

Resource Consent Application Form

Section 88 of the Resource Management Act 1991 (RMA). This form provides us with your contact information and details about your proposal. Please print clearly and complete all sections.

Note to Applicant:

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

To: Name of Council that is the consent authority for this application: [Select a Council](#)

Type of resource consent being applied for:

- Land use
 Subdivision
 Combined land use and subdivision

Activity Status

- Controlled
 Restricted Discretionary
 Discretionary
 Non-complying
 I don't know

Fast Track Resource Consent

The Resource Management Act 1991 provides for land use activities that have a controlled activity status to be fast tracked through the resource consent process and processed within 10 working days of the application being lodged with Council. Your consent may be fast tracked if you tick 'yes' to the first two questions below.

1. Is this application for a controlled activity (land use consent only)? Yes No
2. Have you provided an electronic address for this service? Yes No

If you wish to opt out of the fast track process, tick here:

Applicant Name

Please provide the full name of the persons, company, society or trust applying for this resource consent. If the applicant is a trust, please provide the full name/s of all trustees of that trust.

Name:

Kiwifruit Investments Limited c/o Simone Williams (Agent)



Applicant Contact Details

Postal Address:

Post code:

Email:

Phone:

Mobile:

Agent Contact Details

If you have an agent or other person acting on your behalf, please complete the details below.

Agent:

Contact:

Postal Address:

Post code:

Email:

Phone:

Mobile:

Location of Proposal

Please complete with as much detail as you can, so the site for your proposal is clearly identifiable. Include details such as unit number, street number, street name and town.

Property address:

Legal description:

V1 | 01/04/20

Owner/Occupier of Site

Landowner's full name, phone number and address:

OR

 Same as applicant details

Occupiers full name, phone number and address:

OR

 Same as applicant details**Description of Proposal**

Please provide a brief description of the proposal and the reasons why resource consent is required ie which rules in the district plan are infringed. If the space provided is insufficient, please attach additional pages.

Other Consents

Please let us know of any other consents that you have applied for or know that you need to apply for related to this application. This includes any resource consents that may be required from a regional council under a regional plan.

Other resource consents

Resource consent no. (if known)

Building consent

Building consent no. (if known)

Regional plan consent

Type of regional consent:

*e.g. water discharge permit,
water intake permit*

National Environmental Standards (NES)*

Please let us know if you require consent under a National Environmental Standard. National Environmental Standards are regulatory documents that contain standards pertaining to certain matters eg management of contaminated land, telecommunications.

Is consent required under a NES?

Yes

No

I don't know

Tick the following applicable NES:

NES for Air Quality

NES for Drinking Water

NES for Telecommunication Services

NES for Electricity Transmission Services

NES for Assessing and Managing Contaminants in Soil to Protect Human Health

NES for Plantation Forestry

Other

* For further information about National Environmental Standards, their requirements and forms please refer to any other sheets provided with these application forms.

Assessment of Proposal

Please attach an assessment of your proposal's effects on the environment, an assessment against the relevant matters of Part 2 of the RMA and any relevant provisions of NES, regulations, national policy statement, regional policy statement, regional plan and district plan.

Please see attached AEE and appendices

Pre-application Information

We recommend that you have a pre-application discussion about your proposal with a Council planner.

Have you had a pre-application meeting with a Council planner? Yes No

Have you had any other conversations with any other Council staff? Yes No

Date of meeting:

Please provide the names of Council staff you have spoken with:

Tony Quickfall, Quentin Budd and Marne Lomas

If notes of the meeting or other conversations were provided to you, please attach copies.

Have you attached any minutes/notes from the meeting? Yes No

Notification

The Resource Management Act 1991 allows applications to be notified for public submissions on request of the applicant.

Are you requesting that your application be publicly notified? Yes No

If you selected 'yes' to the above question, please attach a short summary outlining the details of your application.

Have you attached a summary? Yes No

Site Visit Requirements

As landowner and with the consent of any occupiers or lessee, I am aware that Council staff or authorised consultants may visit the site which is the subject of this application, for the purposes of assessing this application, and agree to a site visit.

OR

If the applicant is not the owner, I understand that Council staff or authorised consultants may visit the site, which is the subject of this application, for the purposes of assessing this application, and agree to a site visit.

Is there a locked gate or security system restricting access by Council staff? Yes No

Are there any dogs on the property? Yes No

Are there any hazards that may place a visitor at risk? Yes No

Provide details of any entry restrictions that Council staff should be aware of e.g. health and safety, organic farm etc.

No hazards - but please contact agent prior to site visit

Draft Conditions

When a consent is granted, Council can include conditions to manage any adverse effects.

Do you wish to see draft conditions prior to Council making a decision on the application? Yes No

By ticking this box, I understand that the opportunity to review the draft conditions is an act of good faith by the Council intended to assist with identifying errors before consent is granted. I further understand that Council has the right to continue processing the application if too much time is taken in the review of draft conditions. By requesting draft conditions I agree to an extension of time under section 37 of the RMA.

Signature of the applicant(s)

Please read the information below before signing the application form.

Payment of fees and charges

You must pay the charges payable to Council for this application under the RMA. Please refer to Council's Fees and Charges on its website.

By submitting this application to Council, you agree to pay the charges set out in Council's Fees and Charges relevant to the application.

Privacy information

Council requires the information you have provided on this form to process your application under the RMA. Council will hold and store the information on a public register. The details may also be made available to the public on the Council's website. If you would like to request access to, or correction of any details, please contact the Council.

Information checklist

The information checklist provided with this form sets out the full set of information that Council requires for your application to be considered complete. Your application may be returned as incomplete if you do not provide adequate information. Your completed application should be submitted to Council with any supplementary forms and/or guidance as provided by Council.

