

Application for Consent under Section 88 of the Resource Management Act 1991

To: Chief Executive
Kaipara District Council
Private Bag 1001
Dargaville

.....
Applicant - (Full name and address)

.....
Owner - (Full name and address) - if same as above tick box

.....
Occupier - (Full name and address) - if same as above tick box

Location

Street Address: Locality:

Legal Description:

Does the site contain or abut any river, lake, stream, landmark, historic site or notable bush?

Type of activity being applied

- Controlled
- Discretionary
- Non-Complying

(Circle one)

Description of activity to which application relates is:

Name any additional resource consents required in relation to this proposal:

Yet to be applied for:

Already applied for:

Attached is relevant information required by District or Regional Plan or Regulations. In particular, plans showing the location of any existing or proposed buildings and/or other facilities in relation to boundaries, should be included with this application.

..... Date

Signature of applicant or person
authorised to sign on behalf of applicant

Address for Service of Applicant

.....
.....
Telephone Number:..... Fax Number:

Address for Invoicing purposes

.....
.....

Annexure

- (a) An assessment of effects on the environment in accordance with the Fourth Schedule to the Act
- (b) Any other information required by the District Plan or Regional Plan or Act or Regulations to be included

Note In order to assist with the timely processing of your application it is important that you submit **five** complete copies of the application (including any supporting documents) at the time of lodgement.

When your application is ready to be lodged a pre-lodgement meeting may be arranged with Council’s consultants. There is a charge for this consultation, however this will tell you if all the information Council requires has been submitted, in turn this may save you time and money. It is particularly useful for more complex proposals.

Fees

Please refer to Council’s schedule of Fees and Charges. The fee will vary depending on whether or not the application is to be notified and whether or not a hearing is required.

Section 13 – Procedures And Interpretation

13.2 Land Use Consent Applications

13.2.1 General Information Requirements - Applications For Land Use Consent

Each application for land use consent is to be made in accordance with the requirements in Section 88 of the Act, and Regulation 8 in the Resource Management (Forms) Regulations 1991. The Council has a standard application form for land use consents, copies of which are available from its Dargaville and Kaiwaka Offices. Section 88 of the Act requires each application for land use consent to be accompanied by an assessment of environmental effects. It is to be prepared in accordance with the Fourth Schedule to the Act, a copy of which appears in Appendix 13A.

Each application for land use consent is to be accompanied by appropriate site and building plans. The plans are to be drawn to scale with a northpoint and show the following information:

- the boundaries of the site, site dimensions and area
- the location of adjacent roads or rights of way and associated carriageway and stormwater drainage facilities
- the location of existing and proposed buildings in relation to site boundaries
- the depth and extent of any excavations or filling operations proposed
- the access to the site and associated vehicle parking, loading and manoeuvring areas
- the location of existing and/or proposed sewerage, stormwater, water, electricity and telephone services serving the site where relevant
- the position of any areas to be used for storage or disposal of wastes
- any significant stands of bush, shrubland or wetland, specimen trees, archaeological or historic sites
- location and dimensions of any proposed signs
- elevation and floor layout of proposed buildings and associated services where relevant
- any areas to be set aside for the private open space needs of individual household units where relevant

13.2.2 Special Information Requirements - Applications For Land Use Consent Involving Sites Adjoining State Highways

Where an application for land use consent relates to a site adjoining a state highway it is to be accompanied by information outlining the outcome of consultation undertaken with Transit NZ, being the relevant road controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from Transit NZ giving its comments, if any, on the application.

13.2.3 Special Information Requirements - Applications For Land Use Consent Involving Sites Adjoining Railways

Where an application for land use consent relates to a site adjoining a railway it is to be accompanied by information outlining any consultation undertaken with NZ Rail Ltd, being the relevant railway controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from NZ Rail Ltd giving its comments, if any, on the application.

