

## 10 SAFEGUARDING AMENITY VALUES

### 10.1 RESOURCE MANAGEMENT ACT OBLIGATIONS

- 10.1.1 The term ‘Amenity Values’ is defined under the Act to mean those ‘natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes’ (Section 2).
- 10.1.2 ‘Amenity Values’ should be considered in the context of assessing the environmental characteristics of a site, locality or zone.
- 10.1.3 The natural and physical qualities and characteristics of a site, locality or zone are affected by:
- Unreasonable noise, glare, offensive or objectionable odour, excessive dust;
  - Buildings or structures that impose on the privacy of neighbouring properties, or cause excessive shading;
  - Visually dominant earthworks;
  - High traffic generating activities inappropriately located or provided for;
  - Insufficient provision of on-site parking;
  - A clutter of signs or the unsafe design or location of signs;
  - Inadequate or unsafe storage and handling of hazardous substances;
  - Vegetation limiting driver visibility or contributing to road icing.
- 10.1.4 It is accepted that parts of the district have a less pristine environment than others. This reflects differences in the accepted level of amenity. For example, noisy agricultural machinery is accepted as part of the rural environment, yet would be totally unacceptable in an urban residential situation. The impact of this is managed within the Proposed Plan through the use of zoning, and such methods as buffer zones or separation distances. This is not to be seen as a license to produce adverse effects by existing activities, however it is recognition that different areas accept different levels of amenity.
- 10.1.5 For most of the above, different standards can be set to maintain or enhance the different existing amenity values of the different zones (refer introduction to Part C – Land Management Zones and Rules).
- 10.1.6 Effects that tend to have district-wide impacts can be avoided, remedied or mitigated through the adoption of standards and conditions that can be consistently applied in all zones (refer Part D – District Wide Rules for full discussion of these).

### 10.2 NOISE

#### RESOURCE MANAGEMENT ISSUE

- 10.2.1 Noise nuisance can adversely affect people’s appreciation of the amenity values of an area and their health.

## DESCRIPTION OF ENVIRONMENTAL EFFECT

- 10.2.2 Noise nuisance can affect amenity values for the occupiers of neighbouring properties and land use activities carried out there, and can also impact on cultural values, in terms of the ethos of an area and effects on bird-life etc.
- 10.2.3 Unreasonable noise can affect the health and welfare of individuals and communities.
- 10.2.4 The present pattern of land use activities makes for different levels of noise in different parts of the district. These range from “quiet” living environments, to “noisy” industrial areas and working rural areas which can have noisy activities carried out during the day and night time. Some activities such as quarrying are by their nature noisy activities. One method is to provide separation distances to safeguard the amenity values of neighbouring activities.
- 10.2.5 A higher level of protection from noise during night time hours is accepted as desirable by the community, for residential areas in particular.
- 10.2.6 There remains a general duty under Section 16 of the Act to ensure the avoidance of unreasonable noise.

## OBJECTIVE

- 10.2.7 To enable noise producing activities to establish and operate while maintaining amenity and cultural values, and public health and safety.

## POLICIES

- 10.2.8 Minimise the effects of noise in residential environments that would detract from the amenity values of residents.
- 10.2.9 Ensure activities operate at noise levels that are compatible with the surrounding/existing amenity values.

## METHODS TO MANAGE ADVERSE EFFECTS OF NOISE

- 10.2.10 Noise standards applying to land use zones, surface of water activities and the sensitivity of receiving environments.
- 10.2.11 Stating noise standards that recognise different amenity values for:
- Residential zones (most noise sensitive zone)
  - Town Centre zone (moderately noise sensitive zone)
  - Industrial zone (least noise sensitive zone)
  - Rural zone (moderately noise sensitive zone)
  - Conservation Zone (most noise sensitive zone)
  - Coastal Zone (moderate noise sensitive zone)
- 10.2.12 “Do nothing” option is not an option under the RMA 1991. Section 17 and Section 16 of the Act place a general and a specific obligation on land use activities to avoid unreasonable noise.
- 10.2.13 Resource consents are required for those activities that cannot meet the standards for permitted activities.

