIDENTIAL A ENVIRONMENT AREA and structure plans have been developed to achieve the desired environmental outcomes for those particular areas. A more onerous resource consent process is required for subdivision or development that is not undertaken in accordance with the structure plans identified in Appendix 30 (Waitara Area A) and Appendix 31 (Bell Block Area Q) respectively.

## Policy 23.2

To ensure stormwater within the Waitara Area A structure plan area is discharged into low impact designed stormwater systems to minimise the environmental impact, including the impact on cultural values.

## Reasons 23.2

The Tangaroa Stream runs through the Waitara Area A structure plan and then runs through to the Manukorihi Pa (Waahi Tapu and Archaeological site 402 in the District Plan). Further downstream the Tangaroa Stream is also linked to Waahi Tapu and Archaeological Site 429 (Taurangawaka swamp/excavation harbour) which is situated to the north-west of Manukorihi Pa. The portion of the Tangaroa Stream that runs thorough Waitara Area A is not listed as a separate WAAHI TAPU or ARCHAEOLOGICAL SITE in the District Plan, however, the site is of cultural and spiritual significance to Otaraua and Manukorihi hapu.

Technical assessments for Waitara Area A determined the most logical and sensible way to manage stormwater disposal is to have the stormwater disposal from ROADS, right of ways and paved surfaces discharging into the stream, because wetland areas significantly reduce the runoff and hence peak flows. Therefore it is recommended that the stream is retained when developing this area.

Direct stormwater discharges to the stream can cause adverse effects on the environment. An increase in stormwater discharge could contaminate the stream. Manukorihi and Otaraua hapu have concerns over additional stormwater entering the Tangaroa Stream and polluting and damaging the stream. A solution for this is to have the stormwater discharged into low impact stormwater systems (e.g. swales and rain gardens). Low impact design approaches to stormwater management can be simple and effective tools that ensure potential adverse effects on people, property and infrastructure is minimised. If stormwater is discharged into a low impact stormwater system this will ensure that additional stormwater entering the Tangaroa Stream will have a positive effect on the stream health and aims to enhance water quality.

Low impact design techniques are simple, cost effective tools which help manage stormwater in a sustainable way. Managing stormwater runoff close to its source through site design can provide a number of benefits; it will enhance the amenity of the environment and improve community liveability. Low impact stormwater design can make the stormwater discharge from Waitara Area A hydraulically neutral by reducing peak flows either before they enter the stream or within the stream channel.

NZS4404:2010 Land Development and Subdivision infrastructure under clause 4.3.7.1 lists the types of low impact design stormwater systems. Swales and rain gardens are the preferred option; however, alternative low impact stormwater systems may be appropriate for Waitara Area A. Swales are vegetated areas designed to remove contaminants from stormwater runoff. As stormwater is moved through the vegetation contaminants are removed by filtration, infiltrations, absorption and biological uptake. When the stormwater enters the Tangaroa Stream it is intended that it will be free from contaminants and will not damage the environmental and cultural values of the stream.

## Policy 23.3

To control the number and location of additional VEHICLE ACCESS POINTS in part of the Waitara Area A structure plan area to ensure pedestrian safety.

## Reasons 23.3

Waitara Area A adjoins Waitara High School and a large number of pedestrians use this area from Manukorihi Intermediate and Waitara High School. To ensure safety it is important to restrict future VEHICLE ACCESS POINTS between the common boundary of Lot 1 DP 14007 and Lot 3 DP 14008. Additional VEHICLE ACCESS POINTS could hinder the desired indicative roading pattern and make Lot 1 DP 14007 unsafe for the high number of pedestrians that use this area. Therefore it is considered essential that an assessment of additional VEHICLE ACCESS POINTS proposed is undertaken to ensure consideration is given to any potential conflicts between vehicles and pedestrians that arise to enable the effects on pedestrian safety to be assessed.

## Policy 23.4

To provide a safe and efficient ROAD TRANSPORTATION NETWORK through the control of the number and location of VEHICLE ACCESS POINTS onto Airport Drive and Devon Road (SH3) within the Bell Block Area Q Structure Plan area to:

- a) Ensure that new VEHICLE ACCESS POINTS to Airport Drive south of Parklands Avenue are appropriately managed to ensure the safety and efficiency, and the sustainable management of the road network;

- b) Ensure that new VEHICLE ACCESS POINTS to Airport Drive north of Parklands Avenue are avoided as far as is practicable; and
- c) Ensure that existing VEHICLE ACCESS POINTS to Devon Road (SH3) are closed where alternative road access is available upon significant redevelopment of the properties identified as SH3 restricted access along Devon Road.
- d) Strongly encourage the development of new ROADS in general accordance with the Bell Block Area Q Structure Plan.

### Reasons 23.4

Policy 23.4 and associated rules OL60E and OL60F are to ensure that the effects of residential development and new VEHICLE ACCESS POINTS on the ROAD TRANSPORTATION NETWORK are able to be considered.

Airport Drive is an ARTERIAL ROAD. Residential development will be more intensive than the existing rural development historically permitted in the area. Rezoning of Area Q therefore has the potential to create demand for a significant increase in the number of VEHICLE ACCESS POINTS to Airport Drive. A significant increase in the number of VEHICLE ACCESS POINTS to Airport Drive, has the potential to effect the traffic safety and efficiency of Airport Drive as an ARTERIAL ROAD.

The Area Q Structure Plan aims to manage new VEHICLE ACCESS POINTS to Airport Drive south of Parklands Avenue prior to the realignment of Airport Drive in order to manage potential adverse effects on the safety and efficiency of Airport Drive in this location and the sustainable management of the wider road network. The expectation is that any subdivision of Airport Drive properties south of Parklands Avenue prior to the realignment of Airport Drive would require new VEHICLE ACCESS POINTS internalised into Area Q.

The Area Q Structure Plan aims to avoid new VEHICLE ACCESS POINTS to Airport Drive north of Parklands Avenue. The expectation is that any subdivision of Airport Drive properties north of the future intersection of Parklands Avenue would require new VEHICLE ACCESS POINTS internalised into Area Q.

