

28. GENERAL PROVISIONS

28.1 NOTIFICATION OF RESOURCE CONSENTS

The decision on whether an application will be processed non-notified, limited notified or publicly notified will be determined in accordance with the provisions of Sections 95A - 95F of the RMA notwithstanding any other provision of the District Plan. Where a rule in this District Plan identifies a specific notification process to be followed this will take precedence over the provisions of the RMA.

If public notification of an application is not required under the first test. (i.e. effects are not likely to be more than minor, the applicant has not requested public notification, a rule or National Environmental Standard does not require public notification and Council does not require an application to be notified), then the second test is applied. This second test is whether the proposed activity would cause adverse effects of a minor or more than minor nature on any persons. The Fourth Schedule of the RMA sets out matters that should be included in an assessment of environmental effects on the environment and requires an applicant to identify “*persons affected by the proposal, the consultation undertaken, if any and any response to the views of any person consulted*”.

Where written consent is to be obtained from affected persons for resource consent applications, this consent should be provided using the prescribed Form 8A from the RMA Forms and Regulations. This form is available at the Council Offices and can be downloaded from the Council website. If the written consent of all affected parties is provided with an application that has met the first test, it will be processed on a non-notified basis.

28.2 INFORMATION TO BE SUPPLIED WITH APPLICATIONS FOR RESOURCE CONSENT AND OTHER PLANNING RELATED APPLICATIONS

28.2.1 General Requirements for Applications

An application for resource consent must contain sufficient information to enable Council and any person affected by the proposal to understand what is proposed and to assess the likely effects on the environment.

All applications must be in the form prescribed by the RMA (Form 9). Copies of the appropriate forms are available from Council.

Information requirements for five different planning application types are listed in Table 28-1. Any other planning related application not detailed in the table below will require adequate information supplied with it to allow Council to process the application including information requirements specified under the RMA. Where there is any doubt, applicants should discuss the information requirements with a Council planning officer.

The details of each of the four information requirements identified in the Table 28-1 are outlined below.

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Application Type	Information Requirements			
	1.	2.	3.	4.
Certificates of Compliance	✓			
Land Use	✓	✓		
Subdivision	✓	✓	✓	
Right of Way	✓			✓

Table 28-1 Application Information Requirements

28.2.2 Information Requirement 1: General Information

(a) Description of Proposal

- (i) A description of the type of activity or process proposed to be undertaken including the size and nature of any buildings and works. The proposal shall also show how the proposed activity is to dispose of sewage wastes and surface water, and how and in what form the development will be supplied with water supply, roading, vehicular access and parking.

(b) Description of Site

- (i) A description of the site of the proposed activity including:
- Size of the site
 - Topography
 - Presence of any waterway or water body
 - Presence of any heritage feature
 - Existing buildings
 - Existing vehicle access points or access roads
 - Presence of any sites or features of significance to Tangata Whenua, including evidence of consultation and discussions held with Tangata Whenua and the outcome of such.
 - Details of any historic or current land use activities undertaken on the site that may have resulted in contamination.

- Presence of any potential archaeological sites, where evidence of these can be identified such as burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. A record of any consultation with Heritage New Zealand is to accompany this information.
 - Presence of any network utilities or community infrastructure.
- (ii) A statement describing any significant natural hazards affecting, or likely to affect, the proposal including flooding, land instability, coastal hazards and fire. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (iii) A plan of the proposed layout of the proposed activity on the site, drawn to a metric scale not less than 1:500, showing the north point, site boundaries, location of all components of the proposed activity, proposed access points and access roads, proposed earthworks, vehicle parking spaces, loading and manoeuvring areas (if applicable), and any proposed site development or landscaping works; and
- (c) Certificate of Title (including all encumbrances, consent notices, easements, covenants etc).
- (d) Drawings, plans or elevations, drawn to a metric scale sufficient to show any proposed buildings, structures, hard surfaces or significant earthworks.
- (e) Applicants details: address for service, address for invoicing, phone number and email address.
- (f) Application fee as listed in the relevant schedule of fees on the Council website.
- (g) For certificates of compliance an assessment against all relevant rules.

28.2.3 Information Requirement 2: Assessment of Environmental Effects and Technical Information

- (a) Assessment of Environmental Effects
- (i) Every application shall include an assessment of any actual or potential effects that the activity may have on the environment. The assessment of effects shall include a statement of the ways in which any adverse effects may be mitigated.
- (ii) For controlled activities, the assessment of effects need only address the matters over which Council has reserved its control.
- (iii) For restricted discretionary activities, the assessment of effects shall address matters over which Council has restricted the exercise of its discretion.
- (iv) Every assessment of effects shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.