13.2.3A Special Information Requirements - Applications For Land Use Consent Involving Commercial or Industrial Zoned Sites Adjoining Molesworth Drive - Mangawhai Settlement (Planning Maps 57 & 59)

Any land use consent application involving a Commercial or Industrial zoned site adjoining Molesworth Drive is to be accompanied by a Landscaping, Pedestrian and Visual Amenities Report which deals with the following matters:

- the extent and nature of vegetation on the site and road verges which contributes to the planted 'avenue' and other visual amenities of the area and how this is to be protected and/or enhanced.
- the visual prominence of the site when viewed from the road and the access, landscaping, signage control, street furniture and lighting and other measures intended to maintain and enhance the 'gateway' function and appearance of the site and associated road verges.
- The extent and nature of existing and proposed pedestrian movements in the immediate vicinity of the site, and any measures necessary to enhance pedestrian safety and accessibility.

13.2.3B Special Information Requirements – Applications For Land Use Consent Involving Sites in the Kaipara Harbour Environment Area

1 Land use consent applications involving sites in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-

- A plan showing the contours of the site in relation to the scale and form of the land use activity, along with all recorded archaeological sites, registered historic places, historic areas and wahi tapu, watercourses and significant indigenous vegetation.
- Details on any recorded archaeological sites on the site or registered historic place, historic area or wahi tapu, along with an assessment of the likely heritage values of the site, and need for an archaeological site and historic place survey of those parts of the site affected by the proposed land use activity.
- An assessment of the effects of the land use activity on the ecological, heritage and landscape (including coastal natural character) values of the site related to the scale and form of the activity.

- 2 Land use consent applications involving the use of land containing indigenous vegetation in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-
- A description of any significant naturally occurring indigenous vegetation on or immediately adjacent to proposed building and earthworks sites, driveways, roads and utility services and its ecological values (including significant habitats of indigenous fauna) in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G.
 - Any measures (e.g 'buffer areas', controls on earthworks and stormwater discharges, covenanting, fencing and planting) intended to protect and enhance these values which is related to the scale and significance of the effects of the land use activity.
 - A description of the landscape values of any indigenous vegetation on the site and any measures intended to enhance or restore the natural character values of the site.
 - An assessment of the effects of the land use activity on the ecological and natural character values of the indigenous vegetation, particularly in terms of creation of new driveways and building sites and alternative mitigation measures.

13.2.3C Special Information Requirements – Applications for Land Use Consent Involving Sites in the Rural-Residential (Landscape and Ecological Enhancement) Zone

Land use consent applications involving sites in the Rural-Residential (Landscape and Ecological Enhancement) zone are to contain or be accompanied by a report, which provides the following information:

- A description of any significant areas of predominantly indigenous forest, shrubland or wetland on or immediately adjacent to the site, their ecological values in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G, and measures intended to secure their long term protection and enhancement on the site. For land in the Mangawhai Heads North area (Ref Planning Maps 55 and 80) the information is to be in the form of an Ecological Assessment and Management Plan prepared by an appropriately qualified person.
- A description of the landscape values of vegetation on the site and measures intended to enhance or restore the amenity and natural character values of the site. For land around the fringes of the Molesworth Peninsula (Ref Planning Maps 59 and 80) the information is to be provided in the form of a Vegetation Management Plan prepared by an appropriately qualified person.

13.2.4 Controlled Activities - Matters Over Which Control is Exercised

The Council will exercise its control over the following matters in respect of controlled activities:

- earthworks and site development works
- protection of historic and natural features

- natural hazard mitigation
- access and traffic management
- parking and loading facilities
- hours of operation
- utility services
- design and appearance of buildings
- provision for reserves
- protection of skylines and views

13.2.5 Controlled Activities and Discretionary Activities - General Assessment Criteria

The Council will have regard to the following matters or general assessment criteria when considering an application for land use consent involving a controlled activity or a discretionary activity (except those applications for activities made discretionary by their failure to comply with zone environmental standards - see Section 13.2.7).

When considering an application for land use consent involving a controlled activity the Council will exercise its control only over the matters listed. For land use consent applications involving discretionary activities the Council has not by virtue of this plan restricted its discretion to the matters listed and may consider other matters relevant to the application.