Correspondence and Invoices

Please let us know where to send any correspondence and invoices. Where possible any correspondence will be sent by email.

All correspondence excluding invoices sent to: Applicant or Agent

All invoices sent to: Applicant or Agent

Confirmation by the applicant

I/we confirm that I/we have read and understood the information and will comply with our obligations as set out above. A signature is not required if you submit this form electronically.

Applicant name: Signature: Date:

Applicant name: Signature: Date:

Applicant name: Signature: Date:

Confirmation by the agent authorised to sign on behalf of the applicant

As authorised agent for the applicant, I confirm that I have read and understood the above information and confirm that I have fully informed the applicant of their obligations in connection with this application, including for fees and other charges, and that I have the applicant's authority to sign this application on their behalf. (A signature is not required if you submit this form electronically.)

Agent's full name: Signature: Date:

Information Checklist for Resource Consent Application

All applications must include the following information:

- A description of the activity
- A description of the site where the activity will occur
- The full name and address of each owner or occupier of the site

- A description of any other activities that are part of the proposal to which this application relates
- A description of any other resource consent required for the proposal to which the application relates
- An assessment of the proposed activity's effects on the environment
- An assessment of the activity against Part 2 of the Resource Management Act 1991. This will need to address section 5 'Purpose', section 6 'Matters of national importance', section 7 'Other matters' and section 8 'Treaty of Waitangi'
- An assessment of the activity against any relevant objectives, policies or rules in the district plan
- An assessment of the activity against any relevant requirements, condition or permissions in any rules in a document listed in section 104(1)(b) of the RMA
- Record of title(s) for the subject site
- This must be less than 3 months old. Please attach the title(s) and any consent notices, covenants, easements attached to the title(s)
- Site plan or scheme plan
- Please provide at an appropriate scale (for example 1:100) showing the location of the building or activity in relation to all site boundaries. The site plan should include the following where relevant:
- North point
 - Title or Reference No.
 - Scale
 - Date the plans were drawn
 - Topographical information
 - Natural features, including protected trees, indigenous vegetation, water courses
 - Archaeological and/or cultural/heritage sites
 - Record of Title boundaries/location of fence positions relative to boundaries
 - Accessways and road frontages, including proposed crossing places/right of ways
 - Onsite manoeuvring and existing and proposed car parking spaces
 - Legal and physical roads
 - Existing buildings
 - Existing wells and/or effluent disposal systems
 - Buildings on adjacent sites
 - Layout and location of proposed buildings and activities in relation to legal site boundaries
 - Earthworks design and contours/areas of excavation
 - Landscaping
 - Site coverage calculation
 - Details of any signage (sign design, dimensions and location on buildings)
 - Areas subject to hazards e.g. unstable slopes, areas of flooding, peat soils or fill
 - Areas of potential or confirmed contamination
- Elevation plans
- Please provide at an appropriate scale (for example 1:50, 1:100 or 1:200) and show all structures to be constructed or altered, showing the relationship and appearance of proposed buildings.
- Floor plans of proposed building or buildings to be used for the activity
- Please clearly show the use of each area/buildings
- Engineering design plans for any water, wastewater and stormwater works
- (Only concept engineering plans are required at this stage.)
- An assessment of the activity against any relevant provisions of a:
- National Environmental Standard
 - National Policy Statement
 - Regional Policy Statement
 - Regional Plan

- A description of any part of the activity that is permitted under the district plan
- If a permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates it complies with the relevant requirements and conditions for that permitted activity (so that resource consent not required for that activity).
- An assessment of effects (AEE) of the activity

An AEE is an essential part of your application. If an AEE is not provided Council is unlikely to accept your application. The AEE should discuss all the actual and potential effects of your proposed activity on the environment. Schedule 4 of the RMA outlines all of the matters that must be addressed in your AEE. The amount of detail provided must reflect the scale and significance of the effects that the activity may have on the environment. For example, if there are major effects arising from the proposal, a detailed analysis and discussion of these effects must be included in the AEE. It may require the provision of information from specific experts (eg a traffic engineer). If the effects of the proposal are minor, then a less detailed AEE can be submitted. *(The Council has information available to assist you to prepare the AEE – please contact us if you have any questions.)*

All applications for subdivision consent must also include the following information:

- The position of all new boundaries
- A north arrow and the scale (1:2000)
- All proposed and existing easements (including private easements)
- Any amalgamations
- Stages (if proposed)
- Dimensions and sizes of existing and proposed new lots
- Legal and physical roads, accessways and rights of way including grades (if applicable)
- All existing buildings and structures, their distance to existing and proposed boundaries and the position of any eaves in relation to rights of way/accessways
- The areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan
- The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips
- The locations and areas of any existing esplanade reserves, esplanade strips, and access strips
- The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A
- The locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A)
- The locations and areas of land to be set aside as new roads

Other useful information

The following examples of information are not compulsory, but they will be useful in helping Council make an informed decision about your application. Submitting this information *if it is relevant to your proposal* may save time and costs further down the track.

