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## 3. Procedures and General Rules

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### 3.1 Introduction

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Section 2 of the Plan discusses and reaches conclusions on the implementation measures that are incorporated in the Plan. This section contains:

- a) General information regarding procedures under the Resource Management Act 1991 (RMA). It should be noted that Section 3.2 to Section 3.8 include summaries of some of the provisions of the RMA. They are intended as a guide only and do not purport to set out fully the provisions of the RMA.
  - b) General Rules: Section 3.10 contains rules which are of a general nature and apply to all parts of the city.
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### 3.2 Plan Changes

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Extensive investigations and consultations have been undertaken to ensure that the Plan is a sound and relevant document. However, it would be unrealistic to expect that it could remain unchanged over the statutory 10-year period in which it may remain operative. As new issues emerge and concerns arise, it may be necessary to modify the Plan. Further, the Plan will be subject to continuous review by the Council as a result of monitoring information and assessment.

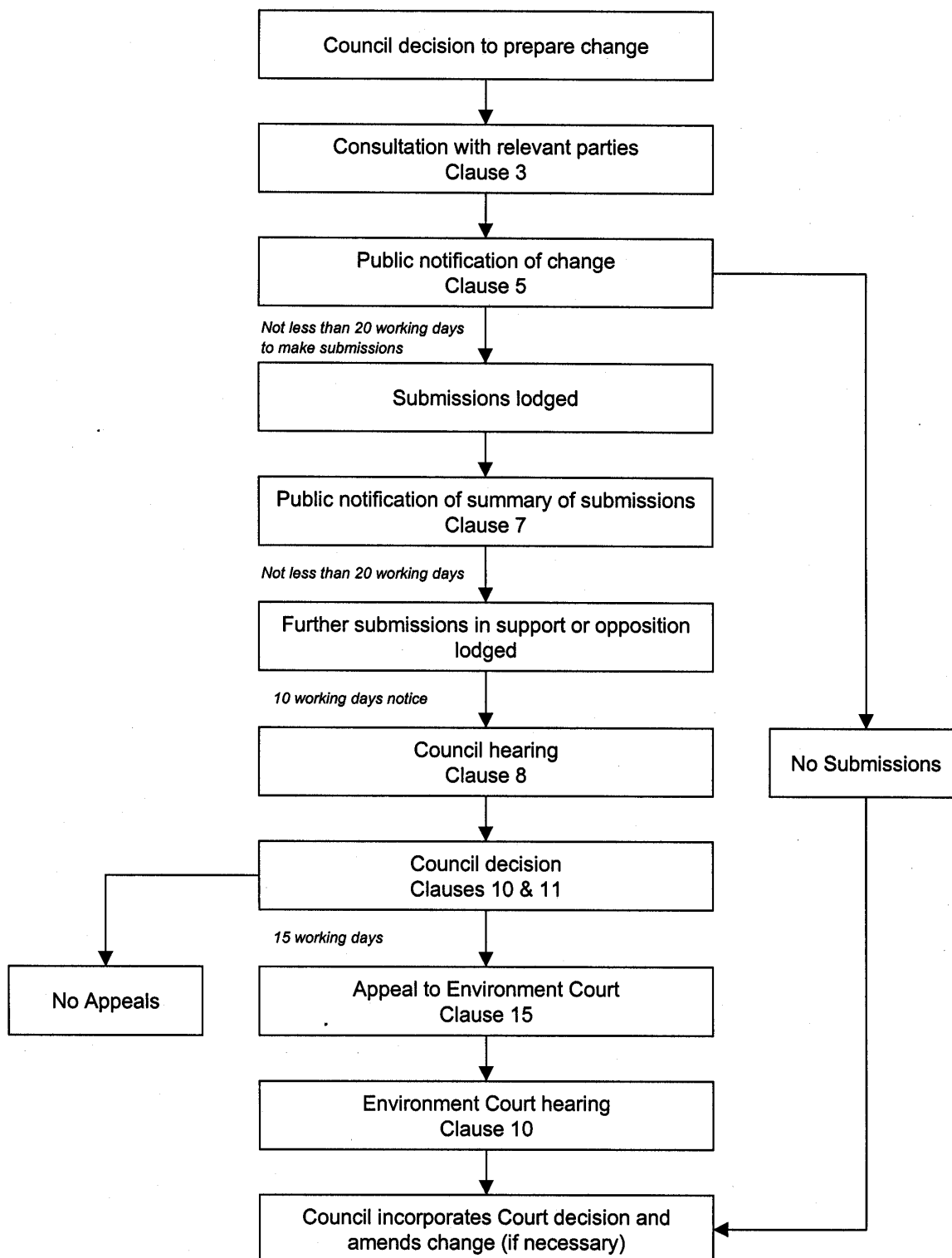
The First Schedule to the RMA sets out the procedure to be followed for the introduction of a plan change. It is similar to the procedure for the preparation of a District Plan. As with the preparation of a plan, opportunities are given for the public to participate in the decision-making process. The procedure for the introduction of a change is summarised in Figure 3.1.

Section 73 of the RMA makes provision for any person to request a change to an operative Plan. The Council must consider the request and may modify the proposed change with the agreement of the person who made the request, and must then either:

- Publicly notify the requested Plan Change so that it may be publicly debated, or
- Adopt the Plan Change and publicly notify it as if it were a Council Plan Change, or
- Deal with the request as if it were an application for a resource consent, or
- Reject the request.

The basis on which a Council can refuse a request is set out in the First Schedule to the RMA. There is a right of appeal to the Environment Court against the refusal to publicly notify the request.

**Figure 3.1 Plan Change Procedure (From First Schedule of Act)**



## 3.3 Resource Consents

### 3.3.1 Types of Consent

There are two types of resource consents provided for in the District Plan, these being:

- A land use consent
- A subdivision consent.

Discharge and coastal permits are resource consents generally issued by the Auckland Regional Council.

Resource consents for land use and subdivision which involve discharge or coastal permits may require joint hearings with the Auckland Regional Council.

#### 3.3.1.1 Certificate of Compliance

Section 139 of the RMA provides for the issue of certificates of compliance. Any such certificate, if granted, will state that the particular proposal was permitted or could lawfully be carried out without a resource consent on the date of receipt of the request by the Council. A certificate of compliance is deemed to be a resource consent.

#### 3.3.1.2 Resource Consents

Resource consents are required for:

- Controlled activities
- Limited Discretionary activities
- Discretionary activities
- Non-Complying activities.

Application procedures and the processing time periods are specified in the RMA. Section 37 and 37A of the RMA provides for extensions of specified times. Processing times are dependent on a range of factors such as whether or not any application needs to be publicly notified.

##### a) Controlled Activities Assessment

Section 77B of the RMA requires the Council in providing for Controlled activities, to state the standards and terms that the activities are to comply with and the matters over which the Council has reserved its control.

In this Plan, in any section where Controlled activities are listed, standards (called controls) with which those activities must comply are specified in the rules. In each section, assessment criteria for Controlled activities specify the matters in relation to which the Council will assess any application and may impose conditions on Controlled activity consents.

##### b) Discretionary Activities Assessment

Section 77B of the RMA states that the Council in providing for Discretionary activities, may state the standards and terms that the activities are to comply with, and may state the matters to which it has restricted its discretion. In this Plan, two kinds of Discretionary activities are provided for: those activities listed as Discretionary in each section and in respect of which the Council has not restricted its discretion; and Limited Discretionary activities for which discretion is restricted.

Limited Discretionary activities shall have the same meaning as Restricted Discretionary Activities as described in Section 77B of the RMA. Discretionary and Limited Discretionary Activities are discussed in more detail below:

##### i) Discretionary Activities

Any application for a Discretionary activity will be assessed against any relevant objectives, policies and rules in the Plan, and against the assessment criteria for Discretionary activities included in each section, as well as such

other matters as in the Council's opinion may be relevant to the application, including matters listed in [Appendix 3A](#).

ii) Limited Discretionary Activities Assessment

For any activity which is listed as a Limited Discretionary activity in this Plan, the matters over which the Council has restricted the exercise of its discretion, the subject matter of the conditions which it may impose, and the assessment criteria against which the application will be assessed, are set out in the relevant sections of the Plan.