- (i) Relationship To Environmental Standards:- the extent to which the land use meets the environmental standards of the zone and the effects of any infringement on the amenities of adjacent sites.
- (ii) Earthworks and Site Development Works: - The extent of earthworks and other site development works required as part of the land use and their likely impact on existing landforms and related features including lakes, rivers and streams. Conditions may be imposed on any land use consent limiting the form scale and timing of earthworks, and associated filling and compaction operations in sensitive areas.
- (iii) Protection of Historic and Natural Features: - the impact of the proposed use on any area of significant indigenous vegetation and significant habitats of indigenous fauna significant landscape feature or any sites, buildings, places or areas with significant heritage values including archaeological sites and wahi tapu. Particular consideration will be given to the need for such features to be formally protected by a covenant or other similar instrument or specific measures taken to avoid or minimise damage to them. Financial contributions may be required as conditions of land use consent in order to mitigate or offset any impacts.
- (iv) Natural Hazard Mitigation: - the extent to which the site is affected or is likely to be affected by erosion, subsidence, slippage, inundation or other natural hazards and the need for associated protective measures to be taken, including the design of special retaining structures, accessways and buildings of a relocatable nature.

- (v) Access and Traffic Management: - the access to the site and the impact of vehicle movements on the safety and efficiency of adjacent roads. Particular consideration will be given to the extent of any additional heavy traffic movements likely to be generated. A financial contribution towards the upgrading of roads, service lanes or private ways may be required as a condition of land use consent. Section 9.8 prescribes the basis upon which such financial contributions may be sought.
- (vi) Parking and Loading: - the ability of the site to cater for the parking and loading of all vehicles associated with the proposed use. Related to this will be a consideration of the impact of vehicle movements on the amenities of adjacent sites and the need for special design and screening measures.
- (vii) Hours of Operation: - the hours of operations of the proposed use and the impact of associated activities, especially noise related, on the amenities of adjacent sites.
- (viii) Utility Services: - the servicing needs of the proposed use and the extent to which it will cause demands for the upgrading or extension of existing services particularly sewerage, stormwater disposal, water supply, electricity, and telephone. Associated financial contributions may be required as conditions of land use consent, the basis of which is outlined in Section 10.7.
- (ix) Design and Appearance of Buildings: - the extent to which any proposed buildings will blend into rather than dominate the surrounding environment and be screened or enhanced by existing vegetation or proposed planting schemes.
- (x) Provision for Reserves - the extent to which the proposed use will affect the use of existing reserves and/or generate demands for additional reserve facilities in the locality.
- (xi) Protection of Skylines and Views - impact of the proposed use on skylines, particularly in the coastal environment and views to and from reserves and other public areas.

13.2.6 Controlled Activities and Discretionary Activities - Specific Assessment Criteria[#]

The Council will also have regard to the following specific matters when considering applications for land use consent involving the particular activities listed below:

- (1) Factory Farming
 - (i) Screening and Visual Amenity - the extent to which the operations will be effectively screened from any adjacent residential dwellings and public dwellings and public places including reserves.
 - (ii) Odour - the nature of any odour or smells likely to be produced and their effect on the amenities of adjacent sites.

[#] Updated August 2005

- (iii) Relationship To Environmental Codes of Practice: - the extent of which the farming operations will comply with guidelines and standards specified in any relevant environmental codes of practice including:
 - New Zealand Pork Industry Board - Pig Farming Code of Practice
 - Poultry Industry Association of New Zealand - Environmental Industry Agreed Code of Practice for Poultry Keeping and Broiler Farming
 - Federation of Commercial Rabbit Breeders - Recommended Code of Practice for Commercial Rabbit Farming

- (2) Mineral Exploration
 - (i) Access Roding and Tracking - the location of access roads and tracks and their impact on the landscape and associated natural features.
 - (ii) Drilling, Trenching and Tunnelling Operations - the scale of drilling, trenching and tunnelling operations and their impact on the landscape and associated natural features.
 - (iii) Restoration and Rehabilitation of Affected Areas - the need for any areas affected to be progressively restored and rehabilitated. Conditions may be imposed requiring recontouring and revegetation of such areas, with bonds sought in some circumstances to ensure satisfactory completion of works.

