Relationship between Spatial Layers

General and Subdivision

HPW-R1 Applications on Sites with Multiple Zones, Overlays or Precincts or on Parts of Sites

1. Where a proposal will take place:

    a. In two or more zones; or

    b. Where two or more overlays apply to it; or

    c. On a *site* which is partially affected by an overlay or a precinct;

    then the proposal must comply with the overlay, zone and precinct rules applying to the particular part of the *site* in which the relevant part of the proposal is located.

2. When considering a proposal all relevant district-wide, overlay, zone and precinct provisions shall apply. When conflict exists between district-wide, overlay, zone and precinct provisions, the most restrictive provision shall apply, except as provided for in HPW-R1.3.

3. Where a proposal will take place in a precinct and a conflict exists between the precinct provisions and a district-wide or zone provision, then the provision (including any rule standards and activity status) in the precinct shall override the provision in the zone or district-wide matter chapters, whether that precinct provision is more or less restrictive. Precinct provisions do not override overlay provisions, unless it is stated otherwise in the rules.

HPW-R2 Applications for More than One Activity

Where:

1. A proposal:

    a. Consists of more than one activity specified in the Plan; and

    b. Involves more than one type of resource consent or requires more than one resource consent; and

    c. The effects of the activities overlap;

    the activities may be considered together.

2. Different activities within a proposal are subject to different parts of the Plan, each activity will be assessed in terms of the objectives, policies and rules which are relevant to that activity.

3. Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

HPW-R3 Rules to be Read in Conjunction with Headings and Tables

1. Each rule must be read, interpreted and applied in conjunction with the relevant heading, rule title and sub-heading under which is listed, and any associated table under those headings.

2. Each proposal must be assessed against all relevant rules and the associated headings(s) and tables(s).

HPW-R4 Numerical Limits

1. Where any rule specifies a numerical limit using the words “up to” or “greater than”, those words must be read to mean:

    a. The words “up to” in relation to a number include that number; and

    b. The words “greater than” in relation to a number do not include that number.

HPW-R5 Fractional Amounts

1. Where the calculation of any number, area or volume required by a rule results in a fractional amount:

    a. Any fraction that is less than one-half will be disregarded and the amount of the number, area or volume will be rounded down; and

    b. Any fraction of one-half or more will be counted as one and the amount of the number, area or volume will be rounded up.

2. If there are different activities within a single proposal and more than one activity requires, for the same purpose, the calculation of a number, area or volume, then all such activities must be taken together prior to any calculation and rounding.

HPW-R6 Zoning of Roads, Railways and Rivers

1. All public roads (including state highways), railways and *rivers* are zoned, although they are generally not coloured on the planning maps to avoid confusion.

2. *Road*s, railways and *rivers* are zoned the same as the zoning of adjoining *site*s. Where a different zone applies on either side of the *road*, railway or *river* then the zoning will apply to the centreline of the *road*, railway or river.

3. Where a specific zoning that is not coloured white on the planning maps within a railway then that zoning applies.

HPW-R7 Application of Activity Definitions

1. Where an activity could be captured by more than one definition grouping classification, the most specifically defined activity and most specific rule shall over-ride the more general definition and rule.

HPW-R8 Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):

    a. The potential for *reverse sensitivity* effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.

    b. The nature and location of the activity, the type and frequency of use and hours of operation.

    c. Effects on *amenity values*, existing residences, visual amenity, outlook and privacy, availability of daylight, and shading.

    d. Effects of *dust*, odour and other nuisance.

    e. Effects on natural character, landscape and historic heritage values, skylines and ridges, land stability and the natural functioning of ecosystems.

    f. Visibility from the *road*, *road frontage* domination, location of *buildings*, scale and bulk in relation to the *site*, built characteristic of the locality, colour and design of *buildings*, *major structure*s and *landscaping*.

    g. The cumulative effects of signs and the orientation, strength, intensity, colour and frequency of flashing of signs.

    h. The effects of land use and subdivision on the relationship of tangata whenua with their ancestral lands, sites, water, wāhi tapu and other taonga.

    i. The number, need, availability, location, design and suitability of parking spaces, on-site manoeuvring, queuing spaces, loading areas and *accessway*s.

    j. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.

    k. The convenience and safety of disabled persons and consideration of alternative provision for disabled persons access to the *site*.

