

Decision Report

Plan Change 2 – Restricted Discretionary Activities

Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

Topic 1: Whole of Plan Change

Decision

That Plan Change 2 – Restricted Discretionary Activities proceed subject to any changes as listed below.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
47	4	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated
67	1	Progressive Enterprises Limited

Reason for Decision

The submitters support the Plan Change.

Topic 2: Matters of Discretion – 4A.2.5 New Rule

Decision

That Rule 4A.5 be amended as follows:

4A.5 Matters of Discretion

4A.5.1 Restricted Discretionary Assessment for carnivals, trade fairs, concerts, parades and other public meetings

Council's discretion is restricted to the following:

- (a) ~~Traffic Management and Safety~~ Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the transportation network
- (b) Carparking
- (c) Noise
- (d) Signs
- (e) Temporary Nature of the Activity
- (f) Number of attendees and staff
- (g) Overall Management of the Event

4A.2.5.2 Restricted Discretionary Assessment for Temporary building for hobby activities

Council's discretion is restricted to the following:

- (a) Visual Amenity
- (b) Temporary Nature of the Building

That any subsequent re-numbering and required edits to Rule 4A.2.4(a) to (g) be made.

The following submission is therefore:

Accepted

Submission	Point Number	Name
37	1	New Zealand Transport Agency

Reason for Decision

Amended Rule 4A.5 enables Council to assess the potential effects of both temporary activities and temporary buildings for hobby activities.

Topic 3: Rule 4B.5.1

Decision

That Rule 4B.5.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
34	1	Trustpower Limited
37	3	New Zealand Transport Agency

Reason for Decision

Submitters supported the Plan Change.

Topic 4: Rule 4B.5.2

Decision

That Rule 4B.5.2 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
34	2	Trustpower Limited
37	4	New Zealand Transport Agency

Reason for Decision

Submitters supported the Plan Change.

Topic 5: Rule 9.6.1

Decision

That the following amendments are made to Rule 9.6 as notified:

9.6 Matters of Discretion

~~9.6.1 — Assessment Criteria and Information Requirements for Restricted Discretionary and Discretionary Activities~~

~~Council's discretion is restricted to the following matters for restricted discretionary activities, and shall be used as a guide for all discretionary activities.~~

~~(a) — Where the hazardous facility is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.~~

~~This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:~~

- ~~(i) Consistency with the objectives, policies and rules for the relevant zone.~~
 - ~~(ii) The activity status of the hazardous facility had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".~~
 - ~~(iii) Risk to people and the environment.~~
- ~~(b) A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:~~
- ~~(i) Identification of potential hazards, failure modes and exposure pathways;~~
 - ~~(ii) The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas including that resulting from the transportation of *Hazardous Substances*;~~
 - ~~(iii) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;~~
 - ~~(iv) The nature of the sub-soil and the site geology;~~
 - ~~(v) The distance to environmentally sensitive areas such as wildlife habitats or water catchments;~~
 - ~~(vi) Assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or loss of control;~~
 - ~~(vii) Identification of cumulative and/or synergistic effects;~~
 - ~~(viii) Fire safety and fire water management – Comment from the New Zealand Fire Service should be provided;~~
 - ~~(ix) Adherence to health and safety and/or environmental management systems.~~
 - ~~(x) Spill contingency and emergency planning, monitoring and maintenance schedules.~~
 - ~~(xi) Site drainage and off-site infrastructure, e.g. stormwater drainage system, sewer type and capacity.~~
 - ~~(xii) The disposal of waters containing *Hazardous Substances*.~~

(a) The site is designed to ensure the containment of all hazardous substances from within the site in the event of either an intentional or unintentional spill or release. The site shall be designed to prevent the discharge of any hazardous substance into the surrounding water bodies (including groundwater), stormwater and sewerage systems.

(b) Correct labelling and onsite signage

(c) Risk mitigation and management

Consideration will be given to compliance with existing approved codes of practice for storing and use of *Hazardous Substances*, specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing *Hazardous Substances*, fire safety, monitoring and maintenance procedures, ~~and~~ appropriate site management systems, traffic safety considerations specific to the transportation of hazardous substances, and ~~Appropriate separation distances from shall be sufficient to ensure the protection of any neighbouring facilities or activities~~ for the purpose of protecting health and safety.