- Locality plan or aerial photo

Please provide at an appropriate scale (for example 1:500). Please indicate the location of the site in relation to roads and other landmarks. Show the street number of the subject site and those of adjoining sites.
- Volume of any earthworks

This must include area and volume of soil removed/imported and depth of cut/fill

- Details of Hazardous Activities and Industries (HAIL) List activity
If you are unsure whether your site is on the HAIL list please contact Council for assistance
- Any written approvals including details of those sought but not obtained
Please include any signed written approval forms and signed plans if acquired.
- Specialist reports to support your application
This may include traffic impact studies, landscape and planting plans, acoustic design certificates etc.
- Details and outcome of any consultation undertaken with adjacent land owners and occupiers, and relevant bodies. For example, the Regional Council, Heritage New Zealand Pouhere Taonga, Transpower, KiwiRail, NZTA, Department of Conservation etc.
- Details of any consultation undertaken with iwi
If you are unsure whether your proposal may affect matters of interest to iwi, or who the relevant iwi groups might be, please discuss this with Council prior to lodging your application
- Any other information arising from specific district plan provisions

Other information to include in an application for subdivision consent if it is relevant to your proposal

Proposal details

- Site coverage calculations
- Existing and proposed crossing places and sight distances and separation distances between crossing places
- Building platforms for all allotments including shape factors
- Onsite manoeuvring and existing and proposed vehicle parking spaces (where required)

Network utility operations

- Existing high voltage electricity lines and gas lines
- Location of existing and proposed service connections (including connections to reticulated services) and/or systems ie water, wastewater, stormwater and any easements
- Onsite effluent treatment and disposal areas and fields

Natural features

- Significant trees, bush stands, protected trees (including their extent of their dripline), covenanted areas or other features
- Water bodies

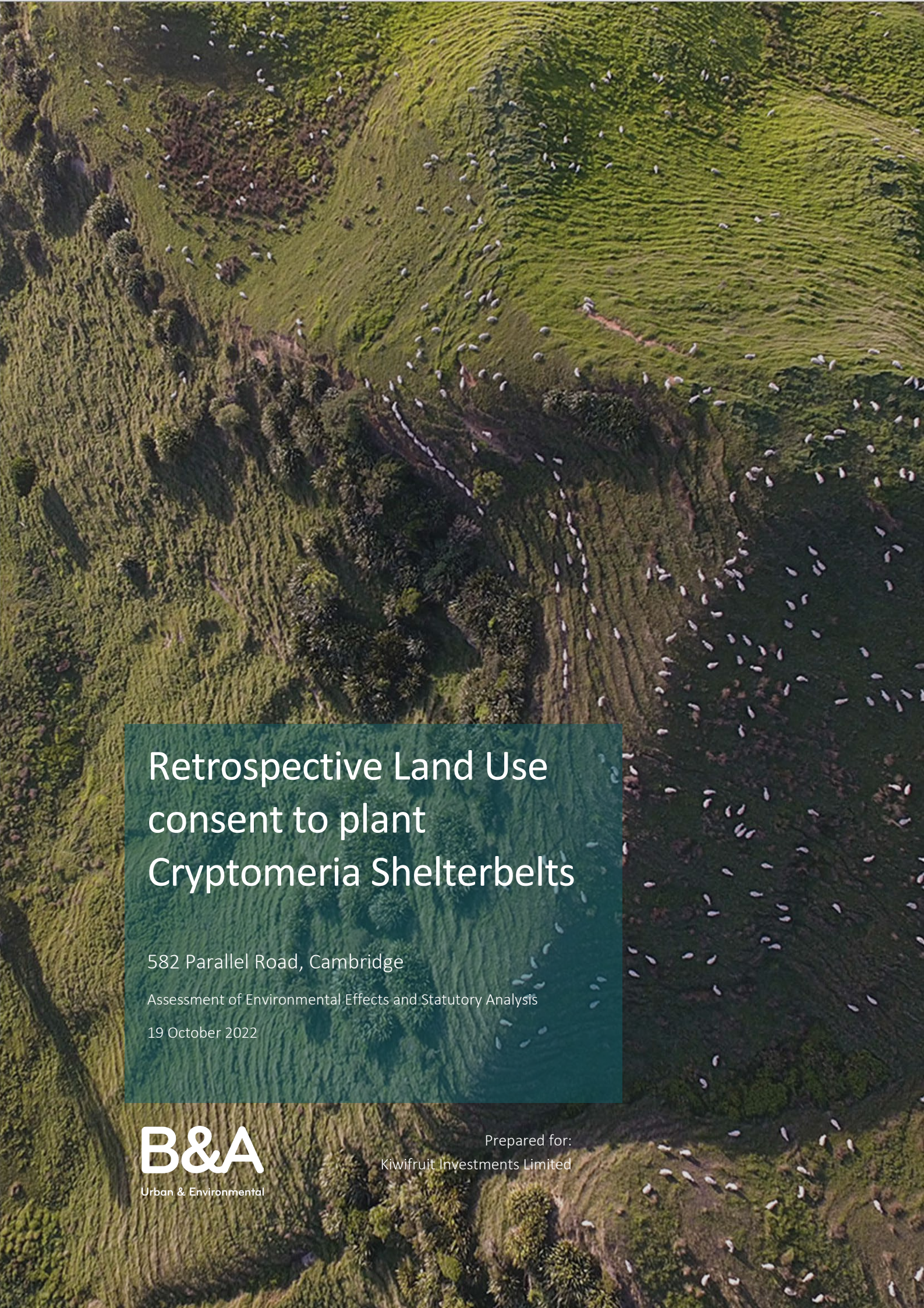
Heritage

- Archaeological and/or cultural heritage sites

Hazards

- Areas of likely or confirmed contamination

- Areas subject to land hazards e.g. unstopable slopes, areas of flooding, peat soils, fill
- Details of proposed stormwater management appropriate to the scale and nature of the subdivision
- Pipework and onsite stormwater systems
- Open drains (including ownership)
- Effect of subdivision and end use on existing overland flow paths
- Contours showing existing and finished ground level (levels to the relevant datum) at 0.5m intervals within the subdivision, and at 2 metre intervals on adjoining properties (to enable effects on those properties to be assessed). A separate plan may be needed to show these details.
- Areas of proposed or existing fill or excavation
- Any proposed retaining walls or embankments (note if retaining wall over 1m is proposed, a typical cross section is required.)
- In urban areas, details of the percentage of proposed and existing impermeable and permeable areas
- Natural hazards, e.g. unstable slopes, areas of flooding, ponding, peat soils
- Elevations (to scale) of buildings which are affected by the location of new boundaries (e.g. where height in relation to boundary rules apply)