- (3) Mining and Quarrying
 - (i) Scale of Workings - the scale of workings and their associated impact on the natural character of the surrounding landscape.
 - (ii) Screening - the extent to which the proposed workings can be effectively screened, particularly from any adjacent residential dwellings and public places including roads and reserves.
 - (iii) Restoration and Rehabilitation of Affected Areas - the need for the site to be progressively restored and rehabilitated. Conditions may be imposed requiring recontouring and revegetation of worked areas with bonds sought in some circumstances to ensure satisfactory completion of works.
 - (iv) Heavy Traffic Movements - the nature of heavy traffic movements expected to be generated, their impact on adjacent roads and the need for any associated upgrading works.
 - (v) Impact on Coastal Environment - the extent of any modification of dune or beach systems, or impacts on habitat values, natural and physical processes, or landscape values associated with the coast, particularly land within the Coastal Environment Area shown on the planning maps.

(4) Electricity Transmission Lines (High Voltage), Electricity Substations, Telephone Exchanges, Telecommunication Works, and Network Utilities Not Being Permitted Activities

- (i) Operational Needs - the operational needs of the servicing organisation and the extent to which alternative locations and/or other servicing options have been considered. The feasibility and costs of obtaining access and/or easements for alternative locations or options to that proposal will be relevant considerations.
- (ii) Separation Between High Voltage Electricity Lines and Structures and Residential Buildings - the physical separation between electricity transmission lines and structures of a high voltage nature and residential dwellings and other buildings of a predominantly residential nature, and associated public health considerations.
- (iii) Visual Impacts - the visual impact of the facility in terms of the likely effect on:
 - Residential or recreational use of land in the vicinity of the proposed facility
 - Ridge lines and view planes from public places, including roads
 - Design elements in relation to the locality, with reference to the existing character of the locality and amenity values

In making the assessment of visual impact regard will be had to:

- The scale of the facility
 - Height of structures
 - Separation of structures to site boundaries
 - Site location - in terms of the general locality, topography, natural features and adjoining land uses.
 - Planting, fencing and other landscaping treatment. (Note this criteria does not apply to overhead lines and support structures).
- (iv) Noise - The noise environment of the locality in which it is proposed to site the facility, proximity of the facility to residential dwellings and noise sensitive land uses, and any mitigation measures proposed.
 - (v) Lighting - The intensity of any lighting associated with the facility and likely spill of light adversely affecting the use and enjoyment of adjoining properties.

(5) Commercial Services, Offices and Shops

- (i) Site Location - the proximity of the site to suitably zoned commercial land and the extent to which it will promote ribbon development along any road.
- (ii) Service Orientation - the extent to which the proposed use will primarily serve residents in the surrounding area.

(6) Service Stations

- (i) Site Location - the proximity of the site to residential properties and the effect of traffic movements and other activities on their amenities.
- (ii) Design of Drive-In-Facilities - the extent to which the layout of buildings and associated drive facilities are designed to provide adequate queuing and parking space for vehicles and minimise interference to pedestrian and vehicle movements on adjacent roads.

(7) LPG Storage and Distribution Facilities

- (i) Location of Facilities - the proximity of the facilities to residential dwellings, schools, hospitals and other uses of a similar nature and associated risks to people and property. Particular consideration will be given to the need for separation distances and in this regard the Council will be guided by the provisions in the Dangerous Goods Regulations and New South Wales Department of Environment and Planning: Draft Locational Guide-lines for LPG Automotive Retail Outlets.
- (ii) Water Supply - the supply of water for fire fighting purposes in the immediate vicinity of the site and its adequacy for any emergency situations.

(8) Residential Dwellings Containing Two or More Household Units on a Site (Residential Zone)

- (i) Private Open Space - the provision made for private open space with each household unit. The Council will generally expect an area of private open space equivalent to 50% of the gross floor area of each unit be provided.

Each area of private open space should also:

- have direct access to the main living area of the dwelling unit
- be unobstructed by wide access or parking spaces
- be adequately screened from adjacent units

- (ii) Aural and Visual Privacy: - the extent to which each dwelling unit is provided with a reasonable standard of aural and visual privacy through:
 - the construction of adequate sound reducing floors and walls between adjoining units; and
 - the provision of an adequate separation distance between windows and openings of adjoining units and between buildings and site boundaries.
 - the separation or screening of the main living areas and outdoor living courts from adjoining units and from neighbouring properties.