(d) Alternatives

Where it is likely that an activity may result in significant adverse effects on people or the environment, consideration will be given to alternative locations or methods for undertaking the activity.

(e) For Discretionary Activities – Traffic Effects

Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the transportation network

Traffic safety

~~It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the operation of the adjoining road network~~

The following submissions are therefore:

Accepted

Submission	Point Number	Name
34	11	Trustpower Limited
37	5	New Zealand Transport Agency

Rejected

Submission	Point Number	Name
FS74	3	New Zealand Transport Agency

Reason for Decision

The rewording of the matters of discretion, through the removal of information requirements, will improve clarity in the Plan and be more consistent with balance of the District Plan's structure.

Topic 6: New Information Requirements 9.7

Decision

That Rule 9.7 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	6	New Zealand Transport Agency

Reason for Decision

Submitters supported the Plan Change

Topic 7: Rule 12.3.5

Decision

That Rule 12.3.5 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	7	New Zealand Transport Agency
34	3	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change

Topic 8: Rule 13.6.1

Decision

That Rule 13.6.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	8	New Zealand Transport Agency
34	4	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change

Topic 9: Rule 14.5.1

Decision

That Rule 14.5.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	9	New Zealand Transport Agency
34	5	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change

Topic 10: Rule 15.6.1

Decision

That Rule 15.6.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	10	New Zealand Transport Agency
34	6	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change.

Topic 11: Rule 16A.6.1

Decision

That Rule 16A.6.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	12	New Zealand Transport Agency
34	8	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change

Topic 12: Rule 16.5.1

Decision

That Rule 16.5.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	11	New Zealand Transport Agency
34	7	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change

Topic 13: Rule 17.7.1

Decision

That Rule 17.7.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	13	New Zealand Transport Agency
34	9	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change.

Topic 14: Rule 18.6.1

Decision

That Rule 18.6.1 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
37	14	New Zealand Transport Agency
34	10	Trustpower Limited

Reason for Decision

Submitters supported the Plan Change.

Topic 15: Miscellaneous – Rule 9.4 Quantity Thresholds

Decision

That submission point 45.6 by Federated Farmers of New Zealand is dismissed.

The following submission is therefore:

Rejected

Submission	Point Number	Name
45	6	Federated Farmers of New Zealand

Reason for Decision

This matter was not considered by the Committee as it dealt with issues deemed to be out of scope of Plan Change 2 as notified.

Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That a new Rule 4A.5 be added as follows:

4A.5 **Matters of Discretion**

4A.5.1 **Restricted Discretionary Assessment for carnivals, trade fairs, concerts, parades and other public meetings**

Council's discretion is restricted to the following:

- (a) Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the transportation network
- (b) Carparking
- (c) Noise
- (d) Signs
- (e) Temporary Nature of the Activity
- (f) Number of attendees and staff
- (g) Overall Management of the Event

4A.5.2 **Restricted Discretionary Assessment for Temporary building for hobby activities**

Council's discretion is restricted to the following:

- (a) Visual Amenity
- (b) Temporary Nature of the Building

That Rule 4B.5.1 is amended to read as follows:

4B.5.1 Non-Compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads

~~*Council's discretion is restricted to the actual or potential adverse effects relating to the extent and nature of the particular non-compliance.*~~

"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- (a) Works to improve sight distances and other safety enhancements;
- (b) Closure of an existing entrance;

- (c) ~~The ability to relocate the entrance~~ Relocation of an existing entrance to a complying or less non-complying location;
- ~~(d) Erection of roadside signage;~~
- ~~(e) Establishment of public transport stops;~~
- ~~(f) Establishment of cycle stands;~~
- (g) The recommendations and findings of any *Integrated Transportation Assessment* (where relevant);
- (h) The upgrade of existing roads and accesses necessary to serve the activity (see Section 12.4.4).

That Rule 4B.5.2 is amended to read as follows:

4B.5.2 Non-Compliance with Rules 4B.4.4 – 4B.4.7 and Rules 4B.4.9 – 12 inclusive

~~Council's discretion is restricted to the actual or potential adverse effects relating to the extent and nature of the particular non-compliance.~~ "Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- (a) The degree of non-compliance with the specific rule;
- (b) The mitigation of actual or potential adverse effects of the non-compliance on, or beyond the boundary of, the site;
- (c) The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).

