

26.0 General Rules Having Application in All Zones, Rivers, Riverbeds and Lakes

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions of Permitted Activities :

26.1 Rules Relating to Fresh Water

26.1.1 Taking and Use of Water

26.1.1.1 Permitted Activities

The taking or use by any person of up to 15m³ per day of freshwater from a groundwater body not directly hydraulically linked to a surface waterbody in respect of any activity provided for in the Plan is a Permitted Activity.

The taking or use of water for an individuals reasonable domestic needs, or the reasonable needs of an individual's animals for drinking, from any naturally occurring surface waterbody, is a Permitted Activity.

26.1.1.2 Controlled Activities

Application may be made for a resource consent for a Controlled Activity for short term taking and use of surfacewater from the Rai, Pelorus, Kaituna rivers and their tributaries.

26.1.1.2.1 Standards and Terms

- a) Surfacewater is only taken between 1 October and 1 May of the following year.
- b) Water meters or other approved methods of determining rate of abstraction are fitted at the abstraction point.
- c) The permit will be for a term of no more than 8 months.
- d) A total for all takes under this rule of no more than 15% of the five year seven day low flow will be allocated.
- e) At no time shall the abstraction of surfacewater cause the instream flow of the Rai, Pelorus, Kaituna rivers and their tributaries to fall below the ten year seven day low flow.

26.1.1.2.2 Matters Over Which Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) Permit volumes and maximum rate of take.
- b) The uses of the water that is taken.

- c) The location and means of take.
- d) Monitoring requirements.
- e) Minimum flow restrictions on taking of water.

26.1.1.3 Discretionary Activities

The taking or use by any person of more than 15m³ per day of freshwater from a groundwater body in respect of any activity provided for in the Plan shall be a Discretionary Activity with no limits on the exercise of the Council's discretion. The criteria for assessment and conditions which may be applicable will be those provided for in the relevant applicable zone.

The taking or use of water in Category 1 and 2 rivers as identified in Appendix I and the Ecology Maps in Volume Three, other than provided for in, Rule 26.1.1.1 and Rule 26.1.1.2, is a Discretionary Activity with no limits to Councils discretion.

26.1.1.3.1 Standards and Terms

- a) At no time shall the abstraction of surfacewater cause the instream flow of the Rai, Pelorus, Kaituna rivers and their tributaries to fall below the ten year seven day low flow.
- b) At no time shall the abstraction of water cause the instream flow of Category 1 and 2 rivers (excluding the Rai, Pelorus, Kaituna rivers and their tributaries) as identified in Appendix I and the Ecology Maps in Volume Three fall below the five year seven day low flow.
- c) A total for all takes under this rule of no more than 15% of the five year seven day low flow will be allocated as a Discretionary Activity for the Rai, Pelorus, Kaituna rivers and their tributaries, and no more than 30% of the five year seven day low flow will be allocated for all other rivers.

Note: The 15% allocated for longer term permits is in addition to the 15% allocated for short term permits under rule 26.1.1.2.

- d) Any permit for water abstractions in the Rai, Pelorus, Kaituna rivers and their tributaries will be for a term of no more than ten years.

26.1.1.3.2 Resource Consent Conditions

Any resource consent may include conditions relating to one or more of the following in addition to those contained in section 108 of the Act:

- a) Permit volumes and maximum rate of take;
- b) The use of water that is taken;
- c) Permit terms and review periods;
- d) Minimum flow restrictions on taking of water;
- e) Rationing requirements;
- f) Monitoring requirements.

26.1.1.4 Non-Complying Activities

Application must be made for a resource consent for a Non-Complying Activity for the following:

- a) Any surfacewater take and use for a Category 3 river (excluding the Rai, Pelorus, Kaituna rivers and their tributaries) as identified in Appendix I and the Ecology Maps in Volume Three shall be deemed to be a Non-Complying Activity.
- b) Any surfacewater take and use not provided for as a Permitted, Controlled or Discretionary Activity shall be deemed to be a Non-Complying Activity.
- c) Any Permitted, Controlled or Discretionary Activity which cannot comply with the specified Conditions and/or Standards and terms.