SH3 is a STATE HIGHWAY LIMITED ACCESS ROAD. Following the provision of alternative road access to the immediate north of the identified properties along

Devon Road (SH3) for Rule OL60F it is expected that future development of these properties should take advantage of the opportunity to close VEHICLE ACCESS POINTS to SH3 through provision of VEHICLE ACCESS POINTS to the local road to the north.

### Policy 23.5

To ensure landowners, developers and contractors are aware of the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and/or other national legislation relating to archaeological sites with respect to development and subdivision in the Waitara Area A Structure Plan and the Bell Block Area Q Structure Plan.

### Methods of Implementation 23.5

Advocate to landowners, developers and contractors regarding the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and/or other national legislation relating to archaeological sites with respect to development and subdivision within the Waitara Area A Structure Plan and the Bell Block Area Q Structure Plan prior to and during any subdivision and/or development.

### Reasons 23.5

The proximity of Manukorihi Pa to the northern end of Waitara Area A is one reason for requiring the alerting of landowners and developers to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and/or other national legislation relating to archaeological sites. The second reason is that while taonga from the Tangaroa Stream have been found in the vicinity of Waitara Area A, and there are anecdotal concerns that more taonga could be found, there is not sufficient evidence to include any area within Waitara Area A Structure Plan as either WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE. Despite this the anecdotal concerns that taonga are present in Waitara Area A increases the likelihood of artefacts being found when undertaking development. Landowners, developers and contractors need to be made aware that any discovery of taonga and/or any archaeological artefact(s) requires compliance with the Heritage New Zealand Pouhere Taonga Act 2014 and other national legislation relating to archaeological sites, including stopping works until the appropriate authorities are obtained.

The Bell Block Area Q Structure Plan area includes a known archaeological site (District Plan reference 502) and the wider surrounding area boasts a rich history of settlement. Desktop archaeological reports undertaken with respect to the rezoning of Area Q have indicated that there is potential for unrecorded archaeological sites to be discovered within the Bell Block Area Q Structure Plan area. Historic survey plans show at least one feature, being a ditch, bank and fence with detail showing that the structure was erected in 1872. While the initial archaeological assessments of the area have not provided sufficient evidence to identify any further sites as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITES, they have highlighted the potential for further archaeological discoveries to be made within the area.

Landowners, developers and contractors need to be made aware that any discovery of taonga and/or any archaeological artefact(s) requires compliance with the Heritage New Zealand Pouhere Taonga Act 2014 and other national legislation relating to archaeological sites, including stopping works until the appropriate authorities are obtained.

### **Policy 23.6**

To ensure that subdivision and development within the New Plymouth Airport 50dB<sub>L<sub>dn</sub></sub> noise contour as shown on the Bell Block Area Q Structure Plan considers the potential for reverse sensitivity adverse effects with respect to noise from the New Plymouth Airport through implementing appropriate remedial measures to protect the long term safety, efficiency, operation, maintenance and upgrading of the New Plymouth Airport as infrastructure of significance to the region.

### **Reasons 23.6**

The New Plymouth Airport is the only fully commercial air freight and passenger airport in the region. It is recognised in the Regional Policy Statement for Taranaki (RPS) as being infrastructure of significance to the region. The RPS requires that the efficient and effective operation, maintenance and upgrading of the Airport be provided for (INF Policy 1) while adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the Airport are required to be avoided or mitigated (INF Policy 2)

The New Plymouth Airport noise contours are out of date, and the Council is in the process of re-evaluating the noise related land use planning controls. It is

important that new subdivision and development within Area Q does not restrict the efficient and effective operation, maintenance and upgrading of the Airport. To a large extent, this can be achieved by taking into account the potential for reverse sensitivity effects with respect to noise from the Airport until the updated noise contours and associated land use planning controls are finalised through a plan change process.

In the interim, subdivision and development within Area Q within the New Plymouth Airport 50dB<sub>L<sub>dn</sub></sub> noise contour as shown on the Bell Block Area Q Structure Plan is required to remedy the potential for reverse sensitivity effects of noise from the New Plymouth Airport through measures including but not limited to: subdivision consent notices acknowledging noise from the NP Airport; subdivision consent notices imposing a no complaints covenant in respect of airport noise on new titles created; and, new habitable buildings or habitable additions to existing buildings being required to install above industry standard noise attenuation materials (e.g. noise insulation in ceilings, walls and underfloor and window glazing).

### **Policy 23.7**

To ensure that subdivision and development within proximity to Devon Road SH3 considers the potential for reverse sensitivity adverse effects with respect to noise from the Devon Road SH3 through implementing appropriate remedial measures to protect the long term safety, efficiency, operation, maintenance and upgrading of the Devon Road SH3 as infrastructure of significance to the region.

### **Reasons 23.7**

Where NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOMs are affected by activities of regional significance such as Devon Road SH3, acoustic insulation rules will be applied, which will require the remediation of noise in the receiving environment to ensure that the amenity of existing and future residents is protected.

## Policy 23.8

To enable the development of land identified in Waitara Area D in accordance with the Waitara Area D Structure Plan that:

- a) Recognises that the site is located within Pekapeka Block which is a cultural landscape of national significance.
- b) Protects historic heritage.
- c) Facilitates an active relationship between the community and the Mangaiti Stream through the provision of the Open Space Area and pathways.
- d) Avoids or mitigates the adverse effects of flooding and stormwater, including managing the effects of the associated flood hazard avoidance or mitigation measures.
- e) Protects and enhances the natural processes and ecological function of the Mangaiti Stream, with sensitive integration of the stormwater design, open space, cultural and recreational outcomes.
- f) Carries out stormwater management in an integrated manner that incorporates water sensitive design principles and practices in the Mangaiti Stream/McNaughton catchment.
- g) Protects the Mangaiti Stream by ensuring only two crossing points for vehicular access and three waters infrastructure.
- h) Provides for the relationship of TANGATA WHENUA with their culture, traditions, ancestral lands, waterbodies, sites, areas and other taonga of significance to Māori.
- i) Provides for and creates transport and open space networks which are sustainable, efficient and connected both internally and externally.
- j) Minimises incompatibility with adjoining rural environment.
- k) Provides for an integrated extension of the urban boundary and contributes towards the district's short-term residential growth.