Retrospective Land Use consent to plant Cryptomeria Shelterbelts

582 Parallel Road, Cambridge

Assessment of Environmental Effects and Statutory Analysis

19 October 2022

B&A
Urban & Environmental

Prepared for:
Kiwifruit Investments Limited

B&A Reference:

19351

Status:

Draft Revision 1

Date:

19 October 2022

Prepared by:



Simone Williams

Senior Planner, Barker & Associates Limited

Reviewed by:



Gareth Moran

Associate, Barker & Associates Limited

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- Appendix 1: Record of Title
- Appendix 2: Site Plans
- Appendix 3: Waipa District Council rule assessment

1.0 Applicant and Property Details

To:	Waipa District Council
Site Address:	582 Parallel Road, Cambridge
Applicant Name:	Kiwifruit Investments Limited
Address for Service:	Barker & Associates Ltd Suite 5 47 Alpha Street Cambridge 3434 Attention: Simone Williams
Legal Description:	Lot 3 DPS 89413 [RT SA70D/525] (refer to Record of Title as Appendix 1)
Site Area:	35.3283ha
Site Owner:	Kiwifruit Investments Limited
District Plan:	Waipa District Plan 'WDP'
WDP Zoning:	Rural
WDP Overlays & Controls:	Hamilton Airport – Conical Surface Overlay Significant Natural Area – WP344 High Class Soils
WDP Special Features:	Areas of 'unstable land'
Designations:	None
Additional Limitations:	None
Locality Diagram:	Refer to Figure 1
Brief Description of Proposal:	Retrospective and prospective land use consent to plant Cryptomeria shelterbelts within the road boundary and overhead power line setbacks within the Rural Zone.
Summary of Reasons for Consent:	Resource consent required as a Restricted - Discretionary Activity

2.0 Summary

This report has been prepared in support of a retrospective and prospective resource consent application on behalf of Kiwifruit Investments Limited to plant *Cryptomeria Japonica* Egmont shelterbelts (heron referred to as 'Cryptomeria') at 582 Parallel Road, Cambridge.

- The proposed *Cryptomeria* shelterbelts will be located:
 - On the road boundary of Parallel Road, and maintained to a height of no greater than 3.5m;
 - At 4m from the eastern internal boundary where adjoining 598 Parallel Road for 10m from the road boundary of Parallel Road, and maintained to a height of no greater than 6m.
- Accordingly, the proposal involves an application under the following rules:
 - Rule 4.4.2.58 – Tree Planting.
- The purpose of this application will authorise the existing and proposed planting of *Cryptomeria* (Egmont) Shelterbelt for the purposes of providing windbreak for a Kiwifruit Orchard. The location of the proposed planting is depicted in the site plan in Figure 7 below.
- The height of the *Cryptomeria* along the road boundary of Parallel Road has a reduced height to enable a safe distance to maintain the shelterbelt in relation to the overhead powerlines in this location.
- Overall, the proposal has been assessed as a **Restricted Discretionary Activity** by virtue of the provisions of the Waipa District Plan (District Plan);

This Assessment of Environmental Effects (AEE) has been prepared in accordance with the requirements of Section 88 of and Schedule 4 to the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the proposal may have on the environment.

3.0 Site Context

3.1 Site Description

The subject site (site) comprises 35.3283 hectares of rural pastoral land located 550m east of the intersection of Parallel Road and Goodwin Road. The site does not contain an existing dwelling or farm buildings. The site has overhead shelter cloth covering the part of the site which has been recently constructed (in which land use consent is sought separately – application LU/0147/22). The site contains existing mature barberry hedging fronting Parallel Road on the western side of the site.

There are overhead powerlines along the road boundary of the site. These lines have the following transmission:

- 11kv (top); and
- 400v (bottom)

The powerlines on the eastern side of the site fronting Parallel Road include both lines (two levels), whereas the powerlines on the western side the frontage with Parallel Road are solely 11kv.

It is proposed the site will be converted into a covered Kiwifruit Orchard following the completion of the artificial shelter. The majority of the site is generally flat with a gully area within the eastern side of the site and following the north-eastern and eastern boundaries.

The surrounding properties include a mixture of rural residential uses in smaller lots fronting Parallel Road with larger lots utilised for dairy farming or similar Kiwifruit orchards set behind the smaller lots.

The property is within the Rural Zone of the Waipa District Plan (District Plan), is partially located within Hamilton Airport Conical surface overlay and contains some areas of Significant Natural Area ('SNA') identified as WP344 on the northern and eastern boundary of the site in the Policy overlay areas of the Waipa District Plan. A copy of the District Plan map is included in Figure 2 below.

Council's special features map indicates the site contains unstable soils on the eastern side of the property. A copy of the Special Features Map is included in Figure 3 below.

Site photographs are contained in Figures 4 to 6 below.



Figure 1: Locality plan.