That Rule 9.6.1 be amended as follows;

9.6 Matters of Discretion

~~9.6.1 Assessment Criteria and Information Requirements for Restricted Discretionary and Discretionary Activities~~

Council's discretion is restricted to the following matters for restricted discretionary activities, and shall be used as a guide for all discretionary activities.

- ~~(a) Where the hazardous facility is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.~~

~~This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:~~

- ~~(i) Consistency with the objectives, policies and rules for the relevant zone.~~

- ~~(ii) The activity status of the hazardous facility had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".~~
- ~~(iii) Risk to people and the environment.~~
- ~~(b) A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:~~
 - ~~(i) Identification of potential hazards, failure modes and exposure pathways;~~
 - ~~(ii) The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas including that resulting from the transportation of *Hazardous Substances*;~~
 - ~~(iii) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;~~
 - ~~(iv) The nature of the sub-soil and the site geology;~~
 - ~~(v) The distance to environmentally sensitive areas such as wildlife habitats or water catchments;~~
 - ~~(vi) Assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or loss of control;~~
 - ~~(vii) Identification of cumulative and/or synergistic effects;~~
 - ~~(viii) Fire safety and fire water management – Comment from the New Zealand Fire Service should be provided;~~
 - ~~(ix) Adherence to health and safety and/or environmental management systems.~~
 - ~~(x) Spill contingency and emergency planning, monitoring and maintenance schedules.~~
 - ~~(xi) Site drainage and off-site infrastructure, e.g. stormwater drainage system, sewer type and capacity.~~
 - ~~(xii) The disposal of waters containing *Hazardous Substances*.~~
- (a) The site is designed to ensure the containment of all hazardous substances from within the site in the event of either an intentional or unintentional spill or release. The site shall be designed to prevent the discharge of any hazardous substance into the surrounding water bodies (including groundwater), stormwater and sewerage systems.
- (b) Correct labelling and onsite signage.

~~(a)(c)~~ Risk mitigation and management

Consideration will be given to compliance with existing approved codes of practice for storing and use of Hazardous Substances, specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing *Hazardous Substances*, fire safety, monitoring and maintenance procedures, ~~and~~ appropriate site management systems, traffic safety considerations specific to the transportation of hazardous substances, and separation distances from any neighbouring facilities or activities for the purpose of protecting health and safety.

~~(b)(d)~~ Alternatives

Where it is likely that an activity may result in significant adverse effects on people or the environment, consideration will be given to alternative locations or methods for undertaking the activity.

~~(e) (e)~~ ~~Traffic safety~~

~~It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the operation of the adjoining road network~~

For Discretionary Activities – Traffic Effects

Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the transportation network

That a new Rule 9.7 be included to read as follows

9.7 Information Requirements

~~(a) Where the hazardous facility is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.~~

~~This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:~~

~~(i) Consistency with the objectives, policies and rules for the relevant zone.~~

~~(ii) The activity status of the hazardous facility had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".~~

~~(iii) Risk to people and the environment.~~

- (b) A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:
- (i) Identification of potential hazards, failure modes and exposure pathways;
 - (ii) The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas including that resulting from the transportation of *Hazardous Substances*;
 - (iii) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;
 - (iv) The nature of the sub-soil and the site geology;
 - (v) The distance to environmentally sensitive areas such as wildlife habitats or water catchments;
 - (vi) Assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or loss of control;
 - (vii) Identification of cumulative and/or synergistic effects;
 - (viii) Fire safety and fire water management – Comment from the New Zealand Fire Service should be provided;
 - (ix) Adherence to health and safety and/or environmental management systems.
 - (x) Spill contingency and emergency planning, monitoring and maintenance schedules.
 - (xi) Site drainage and off-site infrastructure, e.g. stormwater drainage system, sewer type and capacity.
 - (xii) The disposal of waters containing *Hazardous Substances*.