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- (v) A statement is to be provided describing any consultation or discussions held with persons likely to be affected by the application and a statement of the outcome of that consultation or discussion.
- (vi) Every assessment of effects shall be prepared in accordance with the requirements of the Fourth Schedule to the RMA.
- (b) Other Consents Required
 - (i) A statement specifying all other resource consents that the applicant may require under the RMA either from Council or from other authorities (i.e. Horizons Regional Council); and
 - (ii) A statement specifying whether or not the applicant has applied for or obtained such other consents.
- (c) Building Inspection report and photos (for relocated buildings).
- (d) Earthworks and foundation development.

Where significant earthworks are proposed, Council will require all applications to be accompanied by a report from a Registered Engineer, with expertise in soils, and detailing the following:

- (i) the nature of any site inspections and findings;
- (ii) certification that any proposed earthworks or foundations are suitable for their intended purpose;
- (iii) the extent of any particular requirements or further investigations required. In particular the report should specify that the land will, following the earthworks proposed, be stable in terms of expected settlement, bearing capacity, soil shrinkage and expansion, slope, and compaction; and
- (iv) if the earthworks are likely to affect any site of significance to Tangata Whenua (whether or not it is identified on the Planning Maps) (if earthworks are proposed near a waterway, in coastal areas or near known areas of historical habitation by Māori) the relevant Iwi will be considered to be affected and consultation is encouraged. An Archaeological Assessment and Cultural Impact Assessment may be required.

Note: Any subdivision or development which involves bulk earthworks, changes to the slope of land, the cutting or filling of land, or the construction of foundations for roads, services, or other works may be subject to the requirements of the Horizons Regional Council relating to vegetation clearance (land disturbance).

- (e) Hazardous Substances

Any application for a resource consent which involves the use or storage of any hazardous substance shall supply the following information:

- (i) The nature and volume of any hazardous substance to be stored or used on the site and specifically:
 - The physical and chemical properties of any hazardous substance.

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- The intrinsic properties of any hazardous substance (including its flammability, explosiveness, toxicity).
 - Proposed site design and handling and storage methods.
 - Proposed location of any storage tanks and distances of these from site boundaries.
- (ii) Details of the transportation routes and vehicle types expected for delivery and supply of any hazardous substances.
- (iii) A qualitative or quantitative assessment of likely risks of any hazard arising from the use or storage of hazardous substances on the site particularly in relation to:
- The location and nature of surrounding land use.
 - Proximity to any water ways or community stormwater system.
 - The nature of the site's soil and geology.
 - Proximity to ecologically sensitive areas or wildlife areas.
 - Proposed transportation supply and delivery routes.
 - Proposed disposal of hazardous wastes.
- (iv) Proposed emergency response plans or procedures of the effectiveness of on-site procedures for the management of hazardous substances.
- (f) Contaminated Land
- (i) Any application for a resource consent which involves removing or replacing fuel storage system, sampling soil, disturbing soil, subdivision of land or changing the use of land on a piece of land that has or had or it is more likely than not that an activity or industry described in the *Hazardous Activities and Industries List* (HAIL) is being or was undertaken on the site (please refer to the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (Regulations 2011)* for detail), requires the following information:
- (ii) A detailed site investigation for the piece of land detailing the soil contamination levels.
- (g) Heritage
- (i) Where the application affects any historic heritage site, building or structure in Schedule 2 of this District Plan, a statement describing the effects of the proposal on that site, building or structure and the proposals for mitigating any such effect; and
- (ii) Where a site is subject to a heritage protection order the consent of the relevant authority may be required.
- (h) Notable Trees

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- (i) Where the application affects any notable tree listed in Schedule 3 of this District Plan, a statement describing the effects of the proposal on that tree and the proposals for mitigating any such effect.
- (i) Buildings or earthworks within High Amenity Landscapes, Outstanding Natural Features and Landscapes.

Any resource consent application which involves a building or earthworks within Domains of High Landscapes Amenity or Outstanding Natural Features and Landscapes, requires the following information:

- (i) The extent to which the proposal would adversely affect the landscape values of the landscape in which it is located.
- (ii) The extent to which there are cumulative effects on landscape values.
- (iii) The extent to which the proposal would lead to buildings structures and earthworks being highly visible.
- (iv) Where the application involves a building the reflectivity value of any exterior colour the proposed building would be clad in (40% or under reflectivity value is acceptable for roof paint and 60% or less for exterior walls).
- (v) The extent to which the proposal would provide for the rehabilitation and restoration of landscape and associated values (e.g. landscape planting plan) where appropriate.