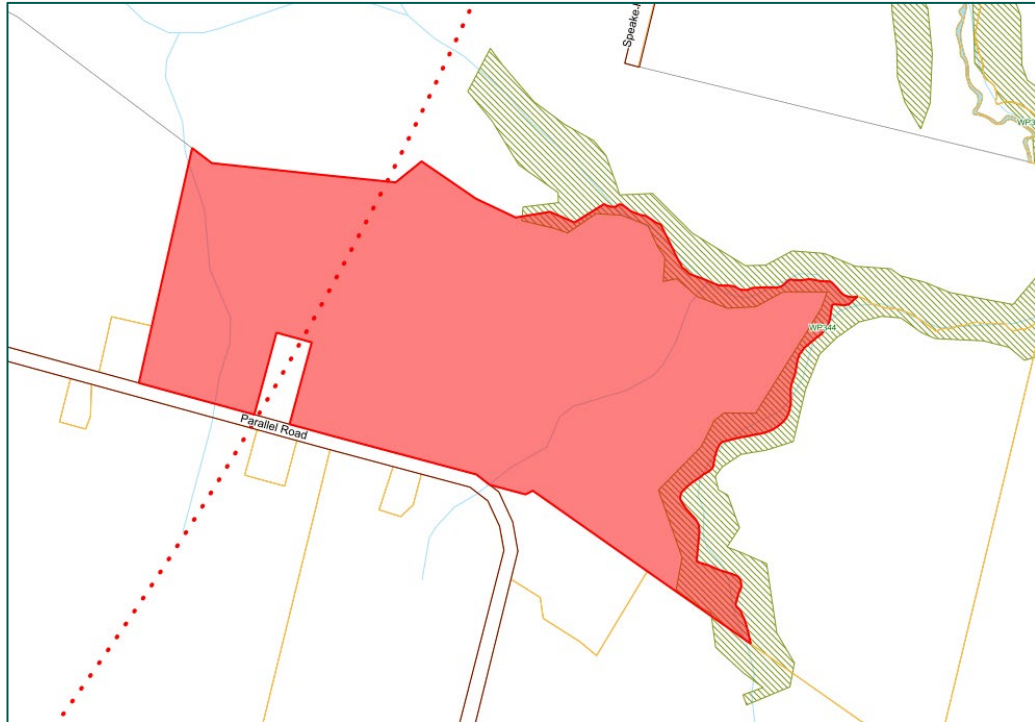


Figure 2: District Plan Map

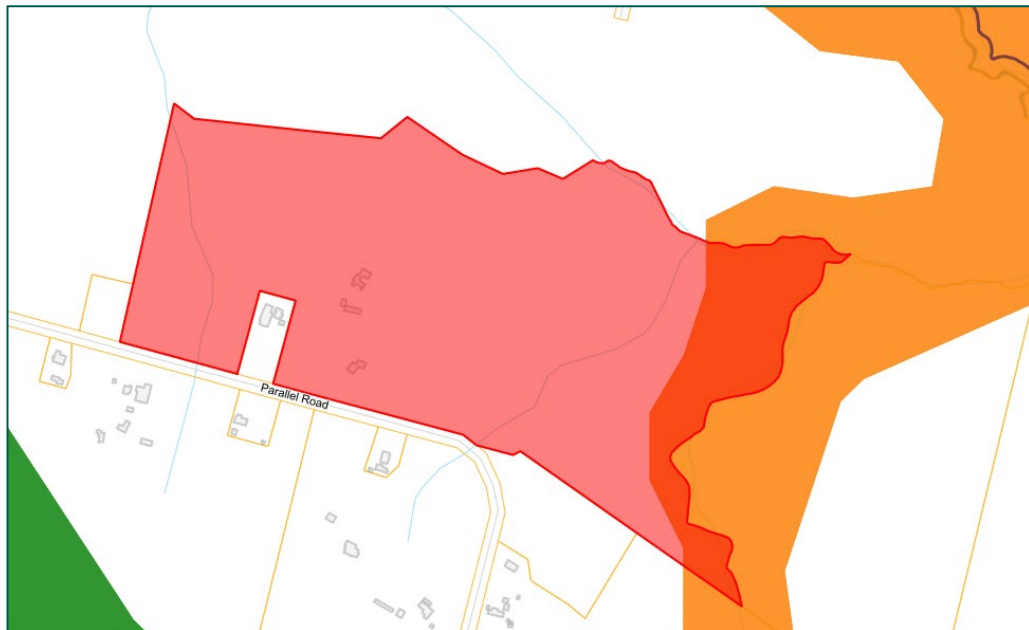


Figure 3: Councils Special Features map



Figure 4: Sites frontage with Parallel Road (eastern side of site) illustrating newly planted Cryptomeria shelterbelt



Figure 5: Sites frontage with Parallel Road (western side of site) illustrating existing barberry hedging, to be replaced with Cryptomeria shelterbelt – the overhead powerline in this location only has one 11kv line

3.2 Record of Title

The site is legally described as Lot 3 DPS 89413 held in Record of Title SA70D/525. The title includes an electricity easement marked 'A' on DPS 89413. There are no other interests registered on the title that could potentially prevent the proposal from proceeding. Refer to **Appendix 1** for a copy of the Record of Title.

4.0 Proposal

The proposal is to authorise existing Cryptomeria planting and future Cryptomeria in the following locations:

- On the inside of the road boundary of Parallel Road, and maintained to a height of no greater than 3.5m; and
- At 4m from the eastern internal boundary with 598 Parallel Road for a distance of 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m; and
- On the internal boundary with 622 Parallel Road for a distance of 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m.