## Policy 23.9

To ensure stormwater within the Waitara Area D Structure Plan area is designed in accordance with best practice to minimise environmental impact and contribute to restoration of the Mangaiti Stream, by requiring a system that:

- a) Ensures the maximum discharge flow rate up to a 1% AEP event does not exceed the predevelopment 10% AEP discharge flow rate;
- b) Protects and enhances natural processes and ecological function of the Mangaiti Stream;
- c) Aligns with any future catchment management strategy by reducing flooding within the Mangaiti Stream/McNaughton Catchment and improving water quality;
- d) Maintains and enhances the natural character and amenity values;
- e) Protects the cultural and spiritual values of TANGATA WHENUA; and
- f) Integrates with and achieves the outcomes for transportation and open space/reserve areas.

## Reasons 23.9

The Mangaiti Stream begins within the Waitara Area D Structure Plan area, and runs through the site, entering the NPDC stormwater infrastructure within the Waitara West Industrial Area downstream. This infrastructure discharges at the Waitara Estuary, a site and area of significance to Manukorihi Hapū and Otaraua Hapū. Because of its undulating topography, soils, climate and relatively small catchment size, the Mangaiti Stream can be prone to surface flooding during medium to large scale storm events. Subdivision, and the resulting land uses, can increase the amount of impermeable surfaces within a catchment, increasing levels of stormwater runoff and the potential for flooding. Therefore, when undertaking a subdivision of land, it is important that the stormwater is managed to best practice to as far as practical to avoid additional flooding. This outcome is achieved by ensuring that the stormwater system installed achieves hydraulic neutrality.

Direct stormwater discharges to a waterway can cause adverse effects on its natural processes and ecological function. An increase in stormwater discharge could contaminate the waterway or result in the growth of nuisance weeds. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns over additional stormwater entering the Mangaiti Stream and polluting and damaging it. A solution for this is to have the stormwater discharged into low impact stormwater systems. Low impact design approaches to stormwater management can be simple and effective tools that ensure potential adverse effects on people, property and infrastructure is minimised. If stormwater is discharged into a low impact stormwater system this will ensure that additional stormwater entering the Mangaiti Stream will have a positive effect on the health of the Mangaiti Stream and aims to enhance water quality.

Waitara is the subject of a number of stormwater management projects. Future stormwater management projects for the Mangaiti Stream/McNaughton Catchment are likely to have objectives of reducing flooding and improving water quality in this catchment. This policy ensures that the design of any stormwater system for Waitara Area D considers the objectives of these projects along with giving effect to Te Mana o Te Wai.

The Mangaiti Stream is of cultural, traditional, spiritual and historical significance to Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū. Stormwater discharges and modification of the stream function can adversely affect those cultural, traditional, spiritual and historical values. This policy requires consideration to be given to protecting those values.

In designing and implementing the stormwater management system, it is important it integrates with outcomes for the transportation and open space/reserve areas. This integration would ensure the long-term sustainable use and development of the land, including the open space/reserve areas.

### **Methods of Implementation 23.9**

NZS4404:2010 Land Development and Subdivision is to be followed beginning with section 4.3.7.

Rule OL60P allows for the use of low impact systems as a controlled activity, and if unable to meet the controlled standards, the activity will be discretionary.

### **Policy 23.10**

To restore the health of the Mangaiti Stream by;

- a) Providing for the active relationship of TANGATA WHENUA through the provision of access and customary activities
- b) Engagement of mātauranga Māori
- c) Management and protection of the cultural and spiritual values of the Mangaiti Stream.

### **Reasons 23.10**

It has been acknowledged that there is an expectation to restore the health of the Mangaiti Stream.

Restoring the Mangaiti Stream will give effect to Te Mana o Te Wai. Engaging TANGATA WHENUA is required to ensure Te Mana o Te Wai, and the ability to exercise KAITIAKITANGA is given effect to.

### **Methods of Implementation 23.10**

As per Policies 23.9 and 23.14.

### **Policy 23.11**

To control the design of BUILDINGS and STRUCTURES within the Waitara Area D Structure Plan area by;

- Ensuring cultural narratives are reinscribed in the public environment (ROADS and open space/reserves areas through language, technology, design and public art).
- Encouraging the use of cultural narratives in other areas of the development.
- Location and design of ROAD layout.
- Maximising passive solar design opportunities.
- Avoiding visual clutter and maintain a sense of appropriate BUILDING density with the adjacent rural area.

- Avoiding a dominance of built form over open space and to maintain visual permeability.
- Creating a subdivision that blends with its rural context.
- Allowing for small lot sizes in the area labelled ‘Smaller’ lots, FRONT YARD requirements will be reduced.
- Ensuring an open streetscape and reducing urban clutter.
- Mitigating the effects of reverse sensitivity.

### Reasons 23.11

The Waitara Area D Structure Plan area has been developed to avoid effects though the design has not benefited from cultural expertise. The location, size, and orientation of the various character types have been carefully considered and designed to create varied but integrated development. Policy 23.11 covers those matters relating to structures and buildings that are not able to be expressed either through the Waitara Area D Structure Plan layout and which are not covered by existing rules.

Cultural expression is enabled via the cultural narrative plan to reflect the significance of the Pekapeka Block as a cultural landscape of National Importance and the significance of the Mangaiti Stream.

Policy 23.11 and associated rules OL60I, J, K, L, M and N are to ensure that the effects of residential development on the character of the area are able to be considered.

### Methods of Implementation 23.11

- Develop a Structure Plan for Lot 3 Deposited Plan 446773 that shows the desired pattern of development by ENVIRONMENT AREAS. This will be titled Waitara Area D Structure Plan and included as Appendix 32.
- Identify the extent of the Waitara Area D Structure Plan area on the relevant planning maps.
- Develop a new set of rules explicit to the Waitara Area D Structure Plan, including rules requiring development and subdivision to be undertaken in accordance with the Structure Plan in Appendix 32.