28.2.4 Information Requirement 3: Subdivision

Format of Information Supplied

Every application for subdivision consent shall comply with the following format requirements:

- (a) Plan Size: All plans should be on standard metric sheets. Preferred size is A3.
- (b) Copies: All plans must be capable of being photocopied in black and white and three copies are to be provided.
- (c) Scale: Every plan should be drawn at a scale to clearly illustrate the proposal. A minimum scale of 1:500 is preferred for urban subdivision proposals. Where photofoil presentation is used an approximate scale will be accepted. All plans shall show a north point and New Zealand Grid Reference (at centroid of largest parent parcel).
- (d) Applicant's Reference Number: The plan shall show the reference or identification number used by the applicant with version control and date.

Site Details to Accompany Applications for Subdivision Consent

The Subdivision and Development Principles and Requirements (2012) set out information requirements to accompany subdivision scheme plans and should be referred to when compiling a subdivision consent application and drafting a subdivision plan. All applications shall show the following details where applicable:

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- (a) Titles: The following details shall be endorsed on the plan:
- (i) Legal description
 - (ii) Certificate of Title reference
 - (iii) Land district, survey district and block number, local authority districts and their boundaries where applicable
 - (iv) Registered Owners' name
 - (v) Total area
 - (vi) Name of Surveyor or firm (where applicable)
- (b) Buildings: The location of all existing buildings, structures, and fencelines.
- (c) Topography: Adequate contour information to illustrate the existence on each allotment of a suitable building platform and to enable the gradients proposed for streets, rights of way and access ways to be assessed. For two or three lot subdivisions, Council may accept spot levels in terms of mean sea level datums.
- (d) Vegetation and Habitat: The location, nature, and extent of any significant trees or areas of vegetation and habitat for indigenous fauna within the site.
- (e) Archaeological and Cultural: The location nature and extent of any significant cultural and archaeological areas within the site. An Archaeological Assessment and/or Cultural Impact Assessment may be required.
- (f) Waterways: The location and width of any streams and the limits of any tidal influence.
- (g) Drainage: The location and dimensions of any piped or open drains.
- (h) Wetlands: The location and extent of any wetland areas or swamps.
- (i) Flooding: Any areas subject to inundation by any waterway or the sea.
- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s). (Note: Refer to the "Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project" (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (k) HAIL sites: A preliminary site investigation stating that it is unlikely that there will be a risk to human health or a detailed site investigation.
- (l) Existing Road Condition: A description of the formation and construction type of the road providing access to the subdivision and all existing accessways adjoining the proposed subdivision.
- (m) Property Identification: Any house or property identification number or street number.
- (n) Other Details: A description of any other physical feature of the site which is or may

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be relevant to the consideration of the subdivision application.

Any services that may affect or are near proposed boundaries, ie show that all services are contained within the new boundaries. Therefore existing services have to be located and show where they cross boundaries.

Details of the Proposed Subdivision to be Provided

- (a) Boundaries: The position of all proposed new boundaries shall be clearly shown.
- (b) Allotment Areas: The metric area of all allotments and balance areas shall be shown on the plan. Every allotment shall be given a number.
 - (i) For multi-lot subdivisions (of more than five (5) allotments) a schedule of areas and numbers of allotments shall be shown on the face of the plan.
- (c) Schedules of jointly owned access lots and details of the proposed shared ownership should be shown in a panel on the plan.
- (d) Amalgamation: In the case of any subdivision which requires an amalgamation condition to be included in its approval, the Surveyor shall show this on the survey plan and indicate which provision in Section 220 (1)(b) of the RMA will apply to those circumstances.

It is essential that underlying lots and titles are shown on the face of the subdivision plan to assist in formulating appropriate conditions of amalgamation. Titles marked as "Limited as to Title or Parcels" cannot be amalgamated.

- (e) Land Area: All the land comprised in the certificate or certificates of title to the land proposed to be subdivided shall be shown on the scheme plan. Any land held in the same ownership, if comprised in a separate certificate of title and abutting the land being subdivided, shall be indicated as such on the plan.

Where the extent of the land or the detail to be illustrated makes it necessary, a diagram shall be drawn on the plan or on a separate sheet.

- (f) Roads: New roads shall be shown as "road to vest". No new road name should be shown on any subdivision plan unless it is a natural extension of a road already named. Council will determine the necessary names for new roads on any proposed subdivision. The applicant shall submit a list of names for any new roads to vest in accordance with Council's Road Naming Policy.