- (9) Residential Dwellings and Accessory Buildings (Coastal Zone - Taharoa Domain Primary Visual Catchment Area)
- (i) Location and Design of Buildings - the extent to which buildings are designed and sited so as to complement rather than dominate the surrounding landscape and integrated with existing vegetation stands or proposed planting schemes.
- (10) Residential Dwellings - Chases Gorge Camp Club Property, Baylys Beach
- (i) Location of Dwellings - the extent to which any dwelling is sited in accordance with the schematic plan of development for the property. This plan (Planning Map No. 79) identifies two potential building sites.
- (ii) Access - the extent to which suitable vehicle access is available to the dwelling site and the need for any upgrading of existing shared common driveways. Reference will be made to the design guide-lines for urban streets and private ways in Appendix 9K.
- (iii) Private Open Space - the provision made for private open space adjacent to the dwelling. Reference will be made to the environmental standards for the Residential zone (Section 3.5.5).
- (11) Airstrips
- (i) Location of the Airstrip and associated Flight Paths - the proximity of the airstrip to any residential dwellings and other uses of a principally residential or community nature, the likely flight paths of aircraft using it and possible noise and other amenity impacts.
- (ii) Frequency of Flights and Hours of Operation - the number of flights expected each week, hours of operation and mitigation measures or conditions which may limit any noise or other amenity impacts on adjacent sites.
- (12) Coastal Protection Works
- (i) Need for Works - the degree of need for the protection works, in terms of any threats to life and/or property from coastal erosion which cannot practicably be addressed by relocation or other means.
- (ii) Design and Location - impacts on the natural character of the coast resulting from the particular design and/or location of works, including consideration of any possible alternative designs or locations and landscaping measures.
- (iii) Alternative Methods - the extent to which alternative methods with lesser impacts on the coastal environment may be available.

(13) Slipways

- (i) Need for Facility - the demand for such a facility and the availability of other similar facilities within a reasonable distance.
- (ii) Treatment of Wastes - the extent to which provision is made for containment and treatment of waste materials.
- (iii) Maintenance of Facilities - the nature and extent of measures to be taken to ensure the facility is adequately maintained and presents a tidy appearance.
- (iv) Impacts on Natural Character - the extent to which the facility is likely to affect habitat or landscape values.
- (v) Public Access - the extent to which the facility will interfere with any existing or likely public access to/along waterways or recreational values.

(14) Wharves, Jetties and other Landing Facilities

- (i) Need for Facility - the demand for such a facility and the availability of other similar facilities within a reasonable distance. Particular consideration will be given to provision of public rather than private facilities and to the avoidance of a proliferation of structures along coastal margins.
- (ii) Impacts of Natural Character - the extent to which the facility, individually or in combination with other similar facilities, is likely to affect habitat or landscape values.
- (iii) Public Access - the extent to which the facility will interfere with or, conversely, provide for public access and recreation values.

(15) All Activities in the Coastal Zone

- (i) Impacts on Natural Character - the extent of any impacts on habitat values, natural and physical processes, and /or landscape values associated with the coastal environment. Particular consideration will be given to activities in the more sensitive "Coastal Environment Area" shown on the planning maps. This area takes in land which is considered the most visually sensitive being closest to the beach and on the seaward side of any dominant ridges or plateaus. It also takes in land which is prone to erosion and/or has significant duneland vegetation.

(16) All Activities in the Kaipara Harbour Environment Area[#]