That Rule 12.3.5 be amended as follows:

12.3.5 Matters of Discretion

With respect to any controlled activity which rendered restricted discretionary by virtue of non-compliance with an activity performance standard, "Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance". ~~Council's discretion (including the imposition of conditions) is restricted to any actual or potential adverse environmental effects created by the particular matter of non-compliance.~~

That Rule 13.6.1 shall be amended as follows:

13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

~~"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".~~

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or relevant structure plan and staging plan~~

That Rule 14.5.1 shall be amended to read as follows:

14.5.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

~~"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".~~

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standards and any relevant objectives and policies.~~

That Rule 15.6.1 shall be amended to read as follows:

15.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

~~"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".~~

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standards and any relevant objectives and policies.~~

That Rule 16.5.1 shall be amended to read as follows:

16.5.1 Restricted Discretionary Activities – General

With respect to a restricted discretionary activity or any permitted or controlled activity which fails to comply with any activity performance standard listed in 16.4, ~~Councils discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.~~ ~~"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".~~

That Rule 16A.6.1 shall be amended to read as follows:

16A.6.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

~~16A.6.1.1 "Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"~~

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies~~

That Rule 17.7.1 shall be amended to read as follows:

17.7.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

(a) ~~Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance" Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies~~

(b) Council will also ~~consider any~~ restrict its discretion to the overall community benefit resulting from a development proposal that is aligned with the design outcomes in adopted town centre plans.

That Rule 18.6.1 shall be amended to read as follows:

18.6.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

~~"Councils discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance" Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or any relevant structure plan and staging plan.~~

That any minor edits and renumbering be made to the District Plan as required as a result of the above amendments.

Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That a new Rule 4A.2.5 be added as follows:

4A.2.5 Matters of Discretion

4A.2.5.1 Restricted Discretionary Assessment for carnivals, trade fairs, concerts, parades and other public meetings

Council's discretion is restricted to the following:

(a) Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the transportation network

(b) Carparking

(c) Noise

(d) Signs

(e) Temporary Nature of the Activity

(f) Number of attendees and staff

(g) Overall Management of the Event

4A.2.5.2 Restricted Discretionary Assessment for Temporary building for hobby activities

Council's discretion is restricted to the following:

(a) Visual Amenity

(b) Temporary Nature of the Building

That Rule 4B.5.1 is amended to read as follows:

4B.5.1 Non-Compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads

~~Council's discretion is restricted to the actual or potential adverse effects relating to the extent and nature of the particular non-compliance.~~

"Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- (a) Works to improve sight distances and other safety enhancements;
- (b) Closure of an existing entrance;
- (c) The ability to relocate the entrance ~~Relocation of an existing entrance~~ to a complying or less non-complying location;
- ~~(d) Erection of roadside signage;~~
- ~~(e) Establishment of public transport stops;~~
- ~~(f) Establishment of cycle stands;~~
- ~~(g)~~ (d) The recommendations and findings of any *Integrated Transportation Assessment* (where relevant);
- ~~(h)~~(e) The upgrade of existing roads and accesses necessary to serve the activity (see Section 12.4.4).

That Rule 4B.5.2 is amended to read as follows:

4B.5.2 Non-Compliance with Rules 4B.4.4 – 4B.4.7 and Rules 4B.4.9 – 12 inclusive

~~Council's discretion is restricted to the actual or potential adverse effects relating to the extent and nature of the particular non-compliance.~~ "Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- (a) The degree of non-compliance with the specific rule;
- (b) The mitigation of actual or potential adverse effects of the non-compliance on, or beyond the boundary of, the site;

- (c) The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).

That Rule 9.6.1 be amended as follows;

9.6 Matters of Discretion

~~9.6.1 Assessment Criteria and Information Requirements for Restricted Discretionary and Discretionary Activities~~

~~Council's discretion is restricted to the following matters for Restricted Discretionary Activities, and shall be used as a guide for all Discretionary Activities.~~

- ~~(a) Where the *hazardous facility* is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.~~

~~This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:~~

- ~~(i) Consistency with the objectives, policies and rules for the relevant zone.~~
- ~~(ii) The activity status of the *hazardous facility* had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".~~
- ~~(iii) Risk to people and the environment.~~

- ~~(b) A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed *development*. This assessment should include but not be limited to the following:~~

- ~~(i) Identification of potential hazards, failure modes and exposure pathways;~~
- ~~(ii) The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, *rest homes*, hospitals, shopping centres and residential areas including that resulting from the transportation of *Hazardous Substances*;~~
- ~~(iii) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;~~
- ~~(iv) The nature of the sub-soil and the site geology;~~
- ~~(v) The distance to environmentally sensitive areas such as wildlife habitats or water catchments;~~