The site also includes compliant Cryptomeria and proposed Cryptomeria in the other following locations:

- Planted at 4m off the eastern boundary of the property located at 598 Parallel Road. This portion of hedging does not require resource consent as at its closest point is located 30.5m, measured in a straight line from the existing dwelling within that property;
- To be planted on the southern boundary of the site adjoining the property located at 554 Parallel Road. This portion of hedging does not require resource consent as at its closest point is located 40m, measured in a straight line from the existing dwelling within that property; and
- To be planted on the western and north-western boundary of the property. This portion of hedging does not require resource consent as it is not within the setbacks of any development, infrastructure or features specified in Rule 4.4.2.58.

The location of the shelterbelt is depicted in Figure 6 below.

The Cryptomeria will provide a robust windbreak for a Kiwifruit orchard, and reduce any visual effects associated with the proposed vertical and horizontal artificial shelter, for which consent is separately sought.

Cryptomeria Japonica "Egmont" has the following description¹:

"Egmont" is an evergreen tree that makes an exceptional and hardy shelterbelt. It features dense, dark green foliage held on short stems and grows with an upright habit. Left untrimmed it will reach 30 m tall and 8 m wide but it is often trimmed to much smaller sizes. The growth rate is typically 1-2 m per year. This variety grows best when planted in full sun on a well-drained site. It will tolerate a wide range of soils, barring extreme wet and dry, and is hardy to frost, cool climates, wind, coastal

¹ <https://www.theplantcompany.co.nz/shop/product/trees/cryptomeria-egmont>

environments, and dry periods. “Egmont” is commonly planted for shelter and screening where a hardy evergreen is required. Plants should be spaced 1.5 m apart in these situations.”

Therefore, *Cryptomeria japonica* “Egmont” has a growth that is likely to exceed 6m if left untrimmed.

The Applicant proffers a condition of consent in respect of the locations proposed, and their managed heights.



Figure 6: Site Plan – proposed location of *Cryptomeria* on site

5.0 Reasons for Consent

A rules assessment against the provisions of the Waipa District Plan (‘WDC’) is attached as **Appendix 3**. The site is within the Rural Zone. The proposal requires consent for the matter outlined below.

5.1 Waipa District Plan

Chapter 4 – Rural Zone

Rule 4.4.2.58 – Tree Planting. The proposal involves planting *Cryptomeria* shelterbelts that will be planted;

- On the road boundary of Parallel Road where a permitted setback of 10m is required (Parallel Road is not identified as a strategic arterial road);
- 3m (in a vertical line) directly below an overhead powerline, where a permitted setback of 10m is required; and
- On the internal boundary with 622 Parallel Road for a distance of 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m.

5.2 NES Contaminated Soils

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in regulation 5(2) to 5(6) on a piece of land described in regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council's records, a HAIL activity does not appear to have been undertaken on the site. In accordance with Regulation 5(7), the site is not a 'piece of land' and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

5.3 Activity Status

Overall, this application is for a Restricted - Discretionary activity.

6.0 Public Notification Assessment (Sections 95A, 95C and 95D)

6.1 Assessment of Steps 1 to 4 (Sections 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

6.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances.

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not precluded.

6.1.3 Step 3: If not required by step 2, public notification required in certain circumstances.

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be less than minor.

6.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

There are no rules or a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification. The land use consent is a Discretionary Activity under the Waipa District Plan.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

6.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 6.3 below.

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.

Tree planting including woodlot forestry, commercial forestry and shelterbelts that are or are likely to exceed 6m in height are permitted in the Rural Zone in the following distances:

- 30m from any dwelling on an adjoining site;
- 30m from any site boundary of the Residential Zone or Large Lot Residential Zone or Marae Development Zone;
- 20m from any strategic arterial road and 10m from any other road or railway;
- or
- 10m to a vertical line directly below an overhead power or telephone line; or
- 5m from the edge of any lake or from the banks of any water bodies except trees which are planted for river protection works, soil conservation or for conservation planting.

Additionally, this means that any tree planting, where a species of tree is proposed that is not, or is not likely to exceed 6m in height is permitted at any location or distance to the aforementioned development, infrastructure or features.

Therefore, it is relevant to have regard to the permitted baseline of these trees as they could and are likely to exist without resource consent in the locations proposed if a different species of tree was chosen.

Additionally, as offered in this application, the maximum height proposed of these shelterbelts could be managed by way of consent condition, should consent be granted.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties, and an assessment of adverse effects.

6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 7** below, and include:

- 554 Parallel Road, Cambridge;
- 577 Parallel Road, Cambridge;
- 583 Parallel Road, Cambridge;
- 591 Parallel Road, Cambridge;
- 598 Parallel Road, Cambridge
- 613 Parallel Road, Cambridge; and
- 622 Parallel Road, Cambridge;



Figure 7: Adjacent properties in relation to subject site. Source: Waipa District Council Intramaps.

6.4 Assessment of Effects on the Wider Environment

The following sections set out an assessment of wider effects of the proposal. As the activity is considered a Restricted Discretionary Activity as per Rule 4.4.2.58. Assessment of Restricted Discretionary activities shall be restricted to the following matters:

- Effects on adjacent properties;
- Effects on infrastructure and utilities; and
- Effects on water bodies as a result of potential tree fall and/or harvesting;

6.4.1 Effects on adjacent properties

The proximity of the Cryptomeria and their potential effects on residential activities in terms of shading and amenity are relevant for consideration. As acknowledged earlier in this application, the site is located within the Rural Zone, and thus the presence of vegetation, whether it be a managed or unmanaged state is not unreasonable to expect within this rural working environment and exists within the wider receiving environment.

The location of the Cryptomeria, will see that at its closest location (measured in a straight line) the shelterbelt will be approximately 30.5m from the closest adjoining dwelling (598 Parallel Road), with the next closest dwellings being approximately 53m (577 Parallel Road) and 63m (591 Parallel Road).