In addition to the listing of some activities as Limited Discretionary activities, the activity status is also used as a means of providing some flexibility to the controls specified in the Plan. Many of the controls include provision for Control Flexibility, for which application may be made by means of a Limited Discretionary activities application. For any such application the Council has limited its discretion to the matter of the particular control and will grant consent where it is satisfied that:

- The rule provides for Control Flexibility, and the activity falls within the limits specified under the heading Control Flexibility, or where no limits are specified, the effects will be minor, having regard to the stated explanation of the control; and
- Any adverse effects can be avoided, remedied or mitigated through the imposition of conditions; and

Either

- The proposal meets the intent of the control as contained in its associated explanation;

Or

- It is unreasonable or impractical to enforce the control, because one or more of the site characteristics specified in [Section 3.10.6](#) apply.

c) Non-Complying Activities Assessment

Any application which is a Non-Complying activity will first be assessed in relation to the tests set out in Section 104D of the [Act](#) which relate to whether the effects are minor and whether granting consent would be contrary to the objectives and policies of the District Plan. If neither of the tests are met, consent must be refused. If at least one of the tests are met, Council is then able to go on and consider all of the other relevant matters.

**3.3.1.3 (deleted)**

**Figure 3.2 (deleted)**

**3.3.2 Notification Processes for Resource Consents**

The RMA has a policy of public participation in decision making on resource consent applications. The relevant provisions are set out from Section 93 of the RMA. There is a general presumption that resource consent applications will be publicly notified. However there are three ways in which a resource consent application can be considered:

- Public Notification
- Serving Notice, also called Limited notification
- Non-notification

**Public Notification**

The notification procedure for resource consent applications is undertaken in accordance with the requirements of the regulations in the RMA. This process involves preparing a notice in the form outlined in the Resource Management (Forms) Regulations 1991 (Form 12) and serving notice of it on every person prescribed in the regulations.

The notice is required to be published in one or more daily newspapers circulated in North Shore City and to be fixed in a conspicuous place on or adjacent to the subject site.

The notice shall give details of the application and the closing date for the submissions to be received by Council. The closing date must be twenty working days from the date of notification.

Any person may make a submission in writing on a publicly notified application, and shall send it to the Council office indicated in the notice and shall also send it to the applicant. Each submission shall give the reasons for making the submission, the decision sought, and whether the person desires to be heard.

The costs involved with the public notification process will be included as part of the administration charge to be paid by the applicant.

#### **Serving Notice, or Limited Notification**

If any application is a Controlled Activity, or if the effects of the activity on the environment will be minor, the application will not be publicly notified, but notice of the application will be served on all persons who may be affected by the activity.

Notice will be served on all who may be affected, including those who have given their written consent to the activity. Only those persons who are served notice may make a submission in writing, and shall send it to the Council office indicated in the notice and shall also send it to the applicant. Each submission shall give the reasons for making the submission, the decision sought, and whether the person desires to be heard.

The costs involved with the limited notification process will be included as part of the administration charge to be paid by the applicant.

#### **Non-notification**

Public notification and serving notice are not required when the effects of the activity on the environment are minor and all persons who may be affected have given their written consent, or there are no persons who may be affected by the activity.

#### **Rules that determine the Notification Process**

Whilst the RMA intends that decision making will involve public participation and resource consents will be publicly notified, the RMA allows rules to be included in District Plans that dispense with the requirement for serving notice for controlled activities, and rules that dispense with the requirement for public notification and serving notice for limited discretionary activities.

When a rule states that a resource consent shall be considered without public notification and/or service of notice then public notification and/or serving notice will not be required, regardless of the effects on the environment or whether there may be affected persons.

The Council has applied these rules to several activities. These activities include some infringements of the temporary activities, earthworks, tree pruning and outdoor lighting controls.

#### **Exceptions**

If the Council considers that special circumstances relate to an application, it may require the application to be publicly notified, notwithstanding that a resource consent application may satisfy the statutory tests for non-notification, or that there may be a rule that would otherwise obviate the need for public notification or service of notice.

A resource consent application shall be publicly notified if the applicant requests that the Council publicly notifies the application.

#### **Applications Requiring Multiple Resource Consents**

Where an application for resource consent requires consideration under more than one rule in the Plan, and some of those rules contain clauses waiving the requirement for public notification and/or serving notice, the Council shall not waive public notification and/or serving notice unless every rule for which consent is required contains the non-notification clauses.

### **3.3.3 Pre-Hearing Meetings and Joint Hearings**

Section 99 of the RMA provides for pre-hearing meetings to clarify, mediate or facilitate resolution of any matter or issue. It allows the outcome of the meeting to be reported to

the Council and circulated to all parties before the hearing. Where the outcome is reported, it becomes part of the information which the Council shall have regard to when considering the application.

It is intended that joint hearings will be held where a proposal requires resource consents from different consent authorities. This will encourage the integrated consideration of consents. However, a joint hearing may not be necessary if the applications are sufficiently unrelated and if the applicant and consent authorities agree a joint hearing is unnecessary.

### **3.3.4 Decisions**

The matters that the Council must consider in making a decision are set out in Section 104 of the RMA, which provides that, subject to Part II of the RMA, the Council shall have regard to:

- Any actual and potential effects on the environment of allowing the **Activity**
- Any relevant provisions of:
  - A national policy statement
  - A New Zealand coastal policy statement
  - A regional policy statement or proposed regional policy statement
  - A plan or proposed plan
- Any other matters the Council considers relevant and reasonably necessary to determine the application.

The Council may not have regard to any actual or potential effect of the activity on any person who has given written consent to the proposal and has not withdrawn that consent, or use it as grounds for declining the consent.

The Council may not have regard to the effects of trade competition on competitors.

Decisions must be in writing and must include the reasons for the decision.

### **3.3.5 Conditions**

Sections 108 and 220 of the RMA set out the type of conditions which may be attached to resource consents.

### **3.3.6 Duration of Consent**

Section 125 of the RMA states that a resource consent lapses if it is not taken up or exercised within five years of the date of the consent (unless the consent specifies a different period). An application can be made for the consent period to be extended but must be made before the consent lapses. Applications are subject to the criteria in Section 125.

Once the activity is commenced, land use consents are for an unlimited period, unless otherwise specified in the consent.

### **3.3.7 Appeals**

The applicant, and any person who made a submission, may lodge an appeal to the Environment Court against any part of any decision on any application. The time limit for lodging an appeal is 15 working days from the decision being received. 'Working days' are defined in the RMA.

### **3.3.8 Changes to or Cancellation of Conditions**

An application can be made under Section 127 of the RMA for the change or cancellation of any condition of a resource consent (other than any condition as to its duration). The application may be made at any time. The application is to be treated as a discretionary resource consent, accordingly a notification assessment will be necessary to determine whether the application will be:

- Publicly notified, or



- Served on affected persons (limited notification) or
- Non-notified.

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## 3.4 Cross-Boundary Matters

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The City shares a boundary with Rodney District to the north and is linked to Auckland City by the Auckland Harbour Bridge, and to Waitakere City by the Upper Harbour Bridge.

Cross boundary issues which may arise include:

- Land use activities and development strategies which may give rise to adverse environmental effects in a neighbouring city
- The use of coastal waters adjoining North Shore City, particularly where they give rise to adverse effects on the city
- Roothing and transportation matters, drainage systems, and utility services which start in one city and cross over into other districts
- Resource consent matters primarily the concern of the Auckland Regional Council which may impinge on two or more territorial authority districts.

In considering these issues, the Council will be guided by the contents of the Auckland Regional Policy Statement and any regional plan and the broad objectives and strategies of this Plan.

The Council will consider significant resource management issues arising in the city of an adjacent local authority which affect this city. In appropriate cases, submissions will be prepared and lodged with the adjacent local authority in relation to such issues.

Where the Council receives an application for a land use consent which is to be notified, and the activity may give rise to adverse environmental effects in a neighbouring city, landowners in that city and the appropriate local authority will be notified.

The Council will, where appropriate, participate in joint hearings with other territorial authorities as provided for by Section 102 of the RMA in situations where:

- *The land use consent concerns roading, drainage systems or utility services which extend into a neighbouring city; or*
- *There are circumstances such as consents for a single project being required both from the City and Regional Council.*

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## 3.5 Administrative Charges

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Section 36 of the RMA provides the Council with the power to charge for a wide variety of matters. These include the:

- a) Processing of requested changes to the Plan.
- b) Processing of applications for resource consents.
- c) Administration, monitoring and supervision of resource consents.
- d) Processing of requirements for designations and heritage orders.
- e) Provision of plans and information (relating to resource consents) and the supply of documents.