- 10.2.14 The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound, and NZS 6802:1991, Assessment of Environmental Sound, and NZ 6803P 1984: The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

### **PRINCIPAL REASONS**

- 10.2.15 Noise is a nuisance effect that is experienced to different degrees throughout the District. Different parts of the District have differing background noise levels, which reflect the range of activities carried out in them. The intent of the objectives and policies relating to noise is to recognise that noise is inherent in most activities and to protect those areas that are most sensitive, such as residential areas. The setting of noise standards recognises these differences and ensures noise impacts are minimised in noise sensitive locations.

### **ANTICIPATED ENVIRONMENTAL RESULTS**

- 10.2.16 Adverse effects of noise in residential locations are minimised.
- 10.2.17 Avoidance of exposure to activities that generate high noise levels.

## **10.3 ODOUR**

### **RESOURCE MANAGEMENT ISSUE**

- 10.3.1 Reduction in amenity values due to odour emissions from land use activities.
- 10.3.2 The issue of reverse sensitivity from sensitive activities locating in close proximity to existing odour producing activities.

### **DESCRIPTION OF ENVIRONMENTAL EFFECT**

- 10.3.3 Odour created by activities can adversely affect the amenity values of neighbouring activities and reduce the enjoyment of people living and working nearby. Some industrial activities, intensive farming and meat processing activities are three examples of activities potentially generating odour nuisances.
- 10.3.4 Conversely, odour is one of the key ways in which the issue of reverse sensitivity manifests itself. There are a number of activities that currently produce odour within the district. In most cases, this odour is an accepted part of the surrounding environment – for example, farm odours in the rural environment. The District Plan needs to determine the established level of amenity for different parts of the district. In areas where the amenity levels are not as high, such as industrial areas, new activities locating in that environment cannot expect to be as odour free as in a residential area.
- 10.3.5 This does not suggest that the community should not expect to see improvements in amenity performance nor does it remove the duty expressed in Section 17 of the Act to avoid, remedy or mitigate the negative effects associated with an activity. The District Plan should therefore promote separation distances between sensitive activities and odour producing activities to ensure that the best ‘sustainable’ amenity standards are achieved throughout the district.

### **OBJECTIVE**

- 10.3.6 To minimise odours from land use activities which cause a nuisance and a loss of amenity values to neighbouring land users.

## **POLICIES**

- 10.3.7 Avoid, remedy and mitigate, where possible, the environmental effects from odour producing activities in relation to surrounding land use activities.
- 10.3.8 Promote the minimisation of odour at source, other than where public health and safety requires odour to be determinable.

## **METHODS TO MANAGE THE ADVERSE EFFECTS OF ODOUR**

- 10.3.9 Section 31(b) of the RMA 1991 states that the District Council is to have the function “*The control of any actual or potential effects of the use, development, or protection of land.....*”. It is difficult to define odour and therefore control odour, but it is possible to provide for odour producing activities through adopting separation distances from nearby activities so as to minimise potential nuisance effects.
- 10.3.10 Regional rules also apply for the management of odour. District rules should compliment, not duplicate any rules prepared by the Hawke’s Bay Regional Council.
- 10.3.11 Buffer or separation distances can be established in the District Plan to mitigate the effects of odour on neighbouring activities. Buffer zone distances are an integral means of managing potential odour nuisance.
- 10.3.12 Establish a monitoring and complaints procedure for dealing with odour nuisances.
- 10.3.13 Rules and Standards shall recognise, by way of separation distances the different amenity values for:
- Residential zones (most odour sensitive zone)
  - Town Centre zone (most odour sensitive zone)
  - Industrial (least odour sensitive zone)
  - Rural (moderately odour sensitive zone)
  - Conservation (most odour sensitive zone)
  - Coastal (moderate odour sensitive zone)

## **PRINCIPAL REASONS**

- 10.3.14 Some activities produce unpleasant odour that can be extremely difficult to avoid. The objectives and policies relating to odour seek to manage the location of odour producing activities from a land management and amenity perspective, whilst recognising that the control of discharges to air is a regional council function. The setting of separation distances is to protect the most odour sensitive areas, such as residential areas. Setting standards will safeguard amenity values and provide for public scrutiny of resource consent applications where a standard is not complied with.