These distances are greater than 30m as per the requirements of Rule 4.4.2.58 – tree planting, therefore by virtue of this rule any associated amenity or shading effects on adjacent properties will be less than minor.

6.4.2 Effects on infrastructure and utilities

On the eastern side of the site fronting Parallel Road, the Cryptomeria will be planted directly underneath the overhead powerlines (transmitting both 11kv and 400v). The top lines are located between 8 to 9m above ground level, with the bottom lines located between 6 to 7m above ground

level (at least a 1m difference in line height). The proposed Cryptomeria will be planted and maintained to a maximum height of no greater than 3.5m. This leaves a clearance of at least 2.5m to the overhead lines, it is our understanding that a distance of at least 2m is considered to be safe distance for tractor mounted hedge trimmers. On the western side of the site adjoining Parallel Road, the overhead powerlines solely include the 11kv lines, which are located between 8 to 9m above ground level. This means that there will be a clearance of at least 4.5m from the Cryptomeria to the powerlines.

Although the Cryptomeria is located on the road boundary of Parallel Road, the road berm in this location is approximately 6.5m from the property boundary to the edge of seal of Parallel Road, this means that there is a break between the Cryptomeria and the road itself. Additionally, the location of the hedging is located on a straight portion of Parallel Road and will not hinder the existing site visibility in both directions (exceeding 200m). Where the hedging is located near the corner of Parallel Road on the south-eastern side of the site, the hedging is located on the outside curve of the road and as such it is our understanding that it is not likely to affect the visibility around this corner as well. Therefore, the proposal is not likely to affect the local roading network, despite not meeting permitted setbacks for hedging exceeding 6m in height.

Therefore, as the height of the Cryptomeria will be and can be safety maintained 2.5m below the 400v electricity line and will maintained at a height of no greater than 3.5m, any roading, infrastructure and utility effects associated with the proposed hedging are negligible and less than minor.

6.4.3 Effects on water bodies as a result of potential tree fall and/or harvesting

The proposed Cryptomeria subject to this application is not located near or adjacent to a water body. Therefore, any effects on water bodies associated with the planting of Cryptomeria are considered negligible to nil.

6.5 Summary of Effects

Overall, it is considered that any adverse effects on the environment relating to this proposal will be less than minor.

6.6 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

7.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

7.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

7.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

7.1.2 Step 2: Certain affected protected customary rights groups must be notified

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

7.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not solely a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

7.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 6.1.4 above, it is considered that special circumstances do not apply.

7.2 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

Having regard to the above provisions, an assessment is provided below.

7.3 Assessment of Effects on Persons

Adverse effects in relation to the location of the Cryptomeria on persons are considered below.

Wider effects, such as Rural character and amenity, effects on Significant Natural Area and temporary construction effects were considered in section 6.4 above, and considered to be no more than minor.

In terms of our Limited Notification assessment, the potential adverse effects are limited to the owners and occupiers of the following properties.

7.3.1 Persons at 577, 591, 598 and 613 Parallel Road

The properties located at 577, 591 and 613 Parallel Road are situated on the opposite side of Parallel Road, whereas the property located at 598 Parallel Road is adjacent to the Cryptomeria located on either side of the property, where fronting Parallel Road.

As acknowledged earlier in this application, it is not unreasonable to expect the presence of vegetation or shelterbelts for defining boundaries, windbreak or screening within the surrounding rural working environment, and this is a common occurrence within the wider receiving environment.

The location of the Cryptomeria, will see that at its closest location (measured in a straight line) the shelterbelt will be approximately 30.5m from the closest adjoining dwelling (598 Parallel Road), with the next closest dwellings being approximately 53m (577 Parallel Road) and 63m (591 Parallel Road).

The district plan contemplates that a shelterbelt of any height will be a permitted activity in relation to a dwelling, if it complies with Rule 4.4.2.58 and there is a separation distance of at least 30m. In this case the Applicant is offering a condition that will limit the shelterbelt height to 6m even though it is still located more than 30m from the closest dwelling. Given the separation distance between the tree planting and the adjoining properties, we conclude that any amenity effects are consistent with the effects otherwise permitted in the district and are less than minor on these properties.

7.3.2 Persons at 554, 583 and 622 Parallel Road, Cambridge

The properties located at 554 and 583 Parallel Road are situated on the opposite side of Parallel Road, whereas the property located at 622 Parallel Road is adjacent to the Cryptomeria located on the eastern side of the property.

As acknowledged earlier in this application, it is not unreasonable to expect the presence of vegetation or shelterbelts for defining boundaries, windbreak or screening within the surrounding rural working environment, and does presently exist within the wider receiving environment.

The proposed location of the Cryptomeria, will see that in its closest location (measured in a straight line) will be approximately 190m (554m Parallel Road). From this distance and beyond it can be reasonably expected that the proposed planting will blend in with the surrounding rural working environment and will not be obtrusive from these properties.

Overall, I conclude the adverse effects on these adjoining and adjacent properties to be negligible to less than minor.

7.3.3 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

7.4 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

8.0 Consideration of Applications (Section 104)

8.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and

- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a restricted discretionary activity, section 104C of the Act states that a council:

- (a) may grant or refuse the application;
- (b) must only consider matters over which a discretion is restricted; and
- (c) if it grants the application, may impose conditions under section 108 only for those matters which it has restricted the exercise of its discretion in its plan.

9.0 Effects on the Environment (Section 104(1)(A))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, any adverse effects relating to the proposal will be less than minor and no persons will be adversely affected by the proposal.

Overall, it is considered that when taking into any actual and potential adverse effects on the environment of allowing the activity are less than minor.