The Council is expected to recover only the reasonable costs incurred in carrying out a particular action.

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## 3.6 Duty to Avoid, Remedy or Mitigate Adverse Effects

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Every person has a duty under Section 17 of the RMA to avoid, remedy or mitigate any adverse effect on the environment arising from an **Activity**, whether or not the activity is lawful.

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## 3.7 Declaration and Enforcement

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Declarations, enforcement orders, abatement notices, excessive noise directions and infringement notices are means provided by the RMA that may be used to enforce the provisions of the Plan and the RMA.

The Council recognises that it has a special responsibility under Section 84 of the RMA to enforce the observance of the Plan to the extent of its authority.

### 3.7.1 Declarations

Section 311 of the RMA enables any person to seek a declaration from the Environment Court to clarify a point of law. This includes the interpretation of District Plan provisions. For instance a declaration may be sought on whether a particular activity is a Permitted activity or falls into some other category. A declaration may also be sought on whether an activity is in breach of a rule in this Plan.

### 3.7.2 Enforcement Orders

Any person may apply for an Enforcement Order from the Environment Court under Section 316 of the **Act** in the following circumstances:

- To stop a person breaching the RMA, a regulation, a rule in the Plan, a designation, a Heritage Order, a condition of a resource consent, or to stop a person doing something that is likely to be noxious, dangerous or offensive, or objectionable to such an extent that it is likely to have an adverse effect on the environment
- To require a person to do something to comply with the RMA, a rule in the Plan, a designation, a Heritage Order, or a resource consent
- To require a person to remedy or mitigate any adverse effect that they have caused, or in certain circumstances, to pay money to a person to compensate them for undertaking that activity themselves.

Certain other types of enforcement orders may be applied for by a local authority or consent authority.

### 3.7.3 Abatement Notices

The Council enforcement officers can serve abatement notices under Section 322 of the RMA in similar circumstances to those for an enforcement order.

### 3.7.4 Excessive Noise

An enforcement officer or police officer can, in terms of Section 327 of the RMA, direct that excessive noise be reduced to a reasonable level. If the direction is not complied with the police, with or without an enforcement officer, can enter the premises then remove or make inoperable the noise source.

### 3.7.5 Infringement Notices

An enforcement officer can issue infringement notices under Section 343C of the RMA when an offence is observed, or when there is reasonable cause to believe that an offence is being or has been committed. Infringement offences are defined in the Resource Management (Infringement Offences) Regulations.

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## 3.8 Consents Required Under Other Legislation

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Developers and users of land or buildings who are seeking or are in possession of planning consent (obtained either as a result of a resource consent or by virtue of their proposals or activities being Permitted activities) should check whether they also need consents under other legislation.

Amongst consents most frequently required are those for:

1. Erection of buildings (building consents and particularly under the Building Act 1991 and associated Building Regulations - North Shore City Council).
2. Arrangements for treatment and disposal of sewage (Discharge permits - North Shore City Council and/or Auckland Regional Council depending on scale of development).
3. Discharge of polluted or unpolluted stormwater (Discharge permits - North Shore City Council and/or Auckland Regional Council, depending on scale of development).
4. Diversion, damming or taking of fresh surface or underground water (Auckland Regional Council).
5. Disposal of trade wastes (North Shore City Council).
6. Undertaking of offensive trades (North Shore City Council).
7. Use of premises for sale of food (Registration Certificates under Health Regulations North Shore City Council).
8. Storage of dangerous goods (Dangerous goods licences - North Shore City Council).
9. Providing for the disabled under Section 25 of the Disabled Persons Community Welfare Act 1995 and Section 331 of the Local Government Act 1974.
10. Proposals for the modification, damage or destruction of archaeological sites (NZ Historic Places Trust).

Note that this list of consents required is not exhaustive. It remains the responsibility of the developer or user of land or buildings to ensure that all consents required by law are obtained.

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## 3.9 Monitoring Statement

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### 3.9.1 Why Monitoring is Required

The RMA promotes the use of a monitoring process to help ensure effective and integrated management of resource issues. Section 75(1)(i) requires that the District Plan state the procedures used to review effectiveness of the Plan and the implementation methods used to achieve the objectives and policies. Section 35 of the RMA sets out the Council's primary obligations for monitoring both the state of the environment and the effectiveness of the Plan.

This section also imposes an obligation on the Council to maintain information on resource consents and the monitoring of compliance with conditions.

### 3.9.2 District Plan Monitoring Approach

Each section of the District Plan specifies the indicators or measures that will be used to monitor, and whether or not expected results or outcomes of policy are achieved.

Figure 3.3 illustrates the District Plan monitoring process. This process provides information for analysis of social, economic and environmental changes over time.

The expected environmental results specified throughout the Plan identify a range of key indicators for assessment purposes. These indicators fall into two categories: those that measure environmental outcomes, and those that assess the effectiveness of the Plan in achieving its objectives.

a) Environmental Outcomes

The monitoring measures proposed are designed to measure the state of the environment. Measurement of environmental outcomes draws on a wide variety of information sources because the RMA's broad definition of environment includes among other matters, people, communities, amenity values and social, economic and cultural conditions. Monitoring measures include:

- Site or area specific surveys
- Environmental surveys
- Census information
- Business statistics
- Resident surveys
- Complaint records.

These studies provide information that assist in determining how effectively the Plan is achieving its expected environmental outcomes.