## **ANTICIPATED ENVIRONMENTAL RESULT**

- 10.3.15 Maintenance and enhancement of air quality by limiting and reducing odour emissions to the environment.

## 10.4 DUST/DISCHARGES TO AIR

### RESOURCE MANAGEMENT ISSUE

- 10.4.1 Reduction in amenity values due to dust emissions and discharges to air from land uses.

### DESCRIPTION OF ENVIRONMENT EFFECT

- 10.4.2 Contamination of air by dust and other emissions resulting from land use activities can adversely affect the amenity values of neighbouring activities, and the health of residents and the wider community.

### OBJECTIVE

- 10.4.3 To contribute to the maintenance and enhancement of air quality.

### POLICY

- 10.4.4 Control, where appropriate the detrimental impacts of activities producing dust emissions to the environment to protect the amenity values of neighbouring activities, and the health and safety of the community.

### METHODS TO MANAGE ADVERSE EFFECTS OF DUST

- 10.4.5 The District Council and Regional Council both have responsibilities under the legislation.
- 10.4.6 Section 31(b) requires the District Council to have the following function:  
*(b) The control of any actual or potential effects of the use, development, or protection of land....*
- 10.4.7 Management of air quality is considered to be a regional responsibility under Section 30(1)(f), so the District Council's approach is to provide policy complementary to any regional initiatives.
- 10.4.8 Section 15 of the Resource Management Act 1991 outlines the statutory responsibilities for managing air quality. Promoting the sustainable management of air quality is primarily a regional responsibility.
- 10.4.9 The Hawke's Bay Regional Air Plan was made operative in 1998. The plan provides rules concerning the discharge of contaminants into air.
- 10.4.10 District plan rules are not considered an appropriate mechanism in this case.

### PRINCIPAL REASONS

- 10.4.11 The Hawke's Bay Regional Council has a statutory duty to promote the management of air quality. Objectives and policies are promoted consistent with the approach of the Regional Council. Hence, rules and standards are not a method of management that the Wairoa District Council needs to consider to meet its general obligations under the Act.
- 10.4.12 The contamination of air through dust nuisance, spray drift emissions of smoke and other products from combustion processes can reduce amenity values for surrounding land uses. The Operative Regional Air Plan is considered to be the principal resource management instrument to promote improved air quality, and district plan policy is consistent with this approach.

## ANTICIPATED ENVIRONMENTAL RESULT

- 10.4.13 Maintenance and enhancement of the air quality in the district.

## 10.5 GLARE

### RESOURCE MANAGEMENT ISSUES

- 10.5.1 Glare can adversely affect people's appreciation of the amenity values of an area.
- 10.5.2 Glare can adversely affect the safe use of roads.

### DESCRIPTION OF ENVIRONMENTAL EFFECT

- 10.5.3 Glare from artificial lighting may create adverse effects on adjoining land uses, and thereby affect the amenity values of property owners and visitors. These effects are usually more apparent at night.
- 10.5.4 Situations where glare may arise are sports field lighting, security lighting of premises, and the illumination of advertising signs for example.
- 10.5.5 It is desirable to control the level of glare in zones particularly sensitive to glare nuisance such as the residential zones.
- 10.5.6 Lighting design and improved orientation can considerably reduce the potential for glare.

### OBJECTIVES

- 10.5.7 To minimise the effects of glare on the amenity values of adjoining land users and travellers.
- 10.5.8 To avoid, remedy or mitigate the adverse effects of glare on the safe and efficient function of the State highway system.

### POLICY

- 10.5.9 Control exterior lighting through design, orientation and or screening to minimise any spread over adjacent properties and roads.