10.0 District Plan and Statutory Documents (Section 104(1)(B))

10.1 Objectives and Policies of the Waipa District Plan

10.1.1 Chapter 4 – Rural Zone

Objective	Policies
<p>4.3.3 Rural activity: shelterbelts, woodlots, and commercial forestry</p> <p>To ensure commercial and/or woodlot forestry and shelterbelts do not have an adverse effect on the environment, the amenity of adjacent properties, or on infrastructure such as roads, railway lines, electricity transmission and distribution lines, and boundary fence lines.</p>	<p>4.3.3.4 Shelterbelts</p> <p>To manage the location and height of shelterbelts to avoid adverse effects of shading on adjacent sites and adverse effects on infrastructure including electricity lines.</p>

Objective 4.3.3 and Policy 4.3.3.4 identify the need to manage the locations of shelterbelts to ensure that adverse effects on residential activities (such as shading and amenity) and infrastructure are avoided. In this instance, the application has demonstrated that there is more than a sufficient and an acceptable setback to adjoining residential activities (as per the requirements of the rule itself being 30m) and that the height of the Cryptomeria can be managed in such a way that adverse effects on infrastructure (such as the overhead powerlines) can be avoided. The location of the Cryptomeria will not hinder the existing visibility along Parallel Road for road users. Therefore, the proposal is in keeping with the direction of this objective and policy.

10.2 Objectives and Policies of the Waikato Regional Policy Statement & Plan

No Regional consents are required for this proposal.

10.3 Summary

It is considered that the proposed development is in accordance with the objectives and policies of the Waipa District Plan.

11.0 Other Matters (Section 104(1)(C))

11.1 Record of Title Interests

The Record of Title for the site are subject to a number of interests (refer **Appendix 1**). None of these are anticipated to affect the resource consent application as discussed in **Table 1** below:

Table 1: Record of Title interests

Interest	Comment
SA70D/525	The site is subject to an electricity supply right over part marked A on DPS 89413 specified in Easement Certificate B639048.1

12.0 Part 2 Matters

There are no Part 2 matters that are not already addressed in higher order planning documents and which would be exceptions in terms of the *King Salmon* decision. For completeness I note:

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant Waipa District Plan objectives and policies, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

13.0 Conclusion

The proposal involves the planting (existing and proposed) of a Cryptomeria shelterbelt within the Rural Zone, at 582 Parallel Road, Cambridge.

Based on the above report it is considered that:

- Public notification is not required as adverse effects are considered to be no more than minor.
- Limited notification is not required as it is concluded that no person is adversely affected;
- The proposal represents an acceptable outcome for the site and surrounding area;
- The proposal accords with the relevant Waipa District Plan objectives and policies; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier SA70D/525
Land Registration District South Auckland
Date Issued 06 October 2000

Prior References
SA23C/1396 SA733/110

Estate Fee Simple
Area 35.3283 hectares more or less
Legal Description Lot 3 Deposited Plan South Auckland
89413

Registered Owners
Kiwifruit Investments Limited

Interests

Subject to an electricity supply right over part marked A on DPS 89413 specified in Easement Certificate B639048.1 - 14.12.2000 at 2.52 pm
12399865.1 Mortgage to Bank of New Zealand - 11.3.2022 at 3:22 pm



Cryptomeria 6m high on boundary

Cryptomeria 6m high on boundary

Cryptomeria 3.5m high on boundary

Cryptomeria 6m high setback 4m from boundary

Cryptomeria 3.5m high on boundary

Cryptomeria 6m high on boundary

Parallel Road

622

625

613

593

591

582

583

577

554

540

629

Not to scale

0 50 100 150 m

Rules Assessment

Proposal: Land Use consent to establish Cryptomeria shelterbelts
Address: 582 Parallel Road, Cambridge
District Plan: Waipa District Plan

Site Zoning	
Zone	Rural
Overlays/Controls	Hamilton Airport – Conical Surface Overlay Significant Natural Area – WP344
Designations	None

‘Shelter belt’ means a row of trees not more than four deep, planted for the purpose of providing wind shelter and screening.

Comment

The proposal involves Cryptomeria shelterbelts to be planted on and near the road boundary of Parallel Road

Table 1 - District Plan Assessment

Rule	Compliance	Comment
Section 4: Rural Zone		
4.4.2 Performance Standards		
4.4.2.58 Tree Planting No trees within a woodlot forest, commercial forest or shelterbelt which are or are likely to grow to more than 6m in height shall be planted closer than any of the distances specified below: (a) 30m from any dwelling on an adjoining site; or (b) 30m from any site boundary of the Residential Zone or Large Lot Residential Zone or Marae Development Zone; or	Does not comply	The proposed Cryptomeria shelterbelts that will be planted as depicted on the site plan contained in Appendix A . The Cryptomeria can grow higher than 6m if left unmaintained.

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 Kerikeri | Whangārei | Auckland | Hamilton | Napier | Wellington | Christchurch | Queenstown

Rule	Compliance	Comment
<p>(c) 20m from any strategic arterial road and 10m from any other road or railway; or (d) 10m to a vertical line directly below an overhead power or telephone line; or (e) 5m from the edge of any lake or from the banks of any water bodies except trees which are planted for river protection works, soil conservation or for conservation planting.</p>		<p>The proposed Cryptomeria shelterbelts that trigger resource consent:</p> <ul style="list-style-type: none"> - On the road boundary of Parallel Road, and maintained to a height of no greater than 3.5m; - At 4m from the eastern internal boundary where adjoining 598 Parallel Road for 10m from the road boundary of Parallel Road, and maintained to a height of no greater than 6m; and - On the internal boundary with 622 Parallel Road for a distance of 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m.