Service lanes and access ways shall be shown simply as "service lane to vest" or "access way to vest" as the case may be. The nominal width of all roads, service lanes and access ways shall be shown.

The position of any road formation in relation to boundaries shall be shown on the plan along with full engineering details of road formation, footpath and signs.

- (g) Reserves: The purpose of every existing or proposed reserve shall be shown on the plan. All land below Mean High Water Springs and the beds of rivers and lakes required to vest in the Crown shall be clearly identified.
- (h) Land to Vest: Any allotment to be vested in Council or in the Crown shall be clearly shown.

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- (i) Easements: Every existing or proposed easement shall be shown on the plan. In addition a Schedule of Easements shall be endorsed thereon. Easements which are of a voluntary nature shall be headed by the words "Optional Easements". Easements essential to the whole concept of the subdivision and which will become mandatory in nature shall be headed "Memorandum of Easements". The purpose of any easement, the lots that are appurtenant and subject to it, or in the case of an easement in gross, the name of the grantee shall be shown in panel form below the appropriate heading.
- (j) Proposed Services: Details of proposed water supply, stormwater collection and disposal, sewage collection and disposal, and the location and dimensions of any new vehicle entrance way.
- (k) Stormwater design: A stormwater design is to be provided including consideration of on-site soakage, ground water mounding, and overland flow paths. Full details must be provided to ensure that no nuisance is created for others. Catchments are to include whole of catchment designs. An assessment of stormwater contamination may be required.
- (l) Special Works: Details of any landscape works proposed on road reserves including the location and species of trees.
- (m) Building Line Restrictions: The position and details of any existing or proposed building line restriction(s).
- (n) Lighting and Other Services: Road lighting and the proposed location and type of electricity, gas and telephone services as well as details of any easements necessary for the protection of utility services.
- (o) Reserves and Other Contributions: The details of any proposed reserves or other financial contribution.
- (p) Suitable Building Site: Each proposed allotment must provide for a practicable potential building site. A practicable building site must be indicated for each allotment capable of accommodating a residential dwelling.
- (q) Structure Plans: Features of a structure plan must be shown on the proposed scheme plan for any urban subdivision involving a site on which a structure plan is shown. The application must detail how the proposal is in accordance with the requirements of the structure plan.
- (r) Building Area and Effluent Disposal Area: For rural subdivisions where no sewer connection is proposed to available Council reticulation, a building area and effluent disposal and reserve disposal area must be shown in compliance with the specifications detailed in Rule 19.7.2(f).

Assessment of Effects for Subdivision Application

The assessment of effects required for every application for subdivision consent shall, in addition to information required by the RMA and this District Plan, address the following matters:

- (a) Proposed services, reticulation and connections (stormwater, water supply and sewage disposal).

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- (b) Any effects on or discharges to streams and tidal waterways expected to arise in the course of development and works or services required for the subdivision.
- (c) Traffic safety effects resulting from new vehicle entrance ways or crossings.
- (d) Road construction effects (both temporary construction effects and long term effects).
- (e) Impacts on water supply expected to result from increased demand caused by the subdivision.
- (f) Any potential effects on any natural habitat of indigenous species.
- (g) Any encumbrances on potential building sites.
- (h) The suitability of the land for occupation and building.
- (i) Any effects on any special site features or buildings.
- (j) Any effect on any high amenity landscape, outstanding natural landscape or outstanding natural feature.
- (k) Any effect of reverse sensitivity.
- (l) Effects on cultural values.
- (m) Details of how any adverse effects will be monitored and by whom.
- (n) Mitigation measures to address the above.

28.2.5 Information Requirement 4: Applications for Rights of Way

Applications for Council's consent to the creation of rights of way which are independent of any subdivision should be presented to Council in a form similar to that of a subdivision consent application. Plan size, scales, relevant topographical details, dimensional accuracy, Schedule of Easements, plan title details etc, shall be, with necessary adjustments, as required for applications for subdivision consent.

A report explaining the proposal should accompany the submission of the plans to Council. In rural areas the purpose of the right of way should be indicated so that Council can determine whether or not any construction conditions should be included.

The following details of the proposal should be indicated on the plan or in the report:

- (a) Gradient
- (b) Width of easement
- (c) Width of carriageway
- (d) Proposed earthworks (if any)
- (e) Stormwater disposal details
- (f) Intersection details with existing legal road in public use including where

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appropriate, sight distances

- (g) Other details as requested by Council staff.