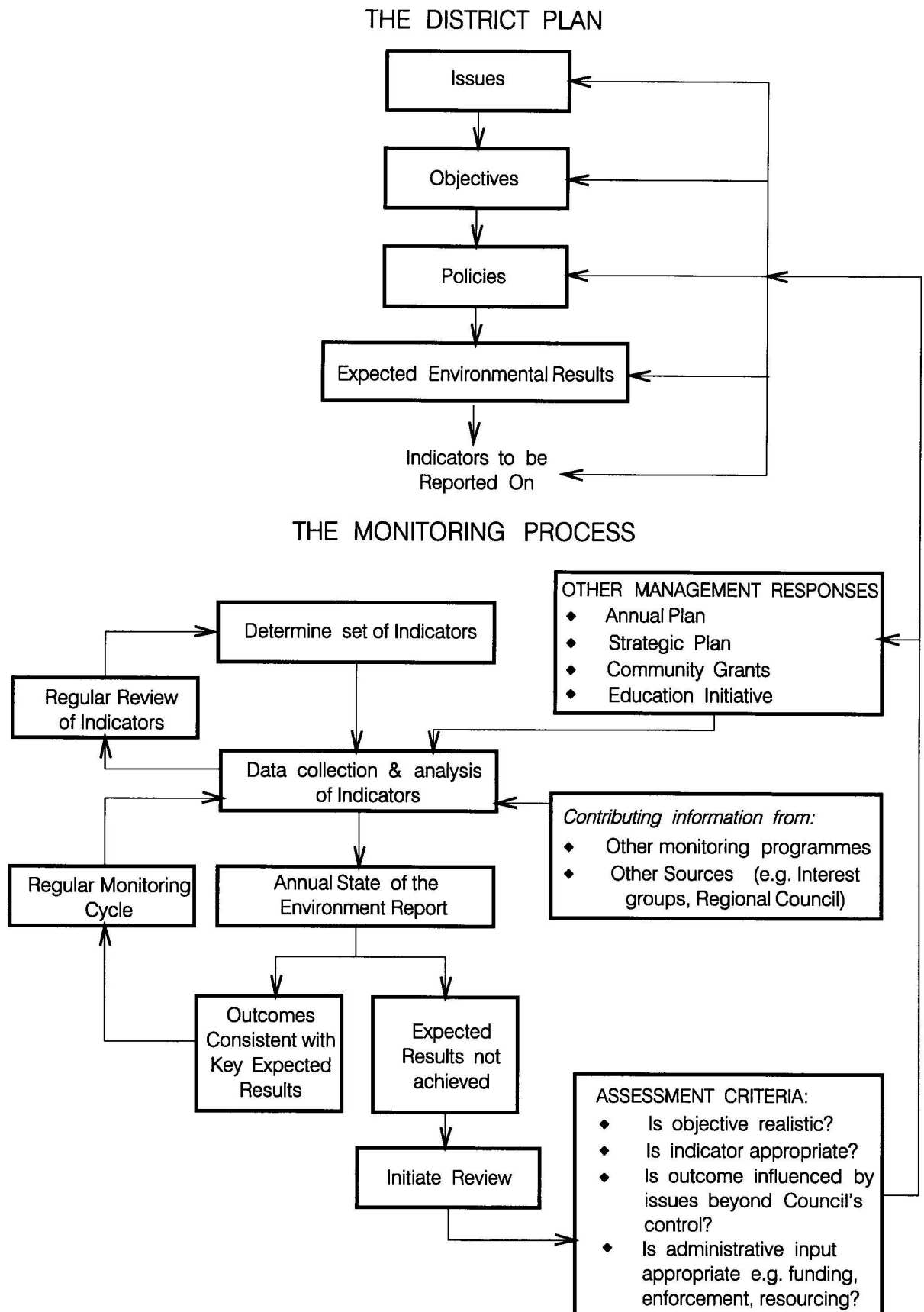
b) Plan Effectiveness

Plan effectiveness monitoring is intended to assess the methods indicated in the Plan to implement its policies and objectives and any processes and procedures involved in those methods. The focus is on the practicability, quality and successful implementation of techniques or programmes in achieving expected environmental results. This differs from other forms of monitoring which address the environmental outcomes themselves.

Measures used for Plan and indicator effectiveness are set out in [Table 3.1](#).

<b>Table 3.1 Plan Effectiveness Indicators</b>	
<b>Indicators</b>	<b>Description</b>
<b>Timeliness</b>	Are the Plan's expected environmental results achieved within the set time frames?
<b>Practicability</b>	Are the techniques used easily and successfully?
<b>Cost</b>	Is measurement of the Plan's expected environmental results achieved within the budget?
<b>Accuracy</b>	Is the information to be gained accurate and of a high standard?
<b>Quality</b>	Are the Plan's performance indicators developed to a high standard and acceptable to the community?
<b>Measurability</b>	Are the Plan's objectives, policies, rules and expected environmental results easily measured?
<b>Achievability</b>	Are the expected environmental results achievable for North Shore City given present and future social, economic and environmental conditions?
<b>Suitability</b>	Do the indicators measure adequately what they are supposed to measure?

Figure 3.3 The Monitoring Process



### 3.9.3 Using District Plan Monitoring Information

The District Plan has a life of 10 years. District Plan monitoring addresses the key environmental trends over this 10-year period and beyond. Monitoring and reporting is used because issues and priorities change over time and the expected environmental results and indicators used in the Plan need to be flexible enough to allow modification of the scope and focus of the monitoring process.

Because the scope and breadth of a monitoring task may vary from year to year, minimum monitoring levels have been identified in the Plan, but a more detailed schedule setting out the preferred range and depth of monitoring has been prepared by the Council. This ensures that both the validity of data collection and assessment occurs in a manner which enables the tracking of long term trends.

The information obtained from this monitoring process:

- Reveals specific resource management issues that have arisen since preparation of the Plan
- Provides an information base on key environmental issues in the city
- Assists with policy development and review of the District Plan.

#### a) Reviews Initiated Through the Monitoring Process

Objectives, policies, rules or the process of administering provisions may require amendment if significant variation occurs from the *Expected Environmental Results* specified in each section of the Plan.

Following compilation of a state of the environment document, an options report will be prepared for the Council. This report deals with significant issues identified in instances where *Expected Environmental Results* are not met, and outlines management response options. The response options could include recommendations as follows:

- To alter implementation procedures for dealing with the resource issue
- To alter funding for staff, resources, surveys, etc
- To initiate a Plan Change to alter objectives, policies or rules
- To defer action pending further investigation, or inclusion of the issue in a scheduled future Plan review.

A review initiated through the monitoring process would result in the following questions being asked:

##### i) Implementation/Effectiveness Review

Is the variance from the Plan's *Expected Environmental Results* due to factors relating to failures in implementing the Plan, or to methods or standards used?

##### ii) Environmental Outcome Review

Is the variance from *Expected Environmental Results* due to factors relating to the appropriateness of Plan objectives, policies or rules?

#### b) Issue Review

Are the key resource management issues identified in the Plan appropriate for North Shore City?

##### i) District Plan Monitoring Statement

The result of each year's monitoring is reported in a North Shore District Planning Monitoring Statement.

Regular publication of the District Plan monitoring information encourages informed debate and decision making on North Shore resource management functions. An important element of the decision making process is having an issue review process built into the Plan. This allows the Plan to be responsive to information gathered by the monitoring process and to changing or emerging concerns.



It is important to note that District Plan monitoring forms one element of the Council's overall monitoring responsibilities. Monitoring for Annual Plan, Strategic Plan and asset management functions is also undertaken, and this may influence funding and development decisions affecting the environment.

ii) Delegation of Monitoring and Reporting Duties

Some resource management matters dealt with in the Plan can benefit from information and appreciation of issues held by particular groups within the community. Cultural and heritage issues fall into this category. Opportunities are available to explore the possibilities for delegating responsibilities for monitoring to interested groups or individuals. While the Plan specifies expected results for issues, this does not preclude the Council from delegating the responsibilities for actually carrying out monitoring of particular issues at any stage.

### 3.9.4 Monitoring of Resource Consents and Complaints

The Council is required to maintain information relating to the monitoring of resource consents. This entails the keeping of accurate records which can be easily accessed.

The Council has an information system on the resource consents granted which could be made available to the public as requested. Holders of resource consents are only required to pay for monitoring costs that relate to the consent.

The RMA also requires information to be kept on alleged breaches of the provisions of the Plan or conditions of consent. A record of complaints and actions taken is held in Council's information systems. Information will be made available periodically on the complaints received.

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## 3.10 General Rules

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### 3.10.1 Rules for Permitted Activities

Where an activity is a Permitted activity in this Plan (subject to compliance with any rules), the following information shall be provided to the Council before the commencement of the Activity:

- Plans and other information to demonstrate compliance with the provisions of the District Plan. In particular, sufficient information shall be provided to show compliance with the relevant controls of the zone in which the land is located, and with any relevant provisions of the following General Sections:
  - Section 8: Natural Environment
  - Section 9: Subdivision and Development
  - Section 10: Pollution, Hazardous Substances and Waste Management
  - Section 11: Cultural Heritage
  - Section 13: Signs
  - Section 14: Network Utilities and Designations

#### **Explanation and Reasons**

*In addition to the Council's responsibilities to promote sustainable management and ensure that any adverse effects of activities are avoided, remedied or mitigated, the Council has a duty to administer its District Plan, and to monitor the effectiveness of its objectives, policies and rules. The only way to ensure that this duty is adequately discharged is to maintain accurate records of all development occurring in the city. The provision of relevant information for all types of activities also enables the Council to ensure that Permitted activities comply with the provisions of the Plan before their establishment, and thus reduce the need for enforcement action at a later stage.*

## **3.10.2 General Duty to Comply**

### **3.10.2.1 Activities Allowed**

The following activities only are allowed under this Plan:

- a) Certain existing uses are allowed by Section 10, 10A or 10B of the RMA;
- b) Those activities provided for in the Plan as permitted are allowed as of right;
- c) Those activities provided for in this Plan as controlled, discretionary (including limited discretionary) or non-complying activities, are only allowed if a resource consent is obtained in respect of those activities.

### **3.10.2.2 Non-Complying Activities**

Any activity not provided for in this Plan shall require a resource consent. *Note:* Such consent shall be for a Non-Complying activity as defined in the RMA.

## **3.10.3 Rules for Temporary Activities**

### **3.10.3.1 Determination of Temporary Activity Status**

- a) Temporary offices, storage sheds, storage yards, builders' workshops, temporary buildings or structures on lands administered by the Department of Conservation which have approval under the Reserves Act 1977 and other similar buildings and activities which are incidental to a building or a construction project (excluding (c) below), shall be Permitted activities in all zones, but only for the duration of that project, as determined by the date of its building consent compliance certification.
- b) Temporary activities, including buildings, for such purposes as filming, carnivals, fairs, public meetings, exhibitions, concerts, temporary activities on lands administered by the Department of Conservation which have approval under the Reserves Act 1977 and sporting events are:
  - i) Permitted activities subject to Council consent as landowner, where held on land owned or administered by the Council or where held on public roads and accessways;
  - ii) Permitted activities where held on privately owned land and for a period not exceeding three days in duration and provided that:
    - the activity complies with the General Sections of the Plan
    - a Temporary activity occurs no more than five times in any one calendar year on any one site.