- (i) Buildings and associated accessways shall be sited to avoid archaeological sites and historic places. In areas which have not been subject of a recent archaeological site/historic places survey advice is to be sought from an archaeologist or the NZ Historic Places Trust.
- (ii) Buildings are to be located where they appear to be part of the landscape and sit in it rather than on it. Prominent knolls and ridgelines are to be avoided as sites for buildings, except where there is significant background vegetation which provides context and ability to integrate buildings into the landscape when viewed from public roads, reserves, rivers and the harbour. Locating buildings in proximity to existing vegetation is also to be considered from a landscape and amenity perspective.
- (iii) Building sites are to be carefully selected in order to minimise clearance of significant indigenous vegetation and earthworks except where these activities will assist in mitigating the landscape effects of the development. The natural contours are to be utilised for alignment of access tracks and roadways. Where significant cuts or fills are necessary provision is to be made for the batters to be graded back and revegetated as soon as possible. Where clearance of significant indigenous vegetation is necessary, plantings and other compensatory measures are likely to be required.
- (iv) Where it is proposed that buildings 'break' the landform or vegetated skyline consideration is to be given to grouping and limiting their overall impact. New foreground and/or backdrop planting may be required to mitigate the visual effects of such development.
- (v) On steep hillside sites pole type timber buildings are generally more appropriate as they provide opportunities for stepped two and three storey structures with irregular rooflines. In ridgeline areas single storey buildings with low pitched roofs are generally more appropriate. Large steep pitched roof areas are to be avoided in visually prominent areas.
- (vi) Consideration is to be given to building, materials and colours in visually prominent areas. This will vary according to the site's relationship to the coast, the landform and existing vegetation context. In highly prominent areas, particularly where there are no existing buildings or vegetation which can mitigate visual effects, naturally recessive finishes or colours are to be considered.

[#] Updated August 2005

13.2.7 Activities Made Discretionary By Their Failure to Comply With Zone Environmental Standards - Limited Exercise of Discretion[#]

Land use consent shall be sought from the Council for any activity, building, structure, earthworks or clearance of vegetation not complying with the environmental standards in Section 2.2.5 (Rural zone), Section 3.5.5 (Residential zone), Section 4.5.5 (Commercial zone), Section 4.6.6 (Industrial zone and Limited Industrial zone), and Section 5.5.5 (Maori Purposes zone). Any such application for land use consent shall be considered as a discretionary activity and be subject to the provisions in Part VI of the Act. It will generally be dealt with in a non-notified manner where the requirements in Section 94(2) of the Act are met.

When considering any application the Council will limit its discretion to those parts of the proposal that fail to comply with the standard(s) and have regard to:-

- (i) The amenities of adjacent sites, and possible loss of privacy, noise or visual intrusion from the proposed activity.
- (ii) The physical limitations on development arising from the size, shape or topography of the site, the location of existing buildings or services, the location of any historic or natural feature which is to be protected which make it impracticable or undesirable to meet the specified environmental standards.
- (iii) The environmental effects related to compliance with the standards and whether alternative building designs or layouts or methods of earthworks and vegetation clearance, provide a better means of avoiding or mitigating environmental effects.
- (iv) The liability of the site to erosion and other forms of natural hazard.
- (v) In relation to any verandah
 - The pedestrian volume on the adjacent street
 - The economic life of the building and the period of use expected
 - The location of the building in the zone and verandah facilities available on adjacent sites.
- (vi) In relation to the Impermeable Surfaces Standard
 - the extent to which Low Impact Design Principles have been used to avoid, remedy or mitigate any adverse effects of stormwater runoff on the Mangawhai Village receiving environment, and
 - the nature of development and stormwater disposal in the surrounding catchment and the likely cumulative effects of similar impermeable surfaces in other parts of the catchment.
- (vii) In relation to relocation of dwellings
 - Structural Design – the structural soundness of the dwelling.

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- External Appearance – the external appearance of the dwelling and the extent to which it can be located and finished in a manner which is compatible with the amenities of the surrounding area.
 - The proposed timetable for completion of the work required to reinstate the exterior of the building and site it on permanent foundations.
- (viii) In relation to the Water and Wastewater for the Limited Industrial Zone
- Whether a connection can be made to existing reticulated water supply, sewage disposal system and/or stormwater system.
 - Whether the demand placed on any existing reticulated system by the proposed activity is such that the system will be unable to meet the reasonably foreseeable needs of all existing sites within adjacent Residential, Commercial or Industrial zones which are capable of connection to the system.
 - The extent to which the proposal is able to meet the full cost of any necessary upgrading of any existing reticulated system that is to be connected to. In general it is expected that such costs will be met wholly by the applicant.

Council is responsible for issuing resource consents for subdivision and land use activities within the Kaipara District. Once resource consents are issued, council monitors the use of these activities to ensure that consent conditions are being complied with.