- Rules specifying standards relating to:
  - Maximum HEIGHT of BUILDINGS and STRUCTURES within the Structure Plan Area.
  - Number of HABITABLE BUILDINGS per ALLOTMENT.
  - Maximum COVERAGE of SITES in the Medium Density Area.
  - Reduced COVERAGE in the FRONT YARDS in the area identified as ‘smaller lots’ on the Structure Plan.
  - Light Reflectance Values for roof and other exterior claddings for STRUCTURES and BUILDINGS.
- Covenants on Records of Title (CFR) restricting built form in FRONT YARDS and within landscape buffers.
- Development of a cultural narrative plan.

### Policy 23.12

To control excavated landforms (cut and fill batters) within the Waitara Area D Structure Plan area by placing controls on excavated landforms to minimise visual effects and cultural effects.

### Reasons 23.12

In order to ensure that likely changes in topography appear natural over time, cut and fill batters should be battered at a gradient to match gently and smoothly into existing contours.

### Policy 23.13

To avoid additional traffic generation effects at the intersection of Raleigh Street with State Highway 3 prior to the physical completion and operation of safety upgrades as a result of development within the Waitara Area D Structure Plan area.

### Reasons 23.13

Waka Kotahi NZ Transport Agency is planning safety upgrades to the stretch of State Highway 3 between Bell Block and Waitara. At the time of this plan change (Plan Change 49), Waka Kotahi NZ Transport Agency were unsure on the timing

and detail of these upgrades, and what this would mean for the intersection of State Highway 3 and Raleigh Street.

Upgrades to the intersection of State Highway 3 and Raleigh Street are expected, and timing of the upgrades is also expected to coincide with the later stages of development of Waitara Area D.

### **Methods of Implementation 23.13**

Include rules that require assessment of the effects of the development of Waitara Area D on the safety and efficiency of the Raleigh Street and State Highway 3 intersection via an Integrated Transport Assessment.

### **Policy 23.14**

Recognise that only Manukorihi Hapū and Otaraua Hapū can identify their values and interests in Waitara Area D.

### **Reasons 23.14**

The provisions of the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao* must be taken into account when developing this land. The design must address sections 6(a), (d), (e) and (f); 7(a), (b), (c), (f); and 8 of the Act.

To provide for the relationship of Manukorihi Hapū and Otaraua Hapū with their ancestral lands, waters and sites and the ability of Manukorihi Hapū and Otaraua Hapū to exercise KAITAIKITANGA, and recognise:

- Their relationship with their culture and traditions with their ancestral lands, waters, sites and wāhi tapu and other taonga;
- The historic and contemporary cultural context/landscape this development is set within including the Pekapeka Block; and,
- The connection of urban development and the narratives of the cultural landscape.

A Cultural Impact Assessment (CIA) has been prepared by Manukorihi Hapū and Otaraua Hapū and provides direction and information about the cultural values and significance of this land.

### **Methods of Implementation 23.14**

- a) Inclusion of matters of control and discretion within the rules that provide for the development of a cultural narrative to inform the development.
- b) Ensure policy and rule framework manages the quantity and quality of stormwater and potential effects on the Mangaiti Stream, and requirements for the provision of low impact stormwater design.
- c) Inclusion of provisions within the policy framework that allow for the development of environmental health indicators for the Mangaiti Stream which benefit from mātauranga Māori.
- d) Provision for active modes of transport through and across the development,
- e) Provision to manage earthworks.
- f) Provision for cultural monitoring of subsequent subdivision and development.
- g) Provisions for adaptive management within the rule framework, requiring detail on how amendments to the design of the development will occur in the event there is an unrecorded archaeological find.

### **Policy 23.15**

To ensure Manukorihi Hapū and Otaraua Hapū are able to exercise KAITAIKITANGA through the ongoing development and land use within Waitara Area D.

# RENEWABLE ELECTRICITY GENERATION



## Issue 24: Provision for RENEWABLE ELECTRICITY GENERATION ACTIVITIES while managing their adverse effects

The Government introduced the National Policy Statement on Renewable Electricity Generation (the NPSREG) on 14 April 2011 to recognise the national significance of providing for RENEWABLE ELECTRICITY GENERATION ACTIVITIES. This aligns with section 7 of the ACT which requires those exercising functions and powers under it to have particular regard to the efficiency of the end use of energy, the effects of climate change and the benefits to be derived from the use and development of renewable energy.

The NPSREG states that New Zealand's energy demand has been growing steadily and is forecast to continue to grow. New Zealand must confront two major energy challenges as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly. The preamble to the NPSREG also states that the contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the well-being of New Zealand, its people and the environment.

Underpinning the NPSREG is the Government's target that 90 percent of electricity generated in New Zealand should be derived from renewable energy sources by 2025.

There are opportunities for renewable electricity generation within the New Plymouth District. This includes large scale and SMALL AND COMMUNITY-SCALE DISTRIBUTED ELECTRICITY GENERATION. The types of renewable energy sources relevant to the New Plymouth District are solar; biomass; tidal, wave and ocean current; hydro and wind.

### Solar

Solar energy is captured using photovoltaic (PV) panel technology which converts radiation from the sun into electricity. The PV panels are typically approx 1.5 - 2m<sup>2</sup> in surface area, have an antireflective coating and are coloured black but dark blue, grey and brown are also used. They can be fixed to roofs, either mounted flush on a pitched roof or raised with a frame (generally no more than 1.5 metres in height) on a flat roof. They can also be mounted on the ground on specifically designed frames usually at a minimum of one metre above ground level.

PV installations can operate 'off-grid', i.e. stand alone with batteries for electricity storage, or be 'grid connected', i.e. no battery storage. With a grid connected system a typical residence can sell any surplus energy back to the electricity retailer. The extent of PV panels on the roofs of BUILDINGS, most commonly dwellings, vary according to the energy requirements of the specific BUILDING they serve. In a domestic situation the panel coverage can range from approx 6m<sup>2</sup> up to 75m<sup>2</sup> or greater. The construction of large-scale 'solar farms' and 'solar parks' is advancing rapidly around the world with some covering areas of up to 1,000 hectares and requiring supporting BUILDINGS like SUBSTATIONS AND SWITCHING STATIONS.