### METHODS TO MANAGE ADVERSE EFFECTS OF GLARE

- 10.5.10 Australian Standard AS 4282 – 1997 'Control of the obtrusive effects of Outdoor Lighting' shall be used as a basis for determining intrusive nuisance resulting from the glare effects of outdoor lighting. The standard takes account of several aspects of potential obtrusiveness viz. the light falling on surrounding properties, the brightness of the luminaries in the field of view of nearby residents, and glare to users of adjacent transport systems and the effects of astronomical observations..
- 10.5.11 To provide rules which control glare.
- 10.5.12 Rules stating standards for glare that recognise the different amenity values for:
- Residential zones (most glare sensitive zone)
  - Town centre zones (moderately glare sensitive zone)
  - Industrial zones (least glare sensitive zone)

- Rural zones (moderately glare sensitive zone)

### **PRINCIPAL REASONS**

- 10.5.13 Glare can be a significant nuisance where lighting has been established without any thought to the effects on adjoining properties. The policy framework in the Plan in relation to glare is essentially to control the effects of exterior lighting on neighbouring properties. Setting a maximum lux level will assist in safeguarding amenity values and provides for public scrutiny of resource consent applications where a standard is not complied with.

### **ANTICIPATED ENVIRONMENTAL RESULT**

- 10.5.14 Minimised effects of glare so as not to create a nuisance to people, and a hazard to motorists.

## **10.6 PRIVACY, SHADING & VISUAL AMENITY**

### **RESOURCE MANAGEMENT ISSUES**

- 10.6.1 The loss of privacy or shading resulting from the inappropriate scale and location of buildings can adversely affect the amenity values of neighbouring activities and the local area.
- 10.6.2 The shading resulting from the inappropriate scale and location of vegetation adjacent to boundaries.
- 10.6.3 The impact of adjacent activities on visual amenity, particularly at the boundary between the Industrial and Residential zones.
- 10.6.4 Loss of natural character, landscape, scenic and visual amenity values from inappropriate earthworks activities.

### **DESCRIPTION OF ENVIRONMENTAL EFFECT**

- 10.6.5 The erection of a building(s) on a site can impact on the amenity values of adjoining land users by overlooking these sites, reducing the privacy of adjoining occupiers, shading neighbouring sites and possibly changing the character of the area.
- 10.6.6 The scale of building - bulk (the dimensions of the building(s)) and location can therefore affect the amenity values of neighbours. Building development may also limit future use of the site if limited consideration is given to the overall scale of development in relation to the boundaries of the site.
- 10.6.7 Earthworks may have a considerable visual impact on the environment particularly where there are exposed faces. This can impact on natural character, landscape, scenic and visual amenity values.
- 10.6.8 Vegetation is often a means of providing privacy and screening properties from the adverse effects of adjacent activities including noise, dust and visual impacts. However, tall vegetation can also affect the amenity values of neighbours by causing unwanted shading.
- 10.6.9 Planting and management of trees and their potential to generate adverse effects is considered to be an issue best able to be resolved between neighbouring landowners. It is not proposed to provide rules to address such matters in the plan.

## OBJECTIVES

- 10.6.10 To avoid, remedy or mitigate the loss of privacy and shading effects resulting from the bulk and location of buildings and the planting of vegetation.
- 10.6.11 To avoid, remedy or mitigate off-site adverse effects on the amenity of adjacent land uses.
- 10.6.12 To protect the natural character and visual amenity of the district from the adverse effects of earthworks.

## POLICIES

- 10.6.13 Maintain a reasonable level of privacy for occupiers of residential buildings.
- 10.6.14 In residential areas avoid, remedy or mitigate the adverse effects on residential amenity values including visual intrusion and shading from non-residential activities and planting.
- 10.6.15 Encourage appropriate screening of activities that adversely affect the amenity values of neighbouring properties (particularly at the industrial/residential zone boundaries).
- 10.6.16 Maintain reasonable protection of sunlight and daylight on adjacent properties, by promoting dwellings/buildings at low building densities and heights.
- 10.6.17 Ensure building height and height in relation to site boundaries maintains a compatible scale of development and privacy for adjoining property owners.
- 10.6.18 Ensure that adverse effects of land use, development and subdivision on amenity and landscape values of an area are avoided, remedied or mitigated to such an extent that the natural character and amenity values of an area are maintained.