26.1.2 Transfer of a Water Permit

26.1.2.1 Discretionary Activity

Application must be made for a resource consent for a Discretionary Activity for the transfer of a water permit.

26.1.2.1.1 Standard

The water permit is transferred within the same aquifer or catchment area.

26.1.2.1.2 Resource Consent Conditions

Any resource consent may include conditions relating to one or more of the following in addition to those contained in section 108 of the Act.

- a) Permit terms and review periods;
- b) Monitoring requirements;
- c) Rationing requirements; and
- d) Circumstances where permits may be revoked.

26.1.3 Damming, Diversion (Including the Placement of Any Structure in Fresh Water)

26.1.3.1 Permitted Activity

The damming of any stream is a Permitted Activity subject to the following conditions:

26.1.3.1.1 Conditions

- a) That the damming of any stream shall not deprive any person of water reasonably required for that person's domestic water supply or stock drinking water requirements or fire-fighting needs.
- b) That the damming shall not significantly adversely affect the suitability of water needed for any other authorised use.
- c) That the damming shall not have any adverse effect on any flora or fauna values.

- d) That the damming of any stream is limited to the damming of any stream draining a catchment area of no more than 20 hectares in area immediately upstream from the dam.
- e) That the damming shall not be carried out without the consent of those persons who may be adversely affected by the damming of the stream.

26.1.3.2 Permitted Activity

The damming or diversion of any river or stream, or the diversion of overland flow and minor proportion of instream flow (including the placement of any structure) for the purposes of:

- installing crossings over or through watercourses, for example culverts, bridges, fords and floodbanks; or
- flood control, or erosion control works including, floodbanks, drainage outfalls and pumping stations and channel training and flood protection works

is a Permitted Activity subject to the following conditions.

26.1.3.2.1 Conditions

- a) The Council is to be notified in writing at least 10 working days prior to the commencement of any work. The notifications shall give notice of:
 - The location of the works;
 - A description of the works;
 - The date of commencement of works; and
 - An estimation of the duration of the damming or diversion.
- b) That any diversion shall be limited to that contained within the existing flood channel of any watercourse.
- c) That any damming or diversion of water shall not have any adverse effect on any flora or fauna or recreational values.
- d) That no person shall dam any river or stream or divert any water so as to adversely affect any land owned or occupied by another person.

26.1.4 Structures Adjacent and Within Watercourses

Unless specified in the schedule of water bodies and Table 1 in Appendix I and the Ecology Maps in Volume Three, or to the contrary elsewhere in the Plan, all proposed buildings and structures shall be set back at least 8 metres from the top of any bank of any river, or where there is a stopbank at least 8 metres from the landward toe of that stopbank, except that this shall not apply to culverts and bridges across rivers. Buildings and structures shall be set back at least 20 metres from the coast, lakes and wetlands.

26.1.4.1 Activities Associated with Monitoring and Sampling Structures

Any activities associated with the installation, operation and maintenance of any equipment, measuring apparatus or similar device (excluding weirs) for the purposes of carrying out inspections, surveys, investigation, tests, measurements or taking samples otherwise restricted by sections 13(1)(a), (b), (d) and (e) of the Act is a Permitted Activity subject to the following conditions.

26.1.4.4.1 Conditions

That the activity will not cause:

- a) Any impedance to fish passage; or
- b) Any reduction of the ability of the channel to convey flood flows.

26.1.4.2 Whitebait and Game-Shooting Structures

The placement of structures and activities associated with those structures on privately owned lake or riverbeds for the purposes of catching whitebait or undertaking game-shooting otherwise restricted by section 13(1)(a), (b), (d) and (e) of the Act is a Permitted Activity subject to the following conditions.

26.1.4.2.1 Conditions

- a) That no damage to river protection works or to any existing structures occurs as a result of the structure allowed under this rule;
- b) The structure does not impede the free flow of water; and
- c) That game-shooting structures are not more than 9m² in extent.

NB: Whitebait jetties must also comply with the Whitebait Fishing Regulations 1994.