Any adverse environmental effects generated by solar energy activities will be dependent on their location and scale. While PV panel installations do not generate noise or emit odour, PV panels can reflect sunlight causing GLARE. Consideration may also need to be given to the erection of PV panels on heritage BUILDINGS as these are likely to be aesthetically incompatible with heritage BUILDING character, design and materials. A large scale system could also visually dominate a locality or neighbouring properties if it exceeded SITE coverage restrictions or is located on or near boundaries.

The New Plymouth District compares favourably with other regions in New Zealand for sunshine hours, receiving in the range of 2,000 – 2,200 per annum. (Ref: NIWA). It could be anticipated that there will be increasing demand for PV technology, mostly at a domestic scale, in the district in the future, much in the same way as solar water heating installations have increased in prevalence in recent years.

## **Biomass**

Biomass refers to the use of organic material as a source of fuel. In the context of renewable energy, fuel sources can include plant material such as crops and forests. Animal wastes, including those from agricultural production and downstream food processing, and municipal wastes, are all potential sources of biomass.

To produce energy from biomass usually requires some form of processing of the organic material. Examples include producing electricity from a wood-fired boiler producing steam to drive a generator, and the digestion of 'wet' materials, such as animal and human waste, in a 'bio-digester' to produce gas, usually methane, which in turn is used to produce steam to produce electricity.

A bio-digester can take many forms but it generally requires infrastructure (e.g. ponds or enclosed facilities) to store the organic material, a series of tanks for the digestion process and vessels to capture, 'clean' and store the gas produced, a motor or generator to convert the gas to electricity, and a flare stack to burn off excess methane. Storage or disposal facilities for the solid and/or liquid residue remaining after the digestion process are also usually required.

Any adverse environmental effects generated from biomass activities are dependent on their location, scale and the product used. If effects are generated they are likely to be excessive noise and light pollution and BUILDINGS that exceed the bulk and location standards. Consideration may also need to be given to the storage, use and disposal of methane as a hazardous substance and also to traffic generation, VEHICLE access, parking design and formation, and loading, if organic material is transported to a SITE. Any issues relating to discharges to air or water will fall under the jurisdiction of the Taranaki Regional Council.

Given that the majority of the land in the district is used for agricultural production, there are a wide range of potential biomass sources available. These include animal wastes from dairy piggery and poultry farms together with the non-food portion of organic wastes resulting from downstream food processing. Vegetative matter, including forest and crops and their respective harvest residues are also available in the District as potential sources of biomass. Sewage from the COUNCIL's sewage treatment plant is a further major biomass source. There are one or two small scale biomass installations in the District and larger scale commercial installations could be anticipated into the future given the significant biomass resources that are available.

## **Tidal, Wave and Ocean Current**

Tides are created by the gravitational attraction of the moon and sun on the oceans as the earth rotates beneath them. At most locations on earth the oceans cycle through two high tides and two low tides every 25 hours. This causes sea levels to rise and fall and tidal currents to flow through harbour entrances and narrow straits. Waves are created by wind blowing over the surface of the ocean. The longer and stronger the wind blows the more powerful waves become. These various types of water movement have potential as renewable energy resources.

There are numerous technologies being developed to capture energy from the ocean for conversion to electricity. These typically fall into three methods of generation:

1. Large underwater turbines fixed to the sea floor. The energy of the water movement of the tides and currents is captured as it flows through the turbines and is converted into electricity. The energy generated is proportionate to the volume and speed of the water that flows over the turbine. The potential for electricity generation by this means is more predictable than that generated by wind due to the daily cyclic nature of tidal movements.
2. Detention structures where the incoming and/or outgoing tides pass through turbines located within a detention bridge or dam to generate electricity. This method utilises the same principles as those used in traditional hydro-electric dams. The gravitational potential energy created by tidal shift is used to generate energy.
3. Floating structures with moving parts designed to generate electricity. The ocean swell (caused by tides and wind) moves the parts of the structure which in turn drives a generator to produce electricity.

The regulation of the electricity generating component of these technologies falls outside the jurisdiction of the COUNCIL because they are located at sea beyond mean high water springs. However the erection of associated infrastructure, such as SUBSTATIONS AND SWITCHING STATIONS, on land to control the transmission or distribution of the electricity produced will fall within the COUNCIL's jurisdiction. The infrastructure required for tidal, wave and ocean current related activities may create various adverse environmental effects including exceeding the bulk and location standards, and traffic generation, VEHICLE access, parking design and formation, and loading may be factors to also be considered.

It is important to note that the required infrastructure is likely to be located in the COASTAL POLICY AREA where the COUNCIL considers it appropriate to control activities to avoid adverse effects on natural character. A further consideration is the New Zealand Coastal Policy Statement and potential restrictions to public access to the coast as a result of the installation of tidal, wave and ocean current related activities. While the District has a coastline of approximately 100 kilometres, the generation of renewable energy from offshore is considered to be of low probability for the foreseeable future.

### Hydro

Hydro energy is created using the gravitational force of flowing water within water courses. Typically, water is impounded behind a dam and subsequently has to pass through a turbine before flowing on downstream. The turbine is connected to a generator resulting in electricity being generated.

The infrastructure associated with hydro electricity generating activities can vary considerably in scale. This can range from a single water wheel in a stream to large scale weirs and dams with lakes formed behind them. Placing structures in natural water courses invariably alters water flows and their associated ecosystems. Supporting BUILDINGS like SUBSTATIONS AND SWITCHING STATIONS are usually required in association with hydro-electric schemes, particularly at the larger scale.

Both large scale and SMALL AND COMMUNITY-SCALE DISTRIBUTED ELECTRICITY GENERATION using hydro energy can harm river habitats. Some examples of adverse environmental effects include interrupted water flows, barriers to fish movement, water loss from evaporation and loss of biodiversity from the sacrificed portion of rivers. The regulation of these in-stream effects generally falls within the jurisdiction of the Taranaki Regional Council.

As with other forms of electricity generation, any land-based infrastructure may give rise to adverse effects including effects on the character of areas, and amenity. BUILDINGS and STRUCTURES may exceed bulk and location standards. Elevated noise levels may occur and traffic related effects related to traffic generation, VEHICLE access, parking and loading may feature.

While there are several older large scale hydro-electric generation facilities in the District there is little evidence to suggest that any additional large scale hydro-electric generation is likely in the District in the foreseeable future.