28.2.6 Information Requirements: Noise Management Plan for Temporary Military Training Activities

The Noise Management Plan required under Rules 15.6.33, 16.6.24, 17.6.26, 19.6.29 and 20.6.23 shall contain the following:

- (a) State the objectives of the Management Plan (i.e. comply with a peak sound pressure level of 120 dBC (daytime) and 90 dBC (night time) when measured at the notional boundary of any residential dwelling unit or noise sensitive activity, or any site boundary in the Residential Zone or Greenbelt Residential Zone).
- (b) A description of the site including but not limited to any characteristics which may mitigate noise and a map showing potentially affected noise sensitive activities.
- (c) A description of the activity, including times, dates, nature and location of the activity and noise sources and a map showing the predicted peak sound pressure levels (noise contour map).
- (d) Methods to ensure the emission of noise does not exceed the noise level specified in Rules 15.6.33, 16.6.24, 17.6.26, 19.6.29 and 20.6.23, including but not limited to, location and orientation of dwellings, location of activities and hours of operation.
- (e) Detail on the programme for notification and communication with the occupiers of affected noise sensitive activities prior to the activities commencing, including updates during the event.
- (f) Detail procedures for receiving and deciding on complaints.
- (g) Detail procedures for noise monitoring and reporting.

28.3 PROVISION OF SERVICES

The developer shall make all arrangements with the appropriate authorities for the supply and installation of electric power, and where available gas, street light reticulation and lamps, and telecommunication services.

Provision is to be made for ducts or conduits to be installed across roads and vehicle crossings if the authorities are unable to install their cables/pipes at the appropriate time.

Any case where the subdivision or development of land gives rise to the necessity to obtain easements for access or servicing over adjoining land, the developer or subdivider shall obtain all the necessary consents and have these consents registered on the respective certificates of title.

The developer will be responsible for maintaining all new engineering works within the subdivision or development until they are formally taken over by Council as public works for the final stage of any staged subdivision or to a date specified in a bond for completion of uncompleted works. (Refer to Bonds for Uncompleted Works or Future Maintenance below)

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All damage to existing roads, services or private property, or any disturbance of survey boundary marks due to or caused by any new works, shall be the liability of the developer. All damage must be repaired by the developer as soon as reasonably practicable. Where damage is considered by Council in respect of Council infrastructure or the New Zealand Transport Agency in respect of State Highways, to be a serious hazard to the public, Council or the New Zealand Transport Agency may arrange for the necessary work to be carried out and charged to the developer. Such work includes the removal of mud and debris from existing roads in the vicinity of the subdivision and may include daily removal of such debris where necessary in the interests of traffic safety.

28.4 BONDS FOR UNCOMPLETED WORKS OR FUTURE MAINTENANCE

Where, in the opinion of Council it is desirable, Council may approve a request from a subdivider to complete any required works after approval of a survey plan provided a bond is lodged with Council as guarantee against completion of the outstanding works.

The subdivider shall forward to Council a schedule of the quantities and three quotes confirming the costs for completion of the works. Council will make its own assessment of the value of the uncompleted work and will require a bond guarantee against completion of the required work, to be registered against the certificate(s) of title for the affected land.

All works to be taken over by Council will be subject to a defects liability period for a minimum of two years from completion of the final stage and shall apply for the entire development and may be bonded to ensure compliance.

28.5 CONDITIONS OF RESOURCE CONSENT

Where Council grants consent to an application for resource consent, Council may impose any conditions on that consent which are considered to be necessary to avoid, remedy, or mitigate any adverse environmental effects under Sections 108 and 220 of the RMA. Such conditions may include requirements for works including those set out in Chapter 24 of this District Plan.

28.6 ADVICE NOTES

Advice Notes are commonly included on resource consents to inform applicants of requirements relating to compliance, fees/charges and requirements/obligations under other legislation.

Applications involving Archaeological Sites

Notwithstanding any resource consent that may be granted by this Council, where any person wants to destroy, damage, or modify the whole or any part of any archaeological site, consent shall be required from Heritage New Zealand for an archaeological authority pursuant Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014.

28.7 GENERAL DUTIES APPLYING IN ALL ZONES

In addition to, and notwithstanding the requirements stated elsewhere in this District Plan, the following general duties, which are specified in the RMA, shall also apply:

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28.7.1 Duty to Avoid Unreasonable Noise

In accordance with Section 16 of the RMA, every occupier of land and every person carrying out an activity on the surface of any water body shall ensure that the noise emitted from that land or activity does not exceed a reasonable level.

28.7.2 General Duty to Avoid, Remedy, or Mitigate Adverse Effects

In accordance with Section 17 of the RMA, every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not the activity is in accordance with a rule in this District Plan, or a resource consent, or is an activity which lawfully existed before this District Plan became operative.

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