    l. The design, standard, lengths, distance between, number and construction of and alternative location of vehicle crossings, and *accessway*s.

m. Effects on the amenity of the locality, increase in exposure to noise, *dust* and stormwater runoff as a result of parking, *accessway*s or *road* design.

n. The need for forming or upgrading *road*s, level crossings and other traffic control measures in the vicinity due to increased traffic from the proposed land use or subdivision.

o. The need for footpaths/cycleways and kerb and channel on *road*s, arising from a subdivision or land use.

p. The necessity for street lights and the spacing and height of the lights.

q. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.

r. The water system's ability to ensure an adequate supply of potable water and the ability to meet firefighting requirements, to accommodate anticipated flows, and withstand pressures and loads.

s. The stormwater system's ability to protect property and the environment from the adverse effects of surface water and its ability to accommodate the anticipated flows and withstand the anticipated loads.

t. The capacity, availability and accessibility of any Council wastewater system to serve the proposed subdivision and the proposed system's ability to treat sewage and the ability to accommodate anticipated flows and withstand the anticipated loads.

u. The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on waterbodies including *indigenous wetlands*.

v. The potential for *reverse sensitivity* effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.

w. The effects of and *functional need* of places of assembly and *emergency services* to locate within the Rural Production Zone.

x. The impact on the transport network, taking into account the two-tier transport network hierarchy.

HPW-R9 Additional Matters Over Which Control Has Been Reserved or Discretion Restricted

1. The following matters shall apply in addition to any matters of control or matters to which discretion is restricted in the Subdivision Chapter:

    a. *Financial contributions* in the form of money or land, or a combination of these

b. Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed.

c. Works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including (but not limited to) the creation, extension or upgrading of services and systems, planting or replanting, the protection of Significant Ecological Areas or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.

d. Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.

e. The duration of a resource consent, under Section 123 of the Resource Management Act 1991.

f. Lapsing of a resource consent, under Section 125 of the Resource Management Act 1991.

g. Change and cancellation of a consent, under Sections 126 and 127 of the Resource Management Act 1991.

h. Notice that some, or all conditions, may be reviewed at some time in the future, under Section 128 of the Resource Management Act 1991.

i. Whether any subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under Section 134 of the Resource Management Act 1991.

j. The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: esplanade reserves and strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements.

k. Consent notices to secure compliance with continuing conditions, under Section 221 of the Resource Management Act 1991.

l. The design, size, shape, gradient and location of any *site*.

m. The location of vehicle crossings, *accessway*s or rights-of-way and proposed *site* boundaries so as to avoid ribbon development.

n. Location of existing *buildings*, *accessway*s and manoeuvring, and private open space.

o. The location of proposed *site* boundaries and *building areas* so as to avoid potential conflicts between incompatible land use activities, including *reverse sensitivity* effects.

p. The location of proposed *site* boundaries, *building areas* and *accessway*s or rights-of-way so as to avoid sites of historic heritage including Sites of Significance to Māori.

q. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.

r. In the Future Urban Zone, the protection of land within the proposed *site*s to allow access and linkages to adjacent *site*s for future infrastructure.

s. The provision of reserves, including esplanade reserves and strips.

t. Avoidance or mitigation of natural or man-made hazards.

u. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs.

v. Those matters described in sections 108 and 220 of the Resource Management Act 1991.

w. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.

x. The potential for *reverse sensitivity* effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.

y. The impact on the transport network, taking into account the two-tier transport network hierarchy.

HPW-R10 Cross Leases, Company Leases and Unit Titles

1. Any subdivision of land by way of cross lease, company lease or unit title shall comply with the relevant zone provisions. In all staged cross-lease subdivisions, provision shall be made for servicing the *building* or *buildings*, subject to the cross-lease application and all possible future *buildings* on the *site*.

HPW-R11 Limited Access Roads

1. Approval will be required from either the Council or the New Zealand Transport Agency, for a subdivision or new land uses proposing access to any *road*, including a state highway declared as a limited access *road* pursuant to the provisions of the Local Government Act 1974 or the Government Roading Powers Act 1989. An indication in writing, of any restrictions or conditions, from either the Council or the New Zealand Transport Agency, as relevant, should be obtained before an application for subdivision or land use consent is lodged with the Council.