26.1.4.3 Fences in, on or over the Beds of Lakes or Rivers

Any fence in, on or over privately owned lake or riverbeds otherwise restricted by section 13(1)(a) and (b) of the Act is a Permitted Activity subject to the following conditions.

26.1.4.3.1 Conditions

- a) The fence structure does not impede the free flow of water in the lake or river; and
- b) The fence structure does not create a navigational hazard.

26.1.4.4 Fences in, on or over Crown or Council Owned Lake or Riverbeds

Any fence in, on or over Crown land or land vested in the Council located within a lake or riverbed otherwise restricted by section 13(1)(a) and (b) of the Act is a Discretionary Activity.

26.1.4.4.1 The matters over which the Council has restricted the exercise of its discretion include:

- a) Location of the fence;
- b) The free flow of water;
- c) Public access to and along the lake or river;
- d) Duration of the consent;
- e) A compliance monitoring programme;
- f) A financial contribution and/or bond; and
- g) Administrative charges.

26.1.4.4.2 Applications may, at the discretion of the Council, be considered without notification and without the need to obtain the written approval of affected persons in accordance with section 94(1A) of the Act. Applications may however be notified if special circumstances exist in terms of section 94(5) of the Act.

26.1.4.4.3 In considering whether or not special circumstances exist, the Council will include consideration of:

- a) The record of compliance with any previous conditions relating to the activity for which a land use consent is sought; and
- b) The extent of public and tangata whenua interest in the activity and/or its effects.

26.1.4.5 Culvert, Bridges and other Stream Crossings

The installation of culverts, bridges and other stream crossings is a Discretionary Activity.

26.1.4.5.1 Standards for installation shall include:

- a) That the structures are to be designed to allow the passage of water from a storm event of 20% probability for a temporary structure and 2% probability for permanent structures; and
- b) Culverts are to be constructed and maintained as suitable for fish passage.

26.1.4.5.2 The matters over which the Council has restricted the exercise of its discretion include:

- a) Location of the culvert;
- b) The free flow of water;
- c) Public access to and along the lake or river;
- d) Duration of the consent;
- e) A compliance monitoring programme;
- f) A financial contribution and/or bond; and
- g) Administrative charges.

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- a) The record of compliance with any previous conditions relating to the activity for which a land use consent is sought; and
- b) The extent of public and tangata whenua interest in the activity and/or its effects.

26.1.5 Rules for the Construction of a Dam

A consent for the construction of any dam, on-stream or off-stream, does not cover the taking, use, damming or diversion of water controlled under section 14 of the Act. A separate water permit will be required for the taking, use, diversion or damming of water associated with a dam.

26.1.5.1 Permitted Activities

Unless expressly limited elsewhere, the construction or alteration of a small dam is a Permitted Activity where it meets the following conditions:

- a) The dam is on a catchment less than 20ha in area;
- b) The dam cannot impound more than 20,000m³ of water;
- c) The dam is less than 3 metres high, measured from base to crest;
- d) The dam does not intersect the groundwater;
- e) The dam will not be built within 500 metres immediately upstream of a dwelling, public roading or building;
- f) Written consent from affected downstream users has been obtained;
- g) The dam does not reduce the flow below the structure to less than the mean annual low flow existing before the dam was constructed; and
- h) The dam must provide adequate fish passage in line with the Freshwater Fisheries Regulations (1983).

26.1.5.1.2 The holder of consent/s for the dam shall be responsible for the maintenance of the dam. If the consent holder is not known the owner of the site on which the dam is located shall be responsible.

26.1.5.1.3 A legal description of the land, a location map, a grid reference and details of the dam and its construction must be supplied to the Council at least 10 working days prior to construction.

26.1.5.1.4 Any records collected on the operation of a dam must be kept and made available to Council upon request.

26.1.5.2 Discretionary Activities

Application must be made for a resource consent for a Discretionary Activity for the construction or alteration of any dam which cannot comply with the conditions for a Permitted Activity.

26.1.5.2.1 Assessment Criteria

Any application for a Discretionary Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria:

- a) The effects of the proposal on in-stream or riparian habitat;
- b) The effects of the proposal on fish passage;
- c) The effects of the proposal on cultural, amenity or recreational values;
- d) Measures taken to control and monitor the flow of water;
- e) Whether the dam is on-stream or off-stream; and
- f) The effects on bird nesting habitat.