### Wind

Energy from wind is captured and converted into electricity using wind turbines connected to generators. Most wind turbines have two or three blades which rotate around a central hub on a horizontal axis at the top of a tower. Towers sit in a steel reinforced concrete foundation below ground level which is designed to ensure that the turbine can withstand very strong winds. Towers supporting wind turbines can vary in height from a few metres (small scale domestic) up to 60 - 80 metres in height with blade spans of 10-30 metres. As the wind rotates the blades, a generator within the turbine uses magnetic fields to convert the rotational energy into electrical energy. Wind turbines have instruments which can measure wind speed and direction. When the wind changes direction, motors turn the turbine to face into the wind. A collection of wind turbines in one location is called a wind farm. It may be connected by transmission lines, transformers, ROADS and generally an operations BUILDING. Large wind farms may also require SUBSTATIONS AND SWITCHING STATIONS.

Any adverse environmental effects generated by wind turbines are dependent on their location and scale. The effects can include visual intrusion or dominance in the landscape, particularly where large scale turbines are aggregated as wind farms.

Elevated noise levels can also occur caused by wind passing over the turbine blades. A noise standard specific to this issue was first promulgated in 1998 and was updated in 2010. (Ref: NZS 6808:2010 Acoustics – Wind Farm Noise). This standard provides wind farm developers, the COUNCIL and the community with robust methods for the prediction, measurement and assessment of noise from wind farms, and it recommends sound level maximums so as to afford protection to communities from unreasonable noise.

Blade glint, from sun reflecting off wind turbine blades, also has the potential to be an issue and can be mitigated through the use of nonreflective blade coatings.

‘SHADOW FLICKER’, a term used to describe the alternating periods of shadow and light due to the rotation of turbine blades as the sun passes behind a wind turbine, is a phenomenon identified as an adverse environmental effect. Wind turbines, like all STRUCTURES will cast a shadow when there is sufficient sunlight. Wind turbines however can cause a SHADOW FLICKER effect when the rotating turbine blades cast shadows that move rapidly across the ground and nearby STRUCTURES. This can create a disturbance within houses when the shadow falls across the windows of occupied BUILDINGS. The effect is most

noticeable when the windows of the dwelling face a rotating wind turbine which has the sun rising or setting behind it. In practice this is only likely to cause a nuisance when the sun is low in the sky and the turbines are relatively close to a house with windows facing the turbines. SHADOW FLICKER can only occur when all of the following conditions are satisfied:

- After sunrise and prior to sunset.
- When the sun is sufficiently bright enough to cast shadows.
- When a house is located no further than 10 rotor diameters from a turbine (this is determined by multiplying the diameter of the blades of a turbine by a factor of 10).
- The house must have windows facing the turbine.
- The turbine must be rotating.

Shadows moving across the ground outside of houses are not considered to cause a SHADOW FLICKER effect as the receiver is not in an enclosed space being lit from a single source. Using appropriate software it is possible to determine the number of hours per year that wind turbines could cause a SHADOW FLICKER effect.

The District's location directly across the path of the country's prevailing westerly winds suggests a plentiful wind resource for renewable energy generation. However available data indicates wind speeds in the Taranaki region are not among the highest in the country; these are generally found in the southern part of the North Island. Studies show there is generally more wind at the western and southern Taranaki coast than along the northern coast (ref: EECA). Accordingly, it is unlikely there will be any large scale electricity generation sourced from wind power in the District in the foreseeable future. Small and community scale wind energy development could be expected.

## Objective 24

**To recognise the national significance of RENEWABLE ELECTRICITY GENERATION ACTIVITIES while managing their adverse effects.**

### Policy 24.1

The need to develop, operate, maintain and upgrade RENEWABLE ELECTRICITY GENERATION ACTIVITIES shall be provided for while managing their adverse effects.

Updated July 2014 (update 8w)

## Methods of Implementation 24.1

- a) Assessment criteria relating to the alternative locations and methods that have been considered to avoid, remedy or mitigate any adverse effects, recognising the practical constraints associated with RENEWABLE ELECTRICITY GENERATION ACTIVITIES and the environmental benefits of RENEWABLE ELECTRICITY GENERATION ACTIVITIES.
- b) Assessment criteria relating to whether the activity has any characteristics, such as moving parts, which may give rise to adverse effects such as SHADOW FLICKER and what alternative locations are available.
- c) Consideration of the exercise of discretion in relation to conditions placed on resource consents for RENEWABLE ELECTRICITY GENERATION ACTIVITIES.
- d) Encourage the use of recognised guidelines and good practice guides.

## Reasons 24.1

The COUNCIL must recognise the national significance of RENEWABLE ELECTRICITY GENERATION ACTIVITIES by providing for their development, construction, operation, maintenance and upgrading so that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the Government's national target for renewable electricity generation. This is directed through Policies A, B and C in the NPSREG.

**Policy A** of the NPSREG states that the benefits of RENEWABLE ELECTRICITY GENERATION ACTIVITIES include, but are not limited to:

- a) Maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b) Maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c) Using renewable natural resources rather than finite resources;
- d) The reversibility of the adverse effects on the environment of some renewable electricity generation technologies;

- e) Avoiding reliance on imported fuels for the purposes of generating electricity.

**Policy B** of the NPSREG lists the following practical implications of achieving New Zealand’s target for electricity generation from renewable resources:

- a) Maintenance of the generation output of existing RENEWABLE ELECTRICITY GENERATION ACTIVITIES can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and
- b) Even minor reductions in the generation output of existing RENEWABLE ELECTRICITY GENERATION ACTIVITIES can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and
- c) Meeting or exceeding the Government’s national target for the generation of electricity from renewable resources will require the significant development of RENEWABLE ELECTRICITY GENERATION ACTIVITIES.

**Policy C** of the NPSREG lists the following practical constraints associated with the development, operation, maintenance and upgrading of new and existing RENEWABLE ELECTRICITY GENERATION ACTIVITIES:

- a) The need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) Logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) The location of existing STRUCTURES and infrastructure including, but not limited to, ROADS, navigation and TELECOMMUNICATION STRUCTURES and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) Designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) Adaptive management measures.