Where not provided for above, such activities shall be Limited Discretionary activities.

- c) Any activity for the purpose of construction or maintenance associated with leisure pursuits such as boats, caravans, or similar activities, provided that they are not intended in any way as a commercial enterprise, shall be:
  - i) Permitted activities where carried out wholly within an existing enclosed building, or where they comply with all controls for the relevant zone and with [Section 10](#) of the Plan; or where they are undertaken for no longer than three months in duration.
  - ii) Limited Discretionary activities where (c) (i) above cannot be complied with.
- d) Temporary military training activities involving orienteering exercises and communications training with signal detachments locating on the sides of roads are Permitted activities in all zones provided that:
  - the written consent of the property owner is obtained
  - the activity is for no longer than a maximum of 31 days
  - no excavation, earthworks or building of structures is involved; and
  - no discharge of guns, explosives, or other noise producing devices is involved.



- e) Temporary military training activities not provided for in (d) above shall be Discretionary activities in all zones.

### **3.10.3.2 Notification of Limited Discretionary Temporary Activities**

The Council shall consider any application for a Temporary activity classified as a Limited Discretionary activity listed in [Rule 3.10.3.1](#) without public notification of the application. Notice of such an application shall be served on all affected parties unless the statutory tests for non-notification are met. If the Council considers that special circumstances exist it may require the application to be publicly notified.

Refer to Rule 3.3.2 Notification Processes for Resource Consents - Applications Requiring Multiple Resource Consents.

### **3.10.3.3 Assessment of Limited Discretionary Temporary Activities**

Where a Temporary activity is a Limited Discretionary activity any assessment shall, in accordance with Section 88(5) of the RMA, be limited to the following matters over which the Council wishes to exercise its discretion:

- i) Duration of the activity
- ii) Hours of operation
- iii) Effects of activity on air quality
- iv) Noise
- v) Outdoor lighting
- vi) Vibration
- vii) Compliance with development controls
- viii) Structural safety
- ix) Traffic and parking.

### **3.10.3A Assessment Criteria for Temporary Activities**

#### **3.10.3A.1 Assessment Criteria for Limited Discretionary Temporary Activities**

Temporary activities provided for in [Rule 3.10.3.1](#) (b) (ii) as Limited Discretionary activities are subject to the following assessment criteria:

The suitability of the site for the proposed Temporary activity in respect of:

- a) The effects of the activity on public safety given the site's size and characteristics and the adequacy of any proposed crowd control measures.
- b) The extent to which parking requirements for the type of activity are met, including provision and management of temporary car parking areas.
- c) The adequacy of proposed measures for protecting the natural environment and the general amenity of the locality for the duration of the activity.

Temporary activities provided for in [Rule 3.10.3.1](#) (c) (ii) as Limited Discretionary activities are subject to the following assessment criteria:

- a) In general the activity should not be located in any yard and should comply with height in relation to boundary controls for the appropriate zones; unless it can be demonstrated that:
  - i) The activity is not visually obtrusive when viewed from neighbouring properties or public places; and
  - ii) Only one such Temporary activity should be allowed on the proposed site, at any one time.

#### **3.10.3A.2 Assessment of Discretionary Temporary Activities**

Without restricting the exercise of its discretion to grant or refuse consent or to impose conditions when considering an application under Sections 104 and 104B of the RMA, the Council will have regard to any relevant Assessment Criteria for Discretionary

activities in the appropriate zone and to the following Assessment Criteria for the proposed Temporary activity:

- a) Whether any temporary helicopter landing areas comply with the provisions of [Section 12.5.4.1](#) of the Plan.
- b) The adequacy of proposed measures for protecting the natural environment, and the effect on the general amenity of the locality as a result of the proposed activity.

### **3.10.4 Prohibited Activities**

The following activities shall be Prohibited activities throughout the city:

- The manufacture, production, storage, and disposal of any radioactive material
- The use of radioactive material for the purposes of power generation or heat generation
- The use of radioactive material with an activity in excess of 1000 terabecquerel ( $1 \times 10^{15}$ )
- Mining on sites scheduled in [Appendix 8A](#), [Appendix 8F](#), [Appendix 11A](#), [Appendix 11B](#), and the Rural 2 and 3 zones
- Mining in the Coastal Conservation Area.

For activities which are prohibited in specific zones refer to the relevant sections of the Plan.

### **3.10.5 Maintenance and Condition of Land and Buildings**

The following rules apply to all activities, but do not affect activity status. If necessary, enforcement action will be taken to ensure that they are complied with:

- a) No building shall be so constructed or finished or left unfinished that its external appearance detracts significantly from the amenity values of the neighbourhood.
- b) Demolished buildings and structures shall be removed, and their sites shall be landscaped to the satisfaction of the Council within six months of demolition except that this time limit shall be extended to twelve months where consent has been granted to the construction of a new building or structure.
- c) All site works shall implement effective sediment and erosion control measures on-site to avoid or mitigate adverse effects on the environment (in accordance with Rule 9.4.3.2).
- d) Effective and appropriate dust control measures shall be implemented on all sites with unsealed or dust contaminated yards or roadways. The use of waste oil to control dust is not permitted.
- e) All development with an installed impervious area of greater than 1000m<sup>2</sup> (other than roof areas that drain directly to the stormwater system or to soakage) that dispose of stormwater shall first install an appropriate treatment system (generally developments which comply with the Auckland Regional Council publication "Stormwater Treatment Devices" will be deemed to have met this rule) except where adequate stormwater treatment is already provided.
- f) No person may discharge any contaminant or water containing contaminants into the Council's stormwater system or on to land in circumstances that may result in contaminants entering the Council's stormwater system.
- g) All commercial vehicle, machinery, or container washdown areas shall be sealed, compounded and roofed, and connected to the foul sewer.
- h) No elevated levels of sediment may be discharged into stormwater pipes, drains, channels or soakage systems from urban earthworks or bare land.
- i) All construction or development sites where loose material may be carried by vehicles on to public roads in wet weather or at other times, shall install and use a wheel wash (generally developments which comply with the Auckland Regional Council's publication "Stormwater Treatment devices - Design Guideline Manual

October 1992" will be deemed to have met this rule), or utilise other approved methods to prevent soil and other sediment from entering the stormwater system.

**Explanation and Reasons**

*The Council has a duty to ensure that all land and buildings are maintained in a manner so as to preserve the amenity value of the neighbourhood in which they are situated.*

*Water, dust and smoke do not respect zone boundaries. Adverse effects can be generated equally from high and low amenity areas. Therefore, these controls apply equally across the city. Controls on discharges into the stormwater drainage system of the city are applied to avoid adverse effects on the quality of the city's watercourses and the coast.*

### **3.10.6 Site and Design Characteristics for Control Flexibility**

In the case of any Limited Discretionary activities for Control Flexibility, the following site and design characteristics shall be the basis for determining whether there are particular characteristics of the site or its environs that warrant granting consent.

**Site Characteristics**

- Inherent site considerations; including unusual size, shape, topography, substratum, vegetation, or natural hazard susceptibility
- Particular site development characteristics; including the location of existing buildings or their internal layout, achievement of architectural harmony or physical congruence, compliance with bylaw or engineering standards, the preservation of privacy, enhancement of private open space, outlook improvement, building restoration, or renovation of demonstrable merit, temporary building, provision of public facilities, the design and arrangement of buildings to facilitate access for the disabled
- Unusual environmental circumstances; including adverse topography, unusual use or particular location of buildings on neighbouring sites, improved amenity for neighbouring sites, the presence of effective adjacent screening or permanent open space
- Extraordinary vehicle or pedestrian movement considerations; including the achievement of a better relationship between the site and the road, improved operation of parking areas, an adequate alternative supply of parking in the vicinity, the improved safety, convenience or efficiency of pedestrian or traffic movement on the site or adjacent roads, unusual incidence or time of traffic movement, demonstrably less than normal use intensity, and the considered need for pedestrian protection.