26.1.5.3 Non-Complying Activities

Application must be made for resource consent for a Non-Complying Activity for the following:

The construction or alteration of any dam that extends more than half the width of the river, during normal river flows, in the sections of rivers specified below.

- Opouri River (between O27 703 047 and O27 599 994 NZMS 260 Grid)
- Tunakino River (between O27 657 061 and O27 622 992 NZMS 260 Grid)
- Ronga River (between O27 613 073 and O27 599 994 NZMS 260 Grid)

- Rai River (between O27 622 992 and O27 582 898 NZMS 260 Grid)
- Pelorus River (between O27 484 847 and P27 735 935 NZMS 260 Grid)
- Tinline River (between O27 518 949 and O27 521 880 NZMS 260 Grid)
- Wakamarina River (between O27 600 805 and O27 663 909 NZMS 260 Grid)
- Kaituna River (between P28 742 775 and P27 749 915 NZMS 260 Grid)

26.1.6 River Control and Drainage, and Road Works

26.1.6.1 Permitted Activities - River Control and Drainage, and Road Works

River control and drainage works, and road works within the beds and banks of rivers are a Permitted Activity in all zones when carried out by a local authority exercising its powers under the Soil Conservation and River Control Act 1941 or the Land Drainage Act 1908; or roading authority operating under the Transit New Zealand Act 1989, providing the following conditions are met:

26.1.6.1.1 Gravel, Sediment or Debris Removal

The removal of gravel or sediment or debris is a Permitted Activity provided that the following conditions are met:

- a) The removal of gravel or sediment by under water dredging occurs within braided rivers;
- b) Dredging shall not be carried out more than once in any 12 month period, per river reach. The Nelson Marlborough Fish and Game Council and Department of Conservation shall be consulted prior to dredging taking place;
- c) All reasonable steps shall be taken to avoid discoloration of the water;
- d) Excavators shall operate from the riverbank or any non wetted area within the river bed;
- e) Dredging shall be staged to retain suitable ecological habitat;
- f) Dredged material shall be retained on adjacent banks to provide opportunity for animals to re-enter the river, for a period not less than 12 hours;
- g) Dredging shall not be carried out between 1 August and 30 November in any year; and
- h) The size and shape of drainage channels shall not be substantially altered.

26.1.6.1.2 Channel Shaping, Beaching or Recontouring

Channel shaping, beaching and recontouring limited to gravel riverbeds only is a Permitted Activity provided that the following conditions are met:

- a) Work shall not be below the water level;
- b) No machinery shall be operated in the water;
- c) Beaching work shall not be to a level higher than that of the natural river bank;
- d) The channel shape and form both in cross-section and longitudinal slope shall be kept similar to the typical natural river; and
- e) Operations shall be timed to recognise the needs of fish spawning and migration for both native and introduced fish and riverbed nesting birds.

26.1.6.1.3 Diversions

Diversion of river channels are a Permitted Activity provided that the following conditions are met:

- a) To minimise the effects of water discoloration, diversion works shall only be carried out working in an upstream direction;
- b) Redundant channels shall be left open at the downstream end in a manner that ensures that fish stocks are not entrapped; and
- c) The Nelson Marlborough Fish and Game Council and the Department of Conservation shall be informed of the proposed works, at least seven days prior to work commencing.

26.1.6.1.4 Tree and Scrub Removal and Control

Tree and scrub removal and control is a Permitted Activity provided that the following conditions are met:

- a) Tree and scrub removal and control shall be carried out by mechanical and/or other physical means;
- b) All cut or felled vegetation shall be removed from the rivers and drainage channels less than 3 metres in width;
- c) All vegetation greater than 100 millimetres in diameter shall be removed from rivers wider than 3 metres;
- d) Machinery shall not be operated in flowing water;
- e) Removal of trees overhanging or partially in water shall be by machinery operated on the river bank or mounted on ships or barges;
- f) Consideration shall be given to the shading effect and other benefits of the tree(s) or other vegetation (especially those on the northern side), prior to removal; and
- g) All reasonable steps shall be taken to avoid discoloration of the water.