In providing for renewable electricity generation it is essential to enable the investigation, identification and assessment of potential SITES and energy sources

as well as the operation, maintenance and upgrading of projects once they are confirmed. It is possible that adverse environmental effects may occur. This plan adopts an accommodating approach towards renewable electricity generation in recognition of the direction given by the NPSREG. If a proposed activity is classed as discretionary, an assessment criterion in various rules in the plan allows the COUNCIL to consider the alternative locations and methods that have been considered to avoid, remedy or mitigate any adverse effects, recognising the practical constraints associated with RENEWABLE ELECTRICITY GENERATION ACTIVITIES and the environmental benefits of RENEWABLE ELECTRICITY GENERATION ACTIVITIES. The COUNCIL can also exercise its discretion in respect to any conditions it places on resource consents it grants for RENEWABLE ELECTRICITY GENERATION ACTIVITIES.

The future operation and viability of existing RENEWABLE ELECTRICITY GENERATION ACTIVITIES could be compromised if sensitive activities such as new dwellings locate within close proximity. This phenomenon is called ‘reverse sensitivity.’ It refers to instances where the establishment of new activities may lead to adverse environmental effects on activities which already exist, in turn leading to restraints in the operation of these existing activities. The plan deals with reverse sensitivity issues relating to existing piggeries and chicken farms by requiring separation distances and buffer planting for new sensitive activities.

Adopting a similar approach could be appropriate for sensitive activities establishing near RENEWABLE ELECTRICITY GENERATION ACTIVITIES. This is only considered necessary for RENEWABLE ELECTRICITY GENERATION ACTIVITIES operating on a large scale as opposed to a small and communityscale. The New Plymouth District currently has only a handful of large scale RENEWABLE ELECTRICITY GENERATION ACTIVITIES and these are limited to hydro electric generation. In addition, it is problematic to attempt to require separation distances and buffer planting if the locations of future RENEWABLE ELECTRICITY GENERATION ACTIVITIES are unknown. The need for such an approach will be reviewed if and when the number of large scale RENEWABLE ELECTRICITY GENERATION ACTIVITIES increases and issues are raised by the community regarding their operation. The exception is electricity generated from wind. The plan references NZS 6808:2010 Acoustics – Wind Farm Noise. This standard forewarns prospective residents of an area already affected or permitted to be affected by wind farm noise.

The use of renewable energy sources creates positive environmental benefits such as using renewable sources instead of non-renewable sources and avoiding, reducing or displacing greenhouse gas emissions. However, RENEWABLE ELECTRICITY GENERATION ACTIVITIES can generate adverse environmental effects.

Not all activities associated with renewable electricity generation are administered by the COUNCIL.<sup>21</sup> Of those that are, the adverse environmental effects that may occur include STRUCTURES and devices intruding into URBAN VIEWSHAFTS or visually dominating an area, wind turbine noise, traffic generation and BUILDINGS of excessive scale, height or bulk. These effects are more likely to occur for large scale as opposed to SMALL AND COMMUNITY-SCALE DISTRIBUTED ELECTRICITY GENERATION. It is considered that these effects can be managed using the rules in the plan. An assessment criterion also allows the COUNCIL to consider the adverse effects of SHADOW FLICKER in the RURAL ENVIRONMENT AREA if a proposed activity is classed as a discretionary activity. This approach will be reviewed if and when the number of RENEWABLE ELECTRICITY GENERATION ACTIVITIES increases and issues are raised by the community regarding their operation.

The New Plymouth District has a number of areas that are sensitive to development, e.g. the COASTAL POLICY AREA, SIGNIFICANT NATURAL AREAS, and WAAHI TAPU AND ARCHAEOLOGICAL SITES. There could be conflicts if RENEWABLE ELECTRICITY GENERATION ACTIVITIES are located on or within these areas. For example, many of the district's WAAHI TAPU AND ARCHAEOLOGICAL SITES such as pa were located on prominent hills and ridgelines which enabled TANGATA WHENUA to strategically defend locations in their ROHE and to protect fertile plantation SITES and food supplies. These same prominent hills and ridgelines are likely to be preferred locations for wind turbines because of their exposure to strong winds. The plan uses OVERLAYS to identify areas or items of value or importance to the community

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<sup>21</sup> The COUNCIL's jurisdictional area extends seaward to mean high water springs (MHWS). Activities seaward of this, e.g. tidal, wave and ocean current related will be administered by the Taranaki Regional Council and the Minister for Conservation. The COUNCIL does not administer the taking, use, damming, and diversion of water and therefore it does not administer hydro activities. These are administered by the Taranaki Regional Council. However, the COUNCIL may need to administer land based matters associated with these activities, such as buildings and infrastructure.

on the planning maps. The majority of these OVERLAYS are subject to rules although some OVERLAYS are provided for information purposes only. The rules control matters such as the distance from an OVERLAY within which an activity may occur and the type of activity that may occur. RENEWABLE ELECTRICITY GENERATION ACTIVITIES are subject to these OVERLAY rules, as is any proposed activity.

## Anticipated Environmental Results 24

- a) The provisions in the plan recognise and provide for RENEWABLE ELECTRICITY GENERATION ACTIVITIES.
- b) The adverse effects of RENEWABLE ELECTRICITY GENERATION ACTIVITIES are avoided, remedied or mitigated.
- c) RENEWABLE ELECTRICITY GENERATION ACTIVITIES contribute to the Government's renewable electricity generation target of 90 per cent of electricity from renewable sources by 2025.

## Indicators 24

- a) Number of RENEWABLE ELECTRICITY GENERATION ACTIVITIES.
- b) Type of RENEWABLE ELECTRICITY GENERATION ACTIVITIES.
- c) Scale of RENEWABLE ELECTRICITY GENERATION ACTIVITIES, i.e. large or SMALL AND COMMUNITY-SCALE DISTRIBUTED ELECTRICITY GENERATION.
- d) Number of resource consents applied for and granted regarding RENEWABLE ELECTRICITY GENERATION ACTIVITIES.

# CROSS REFERENCE MATRIX: POLICIES TO RULES



Refer to the rules tables in the next section for rule content.