## METHODS TO MAINTAIN AND PROMOTE PRIVACY

- 10.6.19 Rules in the District Plan to guide the broad design and location of buildings on sites. Council has decided not to intervene in most cases in influencing the detailed design of buildings.
- 10.6.20 Rules in the District Plan to maintain boundary separation distances for buildings to ensure access to rear of site for emergency services, and allow access and maintenance for buildings and services, or possibly future subdivision of and access to the site.
- 10.6.21 Rules in the District Plan requiring appropriate screening of activities that adversely affect the amenity values of neighbouring properties (particularly at the industrial/residential interface).
- 10.6.22 Standards are therefore required for the zones providing for:
- Yards (front, side, rear)
  - Building height
  - Building height in relation to site boundaries.
- 10.6.23 Do Nothing - not considered a reasonable or publicly accepted option. The purpose of the Act (Section 5) and principles (Sections 7{c}{f}) of the Act place an obligation on Council to have regard to amenity values and the quality of the environment.

## **PRINCIPAL REASONS**

- 10.6.24 Loss of privacy, and the shading and visual impact of buildings, structures and the like, can be significant, particularly in densely populated areas such as residential areas where buildings are closer together. Visual impacts from inappropriate earthworks can also be significant in terms of effects on natural character and landscape/scenic values.
- 10.6.25 The objectives and policies in respect of privacy, shading and visual amenity seek to manage the bulk and location of buildings and structures, encourage screening and, in terms of earthworks, to protect the natural character and scenic qualities of an area.
- 10.6.26 Setting standards specifying bulk and location requirements which differ depending on the sensitivity of the receiving environment will safeguard amenity values and provide a living environment that safeguards access to sunlight and daylight, access to and around the site, and outlooks not dominated by bulky buildings.
- 10.6.27 Standards in relation to earthworks will ensure that large-scale earthworks are subject to suitable scrutiny to ensure that their long-term visual impact is avoided, remedied or mitigated.

## **ANTICIPATED ENVIRONMENTAL RESULT**

- 10.6.28 Building scale, site development and planting maintains and improves the character, appearance and amenity values of the various land use zones.

## **10.7 VEGETATION EFFECTS ON ROAD SAFETY**

### **RESOURCE MANAGEMENT ISSUE**

- 10.7.1 Vegetation growth on private land in the vicinity of road intersections or access ways, or on land adjacent to roads, may reduce driver visibility and or contribute to road icing.

### **DESCRIPTION OF ENVIRONMENTAL EFFECT**

- 10.7.2 Vegetation planted adjacent to roads can cause shading to and icing over of roads during winter days. This can reduce the safe operation of the public road network (the state highway and district road network), visibility is threatened, or where there is a potential for vehicles to lose control on ice. Over time vegetation growth may also reduce visibility for road users at intersections or on particular sections of the road.

### **OBJECTIVE**

- 10.7.3 To maintain and improve the safety, efficiency and sustainability of the roading network.

### **POLICIES**

- 10.7.4 Ensure vegetation plantings are managed to ensure shading does not contribute to the icing of roads.
- 10.7.5 Ensure that new vegetation plantings are managed to maintain visibility and clearance at road intersections and accesses.

## **METHODS TO MANAGE ADVERSE EFFECTS OF VEGETATION ON ROAD SAFETY**

- 10.7.6 Standards to avoid vegetation encroaching sight lines at intersections or accessways in the Rural Zone.
- 10.7.7 Standards for the management of vegetation plantings to avoid the shading and/or icing of primary arterial roads in the Rural Zone.

## **PRINCIPAL REASONS**

- 10.7.8 Road safety is of significant importance given the high potential impact of road accidents. The objectives and policies in relation to vegetation adjacent to roads centre on attempting to avoid the occurrence of ice developing on the road as a result of shading, and ensuring visibility is maximised. Standards to avoid vegetation having a significant effect on the probability of ice forming on the road, will minimise the risk of accidents and provide for convenience and efficiency in vehicle travel.

## **ANTICIPATED ENVIRONMENTAL RESULTS**

- 10.7.9 As far as practicable, road pavement icing resulting from adjacent land use activities is avoided or remedied.
- 10.7.10 Sight distances to and from an access or intersection are maximised.