- ~~(vi) Assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;~~
- ~~(vii) Identification of cumulative and/or synergistic effects;~~
- ~~(viii) Fire safety and fire water management – Comment from the New Zealand Fire Service should be provided;~~
- ~~(ix) Adherence to health and safety and/or environmental management systems.~~
- ~~(x) Spill contingency and emergency planning, monitoring and maintenance schedules.~~
- ~~(xi) Site drainage and off-site *infrastructure*, e.g. stormwater drainage system, sewer type and capacity.~~
- ~~(xii) The disposal of waters containing *Hazardous Substances*.~~

~~(a) The site is designed to ensure the containment of all *hazardous substances* from within the site in the event of either an intentional or unintentional spill or release. The site shall be designed to prevent the discharge of any *hazardous substance* into the surrounding water bodies (including groundwater), stormwater and sewerage systems.~~

~~(b) Correct labelling and on-site signage.~~

~~(a) (c) Risk mitigation and management~~

~~Consideration will be given to compliance with existing approved codes of practice for storing and use of *Hazardous Substances*, specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing *Hazardous Substances*, fire safety, monitoring and maintenance procedures, **and** appropriate site management systems, traffic safety considerations specific to the transportation of *hazardous substances*, and separation distances from any neighbouring facilities or activities for the purpose of protecting health and safety.~~

~~(b) (d) Alternatives~~

~~Where it is likely that an activity may result in significant adverse effects on people or the environment, consideration will be given to alternative locations or methods for undertaking the activity.~~

~~(e) Traffic safety~~

~~It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the operation of the adjoining road network~~

~~For Discretionary Activities – Traffic Effects~~

~~Traffic Effects, including the use of traffic management, to provide for the safe and efficient operation of the *transportation network*.~~

That a new Rule 9.7 be included to read as follows

9.7 Information Requirements

(a) Where the *hazardous facility* is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.

This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:

(i) Consistency with the objectives, policies and rules for the relevant zone.

(ii) The activity status of the *hazardous facility* had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".

(iii) Risk to people and the environment.

(b) A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:

(i) Identification of potential hazards, failure modes and exposure pathways;

(ii) The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, *rest homes*, hospitals, shopping centres and residential areas including that resulting from the transportation of *Hazardous Substances*;

(iii) The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;

(iv) The nature of the sub-soil and the site geology;

(v) The distance to environmentally sensitive areas such as wildlife habitats or water catchments;

(vi) Assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;

(vii) Identification of cumulative and/or synergistic effects;

(viii) Fire safety and fire water management – Comment from the New Zealand Fire Service should be provided;

(ix) Adherence to health and safety and/or environmental management systems.

- (x) Spill contingency and emergency planning, monitoring and maintenance schedules.
- (xi) Site drainage and off-site *infrastructure*, e.g. stormwater drainage system, sewer type and capacity.
- (xii) The disposal of waters containing *Hazardous Substances*.

That Rule 12.3.5 be amended as follows:

12.3.5 Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, "Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance". ~~Council's discretion (including the imposition of conditions) is restricted to any actual or potential adverse environmental effects created by the particular matter of non-compliance.~~

That Rule 13.6.1 shall be amended as follows:

13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

"Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance"

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or relevant structure plan and staging plan.~~

That Rule 15.5.1 shall be amended to read as follows:

15.5.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

"Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standards and any relevant objectives and policies.~~

That Rule 16.6.1 shall be amended to read as follows:

16.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

"Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standards and any relevant objectives and policies.~~

That Rule 18.5.1 shall be amended to read as follows:

18.5.1 Restricted Discretionary Activities – General

With respect to a restricted discretionary activity or any permitted or controlled activity which fails to comply with any activity performance standard listed in 18.4, ~~Council's discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.~~ "Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance".

That Rule 17.6.1 shall be amended to read as follows:

17.6.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

17.6.1.1 ~~"Council's discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies"~~ "Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance" ~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies~~

That Rule 19.7.1 shall be amended to read as follows:

19.7.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

(a) Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance" ~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.~~

(b) Council will also restrict its discretion to the overall community benefit resulting from a development proposal that is aligned with the design outcomes in adopted town centre plans.

That Rule 21.6.1 shall be amended to read as follows:

21.6.1 Restricted Discretionary Activities – Non-compliance with Activity Performance Standards

"Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance" ~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or any relevant structure plan and staging plan.~~

That any minor edits and renumbering be made to the District Plan as required as a result of the above amendments.