TOPIC	Policy No.	Rule No's					
		OVERLAYS (OL)	Residential (Res)	Rural (Rur)	Business (Bus)	Industrial (Ind)	Open Space (OS)
Amenity Health and Safety	1.1	33A-33F	4, 5-16, 19, 23, 31-36, 38, 39, 47-50, 51-53, 55-58, 64, 65-72, 74, 75, 79-90	6, 7-18, 33, 37, 39-40, 47-52, 54, 55, 62-64, 69, 73, 75, 77, 78, 83, 85-92, 94-95, 99, 101, 102	4-7, 9-17, 19, 23, 27, 35-44, 46, 47, 55-60, 62-63, 66, 69, 71-72, 77, 79-85, 87-88, 92, 93	4-7, 8-14, 19, 26, 34-40, 42, 43, 51-52, 60-64, 67, 70, 75, 77-83, 85-86, 90, 92-97	1-3, 9-16, 19, 23, 31, 38, 40-41, 49-54, 56-57, 60-62, 64-65, 70, 72-78, 80-81, 85
	1.2		23, 65-67, 72	37, 65-68, 72, 85-87, 92, 100, 5A-5C	7, 10-11, 14, 20, 27, 61, 64-65, 79-81, 85, 94	4, 8, 13, 15-17, 20, 26, 53-59, 65-66, 77-79, 83, 91-97	5-6, 8-10, 23, 55, 58-59, 72-74, 78, 86
	1.3	5-8, 53-54		20-31	22	22	
	1A.1	33A-33E					
	1A.2	33F					
	1A.3			37, 65, 72, 85, 100, 5A-5C			
	2.1		65-67	85-87	79-81	77-79, 92-97	72-74
	2.2						
	2.3	9, 55	53, 68-72	73, 88-92	22, 65-67, 82-85	22, 66-67, 80-83- 92-97	59-60, 75-78
	2.4						
	2.5		53	73	65-67	66-67, 92-97	59-60
	3.1	40	17, 20-22	19, 34-36	18, 24-26	18, 23-25	
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	4.2			6, 9-18, 33, 37, 39-40, 47-52, 54-55, 62-64, 94-95, 99			
	4.3	59, 60		37, 99-100			
	4.4			7-10, 17-18, 75			
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TOPIC	Policy No.	Rule No's					
		Overlays (OL)	Residential (Res)	Rural (Rur)	Business (Bus)	Industrial (Ind)	Open Space (OS)
Amenity Health and Safety	5.3	43-52	23, 51-52, 79-80		4, 19-20, 27, 55-57, 63-64, 68-69, 92-94	19-20, 26, 65, 90-97	4, 23, 49-51, 57-58, 61-62, 85-86
	6.1		55-58				
	6.2		5-8, 10-13, 16				
	6.3		4, 7-8, 11-16, 19, 23, 31-36, 38-39, 47-49, 51-52, 56-58, 74-75, 78-80				
	6.4		9, 54, 74-75, 81-90				
	7.1	21-22			4-7, 10-17, 19, 23, 27, 35-44, 46-47, 55-60, 63, 68-69, 71-72, 87-88, 92-93		
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	8.2						1-3, 7, 9-16, 19, 23, 31-38, 40-41, 49-54, 57, 61-62, 80-81, 85
	9.1					4-7, 8-14, 19, 26, 34-40, 42-43, 51-52, 85-86, 90, 92-97	
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Heritage	11.1	43-52					
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	11.4				10		7
	11.5	81-87				92-97	

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TOPIC	Policy No.	Rule No's					
		Overlays (OL)	Residential (Res)	Rural (Rur)	Business (Bus)	Industrial (Ind)	Open Space (OS)
<b>Natural Hazards</b>	12.1	10-13, 23-33	44-46, 49	4-5, 60-61, 64	52-54, 60	48-50, 52, 92, 98-99	46-48, 54
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	13.1	11, 28-31	44-46, 49	4-5, 60-61, 64	52-54, 60	48-50, 52, 92, 98-99	46-48, 54
	13.2						
<b>Natural Values</b>	14.1	15-19					
	14.2	56-60					
	15.1						
	15.2	81-87					
	16.1	59-60					
	16.2			70-71			
17.1							
<b>Public Access</b>	18.1	19, 56-58					
<b>TANGATA WHENUA</b>	19.1		10	11, 13			11
	19.2	81-87					
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	19.4						
<b>Traffic and Transport</b>	20.1	41-42	73	93	86	84, 92, 98-100	79
	20.2		74-78	94-98	87-91	85-89, 92, 98-100	80-84
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	20.4		24-30, 32-43	38-46, 48-59	28-34, 36-51	27-33, 35-47, 92, 98-100	24-30, 32-45
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	20.6		1-3	1-3	1-3	1-3	1-3
	20.7		9, 54, 59-60, 73	76, 79-80, 93	70, 73-74, 86	69, 71-72, 84, 92, 98-100	63, 66-67, 79
	21.1	1-4					
<b>Works and Services</b>	22.1	19, 56-59	18, 61-62, 64	32, 81-82, 84	21, 75-76, 78	21, 73-74, 76, 92, 94, 98-100	18, 68-69, 71
	22.2	42	18, 64	32, 84	21, 78	21, 76, 92, 94, 98-100	18, 71

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		Rule No's					
TOPIC	Policy No.	Overlays (OL)	Residential (Res)	Rural (Rur)	Business (Bus)	Industrial (Ind)	Open Space (OS)
<b>Areas for Future Development</b>	23.1	60A					
	23.2	60B					
	23.3	60C					
<b>Renewable Electricity Generation</b>	24.1		4-8, 10-16, 23, 45-52, 54-90	4-10, 13-14, 16-18, 37, 60-69, 72-72A, 76-102	4-17, 19-20, 22, 27, 53-64, 70-94	4-17, 19-20, 22, 25-26, 49-65, 69-98, 100	4-16, 23, 47-58, 63-86
<b>Structure Plans</b>	23.1	60A, 60D					
	23.2	60B					
	23.3	60C					
	23.4	60E, 60F					
	23.6	60D					
	23.7	60G					
	23.8	60I, 60Q					
	23.10	60J, 60K, 60L, 60M, 60N					
	23.12	60O					
	23.14	60I-60Q					
23.15	60I-60Q						