26.1.6.1.5 Rock, Rubble or Gabion Structural Bank Protection

Rock may be used for protecting river bank edges, training banks or stopbanks as a Permitted Activity provided that the following conditions are met:

- a) Rock from damaged or redundant structures may be recovered from the riverbed;
- b) All reasonable steps shall be taken to minimise discoloration of water;
- c) Where concrete or masonry rubble is used, any exterior reinforcing steel shall be cut flush with the surface of the concrete and removed from the site;
- d) For slow-flowing and/or urban rivers continuous lengths exceeding 50 metres of vertical gabion bank walls shall be avoided, by interposing some gently sloping sections which allow bird access to the river and habitat diversity;
- e) Motor vehicle bodies, old machinery and scrap iron shall not be used for bank protection works; and
- f) Except in urgent situations, placement of rock rip-rap in estuarine areas shall not take place between 1 August and 30 November in any year.

26.1.6.1.6 Tree Planting

For the purposes of edge protection and prevention of bank erosion, trees may be planted and maintained on river banks as a Permitted Activity provided that the following conditions are met:

- a) Crack willow shall not be planted along any river bank; and
- b) When layering is used as the principle means of propagation, trees layered along the bank edge shall be tied back with anchors.

26.1.6.1.7 Driving and Construction of Piled Retards

Driving and construction of piled retards is a Permitted Activity provided that the following conditions are met:

- a) Piled retards may be used in conjunction with tree planting as bank edge protection on braided riverbeds;
- b) Piled retards shall only be used where there is adequate channel width and the retards are likely to aggrade with sediment to form a new river bank; and
- c) Piled retards may be used as debris arrestors in front of culverts provided that fish passage is not obstructed.

26.1.6.1.8 Repair of Culverts and Floodgates

Culverts and floodgate structures may be repaired or reconstructed in their original location as a Permitted Activity provided that the following conditions are met:

- a) Provision for passage of fish at all tidal sites nominated by the Department of Conservation shall be made; and
- b) Any temporary coffer dams constructed must be removed at the completion of culvert maintenance.

26.1.6.1.9 Aquatic Weed Removal

Aquatic weeds controlled by hand methods, or with the use of a floating mechanical weed cutter with a reciprocating cutter bar, or by excavator is a Permitted Activity provided that the following conditions are met:

- a) Cutting by mechanical means shall not be carried out more than once in any 12 month period on any river reach; and
- b) Mechanical cutting shall not be carried out over more than 90% of the channel width. An uncut strip shall be left on each side.

Note: The removal of aquatic weeds by chemical means is a Discretionary Activity.

26.1.6.1.10 Gravel or Sediment Removal from Above River Water Level

Gravel and other sediment extraction only within the riverbed is a Permitted Activity provided that the following conditions are met:

- a) Banks or adjacent land shall not be disturbed for gravel extraction;
- b) No refuelling or fuel storage shall take place in or within 20 metres of the riverbed;
- c) No gravel extraction plant shall be operated in flowing water;
- d) Gravel shall be extracted in strips and layers from the inside of bends, working from the water's edge towards the land and with a perceptible slope rising away from the water's edge;

- e) Alternatively, a buffer strip of 1 metre width shall be left between the water's edge and the start of excavation. The excavation shall not disturb flowing water;
- f) Any excavation shall take place from the downstream end of the gravel beach, working upstream;
- g) No secondary braids and flow patterns may be opened up, either by extraction, tracking, or other redirection to river flow;
- h) Holes in the riverbed must not be created;
- i) Vertical faces must not exceed 1 metre in height;
- j) Gravel shall not be stockpiled within the riverbed for any period exceeding 24 hours;
- k) No gravel screening or processing shall take place in the riverbed;
- l) Oversize boulders or other sediment initially removed from the riverbed, but later considered unsuitable for use may not be disposed of back into the riverbed;
- m) Reject material shall not be disposed of in wetlands or backwaters;
- n) Access routes to extraction points shall be planned so as not to cut off flow into minor channels or backwater, or to disturb birds using riparian vegetation;
- o) The extraction of gravel shall be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday. No gravel shall be extracted on public holidays or between the periods 24 December to 3 January inclusive; and
- p) Records are to be kept on a monthly basis of gravel and other sediment removal from riverbeds.