# **10.8 ACCESS AND PARKING**

## **RESOURCE MANAGEMENT ISSUES**

- 10.8.1 Demands for property access to arterial roads create added conflicts between vehicles entering and exiting a site and through-traffic. This in turn, adversely affects the safe and efficient function of the road.
- 10.8.2 Conflicts between vehicles and pedestrians, cyclists and other road users.

## **DESCRIPTION OF ENVIRONMENTAL EFFECT**

- 10.8.3 Conflicts may occur when new access points are added, or where a change in land use occurs with existing access points that increase vehicle movements to and from the access.
- 10.8.4 Access to and from the road needs to be managed to ensure the safe, efficient and sustainable operation of the roading network, and the sustainable management of land and other resources.
- 10.8.5 Consideration needs to be given to how pedestrians, cyclists and motor vehicles can safely access sites and the transport infrastructure, and to where vehicles will park. How pedestrians, cyclists and motor vehicles access sites etc is important to consider, as inappropriate access provision has safety implications and can impact on the efficient operation of the transport network.
- 10.8.6 It is important to consider adequate provision for parking, loading bays and manoeuvring on site.
- 10.8.7 Different standards of access are necessary and are applied to ensure the sustainable management of the roading network. These are determined, based on the road function,

the amenities of the area, and for different types of development activities on land adjacent.

10.8.8 Arterial roads will have higher access standards than Collector and Local roads because the volume of traffic and potential for conflict is far greater.

10.8.9 Furthermore, high traffic generating activities need to provide a greater number of on-site car parks, loading bays and manoeuvring area because the higher the number of vehicle movements, the greater the potential for collisions.

### **OBJECTIVES**

10.8.10 To protect the safe, efficient and sustainable operation of the roading network by avoiding, remedying or mitigating any adverse effects of developments and activities undertaken on adjacent land.

10.8.11 To ensure that the adverse effects of traffic generated by an activity on the amenity values and character of a road or neighbourhood, are avoided, remedied or mitigated.

### **POLICIES**

10.8.12 Ensure that all sites have practicable and legal vehicle access to a public road to maintain the safe, efficient and sustainable operation of the roading network.

10.8.13 Encourage, where practicable, access to several activities on any one site to be combined, particularly in respect of frontage to State Highway 2 to minimise the adverse effects of manoeuvring, turning and queuing vehicles.

10.8.14 Ensure vehicle access to roads is designed and located to prevent traffic hazards and to maintain the efficiency of the roading network.

10.8.15 Ensure that the through traffic function of an Arterial road is maintained.

10.8.16 Ensure intersections are designed and located appropriately to avoid compromising road safety.

10.8.17 Ensure that road visibility to and from accesses and intersections is optimised at all times and in all situations.

10.8.18 Ensure that land use activities make sufficient provision for parking, loading bays and manoeuvring on-site based on anticipated parking demand for each land use, while not necessarily accommodating peak requirements.

10.8.19 Encourage access that does not necessitate reverse manoeuvring onto a road, particularly Arterial roads, where road safety may be compromised.

### **METHODS TO MANAGE TRAFFIC AND TRAFFIC SAFETY ISSUES**

10.8.20 Adopt and implement a road hierarchy in the district plan that will determine standards of vehicle access for properties and activities (see [Appendix II – Roding Hierarchy](#)).

10.8.21 Liaise with Transit New Zealand and other roading agencies and sector interest groups over design standards and sector demands for use of the State Highway and district roading network.

10.8.22 The relevant Wairoa District Council Engineering Code of Practice that provides an acceptable means of compliance.

- 10.8.23 Access & parking standards that provide for the safe and efficient access to sites, and on-site manoeuvring and parking.

### **PRINCIPAL REASONS**

- 10.8.24 Objectives and policies in relation to access and parking seek to ensure adequate access and parking is provided, and is as safe as possible, particularly in relation to arterial roads such as state highways where traffic volumes are significant and demand for access is high. The effect of high traffic generating activities on the amenity of the surrounding area is also important to manage, and the objectives and policies also seek to minimise conflict points.
- 10.8.25 Setting standards will improve road safety generally throughout the district, as almost all activities generate vehicle trips, require parking, and require accessibility for people and goods to maintain the social and economic well-being of the community.