**Design Characteristics**

- Innovative design solutions which are environmentally sustainable and contribute to achieving positive visual effects or public benefits.

**Scope**

The extent to which a rule may be modified is stated with each Control Flexibility subsection of that rule. Where this cannot be met the application will be assessed as a Non-Complying activity (with the exception of the Discretionary activity provisions of [Section 13: Signs](#)).

**Explanation and Reasons**

*The site and design characteristics specified above have been included to indicate the range of characteristics, one or a number of which in combination denote that a particular site is unusual and therefore warrants consideration of an application for Control Flexibility.*

### 3.10.7 Information to be Provided

#### 3.10.7.1 General

In the case of any application for a resource consent, before any work involving disturbance or excavation of the land surface, other than essential investigatory work of a minor nature, is undertaken, the following information should be provided to the Council, to the extent that it is relevant to the nature of the application.

1. The legal description of the land and details of any matters affecting title to the land. This should include, but is not limited to, a copy of the certificate of title and of any documents relating to any encumbrances, covenants, easements, leases, or building line restrictions imposed on the land.
2. A description of the land involved and its location. Such description should be in sufficient detail to show:
  - a) The existing landform (contour data at 5 metre intervals), including slips, areas of instability, wetlands, watercourses and significant topographical features.
  - b) The dimensions and area of the land affected. For applications for subdivision consent, the dimension and area of all lots.
  - c) The location and type of any vegetation on the land, including the specific identification of any tree or feature identified in [Section 8](#).
  - d) The location of any evidence of human activity prior to 1900, i.e. Archaeological sites, and measures for investigation or protection of these sites. Archaeological sites: Consent of the New Zealand Historic Places Trust in accordance with the provisions of the *Historic Places Act 1993* is required prior to any modification or destruction of any archaeological site (recorded or previously not recorded) including those identified in the District Plan.
  - e) For subdivision consent in the Residential 1, 2A, 2A1 and 5 zones, the identification of important views into and from the land, and important destinations within and adjoining the site.
  - f) For subdivision consent in the Residential 1 and 5 zones, a brief report from a landscape architect which describes those particular features of the site and its surrounds which make the most important contribution to the land's special character.
  - g) For subdivision consent in all Residential zones, a brief report on the ecological significance of the site or parts thereof.
  - h) The location of the delineated area for any residential unit, as specified in [Rule 16.6.2.2](#)
  - i) The location of the main fences and any buildings on the land, including the specific identification of any building identified in [Section 11](#).
  - j) The existing, and where appropriate, proposed vehicular and pedestrian access.
  - k) The contiguous land which may be affected by the development, including the location of any building, vegetation, important view specifically identified in [Appendix 8F](#) or other significant feature which may be affected.
  - l) Existing, and where appropriate, proposed stormwater and sewer systems, power, telephone and water reticulation.
  - m) Where appropriate, the width and grade of proposed roads and accessways, and the proposed tenure and use of access lots and rights of way.
3. A description of the proposed activity and the time period over which the development is likely to take place. Where staging of the works is proposed, information should also be provided to show the number and extent of the likely stages, and the likely duration of the work required for completion of each stage.
4. A statement specifying all other resource consents which may be required from any consent authority and whether such consents have been applied for.

5. Plans illustrating the proposal (refer to [Section 3.10.9](#)).
- 6.

a) Radio frequency fields

For any proposal to undertake an activity emitting radio-frequency fields or extremely low frequency electric and magnetic fields, the following reports are required;

- a) prior to commencing any radio frequency emissions the following shall be sent to and received by the Manager of Consents: Environmental Services;
  - i) written notice of the location of the facility or proposed facility and
  - ii) a report prepared by an appropriately qualified person containing a prediction of whether the New Zealand Standard NZS 2772.1: 1999 Part 1 - Maximum Exposure Levels - 3kHz to 300GHz (New Zealand Standard) will be complied with.

If the report provided to the Council under condition (ii) above predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then, within 3 months of radio frequency emissions commencing, a report from an appropriately qualified person certifying compliance with the New Zealand Standard, based on measurements at the site will be provided to the Manager of Consents: Environmental Services.

Excluded from this reporting requirements are

- The activities of any amateur radio operators
- Activities subject to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 which have their own reporting requirements for radio-frequency fields.

- b) Electric and Magnetic Fields for activities that propose to emit extremely low frequency electric and magnetic fields which will result in public exposure, a report as required in Section 14.5.1, shall be prepared by an appropriately qualified person, and contain a prediction as to whether the guidelines specified by the International Commission on Non-Ionising Radiation Protection 1998 will be complied with. A report is not required if the activity does not result in levels in any places reasonably accessible to the public exceeding 50% of the reference levels specified in the Guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP) in 1998.

### 3.10.7.2 Structure Plan Zone: Applications for Subdivision

In the case of an application for subdivision within the Structure Plans zone, further information as set out below, additional to the matters identified in [Rule 3.10.7](#) may be required. This information shall be appropriate to the nature of the application and may require a greater level of detail than that required by [Rule 17.5.4](#) for the preparation of the structure plans.

a) Details of consultation undertaken with the following parties:

- North Shore City Council
- Owners of adjoining lands
- Iwi
- Network utility operators
- ARC.

b) Natural Environment

- i) Location of topographical features including streams, gullies, ridges, areas of trees and bush, wetland, mangroves and salt marshes identified on a contour plan.
- ii) Identification of areas having significant ecological values.

- c) Geotechnical
  - i) Geotechnical report prepared by a Registered Engineer experienced in soil mechanics (or other suitably qualified and experienced person).
  - ii) Identification of areas subject to inundation or instability.
- d) Landscape

A report from a landscape architect identifying those particular features of the land and its surrounds which make the most important contribution to the land's special character.
- e) Destinations

Identification of major destinations within the vicinity of the site e.g. reserves, schools, local shops.
- f) Cultural Values

An archaeological report identifying areas having archaeological and/or waahi tapu values.

### 3.10.8 Assessment of Effects

All applications for resource consent must include an assessment of effects on the environment, in accordance with the Fourth Schedule to the RMA.

In the case of any application for a Controlled activity or a Limited Discretionary activity, any assessment shall be limited to those matters to which the Council has limited its discretion.

[Appendix 3A](#) provides a guide to the range of effects which may need to be addressed and the mitigation measures which may be appropriate and, without limiting the information required by that schedule, shall include the matters set out below:

Notwithstanding the following, any assessment of effects shall be carried out in accordance with the provisions of the Fourth Schedule. Specifically the assessment shall be in such detail as corresponds with the scale and significance of the activity or potential effects of the activity on the environment.

- Any actual or potential effect on the environment
- Any effect on the neighbourhood and, where relevant, the wider community including any social, economic and cultural effects
- Any physical effect on the locality including any landscape and visual effects
- Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity
- The effects of any proposed earthworks on the stability of the land, sediment generation and stormwater runoff
- The effects of any proposed roads, accessways and reserves on existing infrastructures
- Where it is likely that the land development may result in any significant adverse effect on the environment, a description of any alternative method(s) of undertaking the project and why the alternative proposal(s) was rejected
- An identification of those persons likely to be affected by the proposal, the consultation undertaken with those persons and any response to the views of those consulted
- A statement identifying the work needed to complete the development, any resource consents that may be required to enable completion of the development and/or the establishment of the proposed activity, and whether these have been applied for
- The manner in which compliance with the provisions of the Auckland Council Regional Plan: Sediment Control is to be achieved.
- Information required by any Stormwater Catchment Management Plans, including



the means of compliance and the results of consultation with relevant persons

- Information on natural hazards and the mitigation measures proposed
- Where alternative servicing systems are to be used the manner in which compliance with the requirements of **Rule 9.6.6** is to be achieved
- For intensive residential developments comprising 15 units or more, an urban design report is required addressing how the development will integrate into the environment, identification of pedestrian linkages, use of crime prevention through environmental design techniques and an environmental management report to address matters such as solid waste
- For bus shelter applications required pursuant to **14.5.3.7 'Bus Shelters'**, a traffic impact assessment shall be submitted addressing all the relevant vehicle and pedestrian safety effects.