### **ANTICIPATED ENVIRONMENTAL RESULT**

- 10.8.26 Safe, efficient, and convenient use of roads for the benefit of through traffic, local traffic and land users.

## **10.9 ADVERTISING**

### **RESOURCE MANAGEMENT ISSUES**

- 10.9.1 Loss of amenity values through inappropriately designed and or located signs.
- 10.9.2 Driver distraction through inappropriately designed and or located signs.

### **DESCRIPTION OF ENVIRONMENTAL EFFECT**

- 10.9.3 Signs advertising goods and services and or conveying general information to the public are an essential and accepted method of communication.
- 10.9.4 Signs commonly direct their message to the travelling public and therefore are located adjacent to public roads.
- 10.9.5 These signs should be easily read, yet not distract the driver and not detract from the amenities of the area.
- 10.9.6 Signs can also direct their message to pedestrians and should do so without causing a hazard on or above public footpaths.
- 10.9.7 Animated, flashing or illuminated signs can also cause glare to neighbouring properties [see [Section 10.5](#) (Glare)], or create a hazardous situation for drivers.
- 10.9.8 The Resource Management Act 1991 requires the Council to maintain and enhance the quality of the environment and the amenity values of the district, and this includes controlling the placement and style of signs.
- 10.9.9 It is important to distinguish between on-site signs (signs providing information or advertising goods and services on the same site as the sign) and off-site signs (signs that are not located on the property to which the advertising relates).

- 10.9.10 The potential adverse and cumulative effects of providing for off-site signs is a clutter of signs along important roads in the district which may distract drivers from the main task of safe driving and detract from views, landscapes and the amenity values of local areas.
- 10.9.11 Road control authorities (TNZ, District Council) have control over signs within legal road boundaries. This authority is recognised and plan provisions are compatible with this statutory power.

### **OBJECTIVES**

- 10.9.12 To ensure that signs do not adversely affect the amenity values of the district.
- 10.9.13 To ensure signs do not cause or contribute to traffic hazards on district roads and state highways.

### **POLICIES**

- 10.9.14 Avoid visual clutter of signs by restricting the number of free-standing signs per property frontage and encouraging the amalgamation of signs onto one structure where this is appropriate.
- 10.9.15 Avoid potential traffic hazards by ensuring signs are easily read, concise, and their location and appearance will not result in any adverse effects on the safe and efficient operation of the roading network.
- 10.9.16 Control the location of animated, flashing and illuminated signs so that signage does not adversely affect road safety or detract from the amenity values of residential areas or zones.
- 10.9.17 Avoid, remedy or mitigate the adverse effects of off-site advertising signs .
- 10.9.18 Ensure the location, design and appearance of signs does not adversely affect the amenity values of the locality.
- 10.9.19 Encourage the establishment of lay-bys and information kiosks with “Welcome To” signs at the entrances to townships and tourist areas, and the use of international signs.

### **METHODS TO AVOID DISTRACTION FROM ADVERTISING**

- 10.9.20 District Plan Rules that identify signs in categories of permitted, controlled, and discretionary activities.
- 10.9.21 Note: All free standing signs situated within the boundaries of a State Highway with a speed limit greater than 50km/hr are subject to Transit New Zealand Bylaw 1987/3, which is a separate control and is not part of this Plan.

### **PRINCIPAL REASONS**

- 10.9.22 Signs can affect amenity values and if inappropriately located, can affect road safety. The objectives and policies relating to signs are primarily aimed at controlling the location and appearance of signs (advertising signs in particular) in order to avoid, remedy or mitigate the adverse effects on road safety and amenity values.
- 10.9.23 Rules are considered necessary to ensure the public communications role of signs is balanced against the safety of the public and the amenity values of an area.

## ANTICIPATED ENVIRONMENTAL RESULT

- 10.9.24 Signs are easily readable, able to be understood and compatible with road safety and the amenity values of the surrounding areas.

## 10.10 HAZARDOUS SUBSTANCES

### RESOURCE MANAGEMENT ISSUE

- 10.10.1 Risk of contamination of property, and adverse effects on the health and safety of people, and the environment, from inappropriate use, storage, disposal or transportation of hazardous substances.