In the **Residential 3 Zone**, all applications for land use shall also include as part of the assessment of effects the following information:

#### **3.10.8.1 Site and Context Analysis - Residential 3 Zone: Built Heritage.**

The purpose of the site and context analysis is to facilitate a contextual approach to design in the zone.

##### ***Information requirements***

In the Residential 3 Zone, all applications for land use consent that involve physical change to buildings on the site, including external additions or alterations, demolition or removal or relocation, construction of new buildings, and construction of walls or fences on the frontage of the property, not provided for as a permitted activity, will require a site and context analysis to be submitted with the application as an integral part of an assessment of effects. (Refer also section 16.7.3).

The extent of information included as part of the analysis can be tailored to the scale of the change proposed and its effects. The information required therefore will depend on the scale and nature of the proposal, and may include the following:

In relation to the surrounding area:

- The built form, scale and style of the surrounding buildings;
- For applications involving changes in the front yard, the presence of buildings in neighbouring front yards and the style of fencing of nearby properties;
- For applications for fencing at the street frontage, the style of fencing on other properties in the vicinity;
- For additions to the front of an existing building, or a new dwelling, the setback of all existing houses which influence the calculation of setback must be shown;
- The zoning of adjoining and facing properties;
- Any scheduled trees, scheduled buildings or other scheduled items as listed in the Appendices to Chapter 8 Natural Environment and Chapter 11 Cultural Heritage in the general vicinity;
- Other protected trees and significant vegetation;
- The identification of other public places beyond the site that have clear views to the site/proposal.

In relation to the site:

- Existing buildings, indicating whether they are to be retained or removed/demolished;
- The extent and nature of the changes proposed including any partial demolition/removal and any reuse of original building fabric (this should be shown on the drawings submitted and clearly labelled - refer also section 3.10.9)

- Any scheduled trees, scheduled buildings or other scheduled items as listed in the Appendices to Chapter 8 Natural Environment and Chapter 11 Cultural Heritage;
- Trees must be indicated by accurate driplines rather than arbitrary CAD symbols;
- Existing generally protected trees and other significant vegetation;
- Orientation and slope, shown by contours;
- Existing fencing/walls;
- Any other features that may present a critical design constraint, such as existing services or existing retaining walls.

### **Information Presentation**

The site and context analysis and design response are best presented through a combination of scaled plans, photographs and text, and must be submitted with any application. Aerial photos can provide a very valuable starting point for a site and context analysis.

The site and context analysis is more than a survey of existing conditions. The key objective is to use the site and context analysis to identify, evaluate and communicate important issues, on and off the site and in the neighbourhood, which will influence the design response. In general, the neighbourhood should be taken to include such other properties as can be seen from the subject property when viewed from the street. In addition clear views to the site from other public places will also need to be included.

The information required with each application will need to be sufficient to illustrate the effects on streetscape and neighbourhood character and the historic and architectural character which comprises the zone. Clearly, whole new buildings, substantial alterations or changes to the parts of a building nearest the street (or clearly visible from a public place) will need more supporting information than proposals for buildings which do not participate in streetscape character (or a landscape character that is visible from a public place).

Council may reduce or waive the requirements of the site and context analysis where the application relates to minor alterations (with minor effect) or if, in the opinion of the Council, the requirement is not relevant to the evaluation of the application.

For example: if only new fencing is proposed, photographs of the subject site from the street, and houses in close proximity, can be joined to make a panorama of the streetscape showing existing fences and houses, without the need for a drawn plan of existing development in the context.

### **Design Response**

A design response to the site and context analysis must accompany the application as an integral part of the assessment of effects and a demonstration of how the proposal meets the assessment criteria. The design response must explain how the design:

- Derives from the site and context analysis; and
- Relates to existing buildings on the site and to surrounding houses and properties: if any change can be viewed from the street (including that which would be visible if any proposals to remove existing trees, hedges, fences or ancillary buildings were carried into effect), the application must include correctly proportioned street elevations showing the building in the streetscape context of (at least) the adjacent buildings, by way of a drawing or photomontage; and
- Respects, acknowledges and responds to the existing neighbourhood character in terms of grain, form, mass, proportion and use of materials; and
- Meets the assessment criteria for the zone.

### **3.8.10.2 Building in Volcanic Viewshafts and Height Sensitive Areas**

Any application for consent under the volcanic viewshaft and height sensitive area rules is to include an assessment of the visual and cultural effects of the proposed building or structure. This assessment is to be undertaken by a person with recognised professional expertise in landscape assessment.



Where the application is for development adjoining a Takarunga (Mount Victoria) or Maungauika (North Head) reserve, the assessment shall assess the effects of the building or structure in terms of:

- visual intrusion into and overlooking of the reserve
- obscuring of views of the volcanic cones from public places
- obscuring of views from the volcanic cones and between the volcanic cones.

Where the application is for a building or structure exceeding the 9 metre height sensitive area, the application shall assess:

- The extent to which views of the volcanic cones from public places would be obscured by the building or structure
- The extent to which the height and form of the building or structure, in the context of surrounding buildings, contributes to or detracts from maintaining a general built form of a height that mirrors the natural topography of the landscape.

Where the application is for a building or structure within the volcanic viewshafts, the assessment shall assess the extent to which the structure would intrude into, obscure or distract from views of the volcanic cones.

### **3.10.9 Plans**

Any application for resource consent shall be accompanied by three sets of drawings illustrating the proposal, two being at A3 size and one at A4 size. The drawings shall include the information depicted below as appropriate.

a) General

- i) Clear and legible details of the proposed work at an appropriate metric scale, with the scale and north point identified.
- ii) The name of the owner, applicant (if different from the owner), legal description, street address and location of the site.

b) Site

- i) All legal boundaries of the property including all property dimensions and the area of the site.
- ii) All right-of-way and utility service easements applying over the site or appurtenant to the site, with dimensions.
- iii) Any relevant drainage information.
- iv) The location, dimensions, and use of existing buildings and proposed buildings, additions, alterations or other such work with dimensions from boundaries.
- v) Contours and ground levels in relation to the Department of Survey and Land-Information datum, in sufficient detail to enable assessment of compliance with building height, building height to boundary and vehicle access gradient requirements.
- vi) Ground floor levels of all proposed buildings expressed in terms of the Department of Survey and Land Information datum (mean sea level) if available or in relation to a permanent datum established on site.
- vii) The extent of earthworks, including filling and excavation, dimensioned horizontally and vertically.
- viii) The existing and proposed location of parking and loading spaces, vehicle and pedestrian access and manoeuvring areas and proposed traffic circulation within the site.
- ix) The locations and dimensions of any landscape features, trees (including the areas occupied by their drip-line), and buildings that are protected in the District Plan or archaeological sites and measures for the retention of these items.

- x) For multiple residential units, a Delineated Area Plan which defines the location and dimensions of building platform and parking, outdoor living and service areas and common areas.
- c) Elevations and Sections at a Scale Not Less Than 1:100
  - i) External appearance of buildings, including doors and windows, with dimensions.
  - ii) Relative height of new buildings fixed in terms of the datum.
  - iii) Maximum permitted height and height in relation to boundary marked on separate sections showing the worst case scenario and, as may be necessary, to illustrate compliance or degree of non-compliance.
  - iv) Original ground levels at the foundations of a building and along boundaries at one metre intervals in relation to the datum used.
  - v) For applications involving alterations to existing buildings in the Residential 3 Zone, the percentage of the area of each elevation that is affected by the proposed alterations and the percentage of the area of the roof that is affected by the proposed alterations. (refer to section 16.7.3.1 and Appendix 16O). Drawings must be clearly labelled to indicate the extent of any proposed partial demolition or removal and any reuse of original building fabric.
- d) Floor Plans
  - i) Room layout of each and every floor of all buildings, whether existing or proposed.
  - ii) The present or proposed future use to which all, or any part of these buildings is to be put. Where several floors are of the same area and use, a standard floor plan may be shown.
  - iii) For applications involving alterations to existing buildings in the Residential 3 Zone, drawings must be clearly labelled to indicate the extent of any proposed partial demolition or removal and any reuse of original building fabric.
- e) Landscaping Plans

Where landscaping is required for any development, activity or building by the provisions of a particular zone, or any other part of the District Plan, plans and details of proposed landscaping shall be provided. Approval for landscaping plans shall be required prior to the commencement of work on site or as otherwise required by the Council as a condition of consent.

In preparing landscape proposals for development, consideration should be given to landscaping which will include protection and incorporation of existing trees, hedges, shrubs and other natural features on the site, together with proposals for new planting.

Two separate plans shall be provided, drawn at a scale of 1:100, or 1:200, if the site is larger than 1500m<sup>2</sup> showing clearly the following:

- i) The areas within the site which are to be landscaped.
- ii) The identification and location of any existing tree or stand of vegetation, and whether these are to be retained.
- iii) Any tree or trees that are protected in the Plan and the measures for the retention of these trees.
- iv) The plant species that are to be used within the landscaped areas, including plant numbers, planting size and spacing.
- v) Details of areas that are to be grassed.
- vi) The outline of buildings, carparks and vehicle accessways.

In approving landscape plans, conditions may be imposed relating to the following matters:

- Size of trees to be planted, at the time of planting and at maturity

- Whether the layout and design are of a high standard, providing an interesting and attractive visual environment in scale with the proposed development
- Whether existing landscape features are as far as possible integrated into the new development
- Appropriate use of native species, particularly in the Coastal Conservation Area and Site of Special Wildlife Interest
- The timing of implementing the landscaping, maintenance of the approved planting with replacement for failures for a specified period.

### 3.10.10 Further Information

As provided for by Section 92 of the RMA, the Council shall require further information from an application where it is necessary to obtain a better understanding of the nature of activity, the effect it may have on the environment, or the ways in which the adverse effect may be mitigated. A report may also be commissioned at the applicant's expense, on any matter raised in relation to the application or on any environmental assessment of effects.

When such a report is considered necessary the Council will consult with the applicant on the scope, commissioning, reasons for, and cost of, the report.

## Appendix 3A Schedule of Effects

### 1. Effects Which May Need to be Addressed

In assessing the extent of any effect, account shall be taken of:

- Any positive or adverse effect.
- Any temporary or permanent effect.
- Any past, present or future effect.
- Any cumulative effect which arises over time in combination with other effects, regardless of the scale, intensity, duration or frequency of the effect.

And also includes:

- Any potential effect of high probability.
- Any potential effect of low probability which has a high potential impact.

The application should include a description of the forecasting methods used to assess the effects of the activity on the environment, and where a probability evaluation is necessary, e.g. risk of a major accident, mathematical calculations and supporting evidence should be supplied. Applicants should indicate any difficulties experienced due to technical deficiencies or lack of knowledge. Where an assessment is inadequate, or extremely complex, the Council may require further information or, may commission a report from a consultant at the applicant's expense. In such a case Council will first consult with the applicant about the commissioning, scope and cost of and reasons for, a further report.

Where the application relates to an activity not commonly established in the city, or where the activity may include new, unusual or unique features which may impinge on the environment, particular reference should be made to these in the application.

#### A. Effect on Land, Air Quality, Flora and Fauna

- Effect on any outstanding natural features or landscape.
- Effect on ecosystems including; soil quality, air quality, fauna and flora, (including protected trees).
- Effect on any previous historic places, historic areas, Wahi tapu, Wahi tapu areas and archaeological sites (including those registered by the NZ Historic Places Trust or recorded by the NZ Archaeological Association), and items subject to a heritage order.
- Effect on vegetated area both on-site and off-site (including any wetland or wildlife habitat) and changes to stormwater run-off (quality, quantity, location).

- e) Effect on
  - watercourses and drains
  - ground water and aquifers
  - catchment boundaries.
- f) Effect on the stability of the site and abutting sites.

**B. Effect On Or Experienced By People**

- a) Effect on the amenity values of the area including dominant and special character elements such as spaciousness and design.
- b) Effect on the visual coherence of the streetscape.
- c) Effects of changes to local wind patterns on pedestrians.
- d) Effect on sightlines to volcanic cones.
- e) Effect on significant views identified in [Appendix 8F](#).
- f) Effect on Maori cultural values.

- g) Effect on neighbouring property:
  - effect on privacy
  - reflections/glare
  - shadows
  - overspill floodlighting
  - visual amenity.
- h) Effects of short duration which may arise during construction (noise, dust, diversion works, etc.)
- i) Effect of any noise generated.
- j) Effect of any particulate or gaseous emissions, or of activities which are detrimental to air quality, arising either by design or accident on:
  - public health
  - the quality of the environment.
- k) Effect on public health and safety of any radio-frequency fields or extremely low frequency electric and magnetic fields which may be generated from an activity. Refer to Rule 14.5.1 for the standards used in North Shore City.
- l) Effect on people's accessibility and proximity to recreational, commercial, employment and cultural activities.
- m) Effect on social, economic and cultural well-being, health and safety of the people of North Shore City.
- n) Effect on people with disabilities.
- o) Effect of traffic speed and volumes.

**C. Effects on Infrastructure**

- a) Effects on private drains and public drains including sewers.
- b) Effect on any water/gas/power/telecommunication utilities.
- c) Effect of sun or wind or rain on any materials or chemicals or their containers stored in open yards.
- d) Effect of stormwater produced from a rainstorm having an annual exceedence probability of 2% (1 in 50 years) on the stormwater drainage system (pipes, watercourses and secondary flow paths).
- e) Effect of wastewater generated on sewerage system (capacity, chemical content).
- f) Effect on roads, bridges and road related fixtures.

**D. Effects from Traffic and Parking**

- a) Effects arising from the amount, type and distribution of any traffic generated.
- b) Effect on the local roading system (overspill parking, traffic flow, accidents and safety).
- c) Effect on the location of parking areas on adjoining sites (particularly residential).

### **E. Effects from Major Site Accidents or Natural Hazards**

- a) Effects on:
  - public health
  - infrastructure
  - ecosystems
  - amenity values

### **2. Mitigation Measures Which May Be Appropriate**

Every application which is required to include an assessment of the effects of the proposed activity on the environment shall also include a statement of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help protect the environment from the actual or potential effects.

The measures to be adopted shall include, but not be limited to, the consideration of the following factors as relevant.

#### **A. Land, Air Quality, Flora and Fauna**

- a) Measures to be taken to safeguard any scheduled, protected or native trees on the site, and measures to sustain regenerating vegetation in areas of mature bush.
- b) Measures to be taken to limit disturbance of the earth and trees.
- c) Extent and nature of new planting to replace any vegetation which is to be removed.
- d) Measures proposed to preserve the habitats of insects, birds or other animals within the site and beyond the site.
- e) Measures to limit erosion and sediment discharge and to control any flooding or concentrated stormwater run-off.
- f) Measures taken to improve site stability.
- g) Steps to be taken to protect buildings/places/items of historic, cultural or scientific importance.
- h) Extent and nature of any screening/fencing/landscaping proposed.
- i) Measures proposed to prevent contamination of groundwater aquifers.

#### **B. People**

- a) Measures proposed to remedy any matters affecting persons who have not given their written consent to the proposal.
- b) Extent of consultations held with persons, including Maori, affected by the work and changes made to the work as a result of such consultations.
- c) Access arrangements for Maori in cases where the site is of cultural significance to them.
- d) Steps to be taken to ensure that the external appearance of the proposal will not detract from the amenity values of the neighbourhood.
- e) Building orientation/materials/size/form/fenestration/ingress and egress.
- f) Measures proposed to limit visual intrusion into adjoining residential properties from upper storey windows and other privacy protection measures.
- g) Measures to alleviate noise/radiation/odours/smoke and other air pollutants originating from within the site; and to manage any activities which have a detrimental effect on air quality.
- h) Nature of any new recreational facilities available to the public proposed.

**C. Infrastructure**

- a) Measures to treat or recycle industrial wastewater or wash down water.
- b) Alterations proposed to any on-site utility service.
- c) Steps to be taken to limit entry of silt and bulk materials and liquids into stormwater drainage systems and watercourses.
- d) Measures to protect existing infrastructure.

**D. Traffic and Parking**

- a) Extent of road or intersection upgrading associated with the proposals.
- b) Restrictions on deliveries and waste collection to avoid early morning or late evening disturbances.
- c) Location and screening of parking areas.
- d) Limitations on scale and nature of activity/number of vehicles.

**E. Accident Prevention Measures**

Description and implementation of systems in place and procedures available (e.g. Site management and spill contingency plans).