### DESCRIPTION OF ENVIRONMENTAL EFFECT

- 10.10.2 Hazardous substances are often an integral part of any commercial, industrial or rural activities and require safe handling and transportation.
- 10.10.3 Section 31 of the Resource Management Act 1991 requires the District council to control the effects of the use, development and protection of land to prevent or mitigate any adverse effects from the storage, use, disposal or transportation of hazardous substances. The Regional Council also has a role in managing hazardous substances in relation to discharges to air, land and water, and in terms of emergency response.
- 10.10.4 Numerous other pieces of legislation impact on the management of hazardous substances including the Hazardous Substances and New Organisms Act 1996 and associated regulations, Building Act 1991, Radiation Protection Act 1965 and Radiation Protection Regulations 1982, Transport Act 1962, , and other New Zealand and Australian Standards.
- 10.10.5 Hazardous substances include any substances that may affect human, plant, or animal health, or may adversely affect the health and safety of any person or the environment. The degree of risk may vary according to volumes stored or transported, toxicity, and flammability or explosiveness.
- 10.10.6 Furthermore, the effects of hazardous substances are not always immediately obvious, and may accumulate over long periods of time, including accumulation of persistent substances in the bodies of humans or animals, resulting in chronic or long term damage to their health, and contamination of water, soil and air. With regard to contamination of land, the Hawke's Bay Regional Council has a register of contaminated sites, which includes sites within the Wairoa District.
- 10.10.7 The transportation of hazardous substances also requires management to prevent accidental spills, which can also result in environmental and public health risks.

### OBJECTIVES

- 10.10.8 To protect the environment and the health and safety of people and communities from hazardous substances, and from risks associated with contaminated land.
- 10.10.9 To mitigate and manage the adverse effects of hazardous substances.

### POLICIES

- 10.10.10 Enable activities to utilise hazardous substances where necessary for their operations whilst ensuring they are managed to prevent or mitigate adverse effects on people, the environment, and property.

- 10.10.11 Ensure that consideration is given to locating activities that store or use hazardous substances in order to prevent and mitigate adverse effects on the environment.
- 10.10.12 Ensure that activities using, storing, disposing, or transporting hazardous substances are designed, constructed and managed appropriately for the volume and nature of hazardous substances used.
- 10.10.13 Encourage the use of non-hazardous substitutes for hazardous substances, where practical.
- 10.10.14 Mitigate and prevent damage to the environment and human health from contaminated sites in the District.

### **METHODS TO MANAGE HAZARDOUS SUBSTANCES**

- 10.10.15 Adopt performance standards in the District Plan for activities/facilities storing, using, disposing or transporting hazardous substances.
- 10.10.16 Require information on the nature and volume of any hazardous substances to be used, stored, disposed of, or transported.
- 10.10.17 Rely on other relevant legislation (as outlined in the description to this section) to help manage the use, storage, disposal and transportation of hazardous substances.
- 10.10.18 Record data on contaminated sites on Council LIM/PIM records.

### **PRINCIPAL REASONS**

- 10.10.19 Hazardous substances have the potential to threaten the health and safety of people and the environment. It is therefore necessary to control the actual and potential effects of hazardous substances.
- 10.10.20 Requiring resource consents for activities involving significant volumes of, or highly toxic, hazardous substances will enable Council to consider the risk to the health and safety of people and the environment, and whether the risks can be avoided or minimised.
- 10.10.21 The consequences of doing nothing, or relying on non-regulatory methods, are unacceptable, in terms of the magnitude of risk to human life.

### **ANTICIPATED ENVIRONMENTAL RESULTS**

- 10.10.22 The protection of people and the environment from exposure to hazardous substances and contaminated material.
- 10.10.23 Reduced risk of accidental spill and leakage, and effective clean-up measures in place.
- 10.10.24 Minimal use of hazardous substances.
- 10.10.25 Reduced risk of new contaminated sites.

**Cross References:**

[Part C](#) – Land Management Zones and Rules

[Part D](#) – District Wide Rules

Planning Maps

**Other References:**

Relevant Wairoa District Council: Engineering Code of Practice