26.1.6.1.11 Stopbank Maintenance and Reconstruction

Stopbanks that are structurally weak, damaged or that have developed isolated low points may be reconstructed to the 1% probability design height as a Permitted Activity.

26.1.6.1.12 Lining of Drainage Channels with Timber or Concrete

Drainage channels may be lined with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width as a Permitted Activity.

26.1.6.1.13 Drainage Channel Discharges and Flood Control

The diversion and discharge by pumping or floodgated gravity outfalls associated with the operation of the existing network drainage channels and small rivers, including the partial control of water levels and flow rates, is a Permitted Activity.

26.1.7 Wetland Drainage

26.1.7.1 Drainage of a wetland under 0.4ha

The drainage of a wetland under 0.4ha is permitted, unless identified in part 2 of Appendix B.

26.1.7.2 Drainage of a wetland over 0.4ha

The drainage of any wetland over 0.4 hectares is a Discretionary Activity, unless identified in part 2 of Appendix B.

26.1.7.2.1 Assessment Criteria

Whether the application adequately avoids, remedies or mitigates adverse effects on indigenous vegetation and habitats of indigenous fauna.

In assessing consent applications for the drainage of any wetland, Council will consider the significance of the vegetation affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological values of the area. Council will also take into account the extent of the reduction of the indigenous vegetation type in the District, should the application proceed, and the impact on the sustainability of that indigenous vegetation type.

26.1.7.3 Drainage of a wetland identified in Appendix B

The drainage of any wetland identified in part 2 of Appendix B is a Non-Complying Activity.

26.1.7.3.1 Assessment Criteria

Whether the application adequately avoids, remedies or mitigates adverse effects on indigenous vegetation and habitats of indigenous fauna.

In assessing consent applications for the drainage of any wetland, Council will consider the significance of the vegetation affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological values of the area. Council will also take into account the extent of the reduction of the indigenous vegetation type in the District, should the application proceed, and the impact on the sustainability of that indigenous vegetation type.

26.1.8 Use of Fresh Surfacewaters

26.1.8.1 Permitted Activity

The use of fresh waters for non exclusive recreational purposes shall be a Permitted Activity.

26.1.8.2 Discretionary Activity

Any activity that involves any structure or mooring which passes across or through the surface of any waterway or is attached to the bank of any waterway is a Discretionary Activity.

Commercial shipping activity is a Discretionary Activity when it:

- a) exceeds, during the peak season, five events, trips or outings per week on the same lake or section of river: and
- b) involves at any one time more than 10 people.

26.1.9 Use of Agrichemicals on or over Crown or Council Owned Wetland, Lake or River

Unless specified to the contrary in any specific zone the use of agrichemicals shall be a Discretionary Activity without limits as to the exercise of the Council's discretion.

26.1.10 Prohibited Activities on or over any Wetland Lake or River

The disposal of any hazardous waste on or over any wetland, lake or river shall be a Prohibited Activity for which no resource consent shall be granted.

26.1.11 Rules for the Drilling, Construction or Alteration of a Bore

26.1.11.1 Permitted Activities

Unless expressly limited elsewhere, the drilling, construction and alteration of a bore is a Permitted Activity where the hole is less than or equal to 5m deep, and complies with the following conditions (Note: this does not apply to monitoring bores which require a resource consent regardless of depth and must be a minimum diameter of 75mm to allow access for sampling equipment.)

26.1.11.1.1 Conditions

The following construction requirements must be met:

- Where the bore hole intersects groundwater it must be capped to prevent contamination of the aquifer;
- All artesian and free flowing bores must be capped to prevent wastage of water;
- All bores for the purpose of abstracting water must be constructed to New Zealand Drillers Federation Water Bore Construction Standards, to prevent contamination to and leakage of groundwater; and
- The well casing must stand 0.3m above the ground surface to protect the aquifer from contamination. (Refer to Figure 26.1 below)

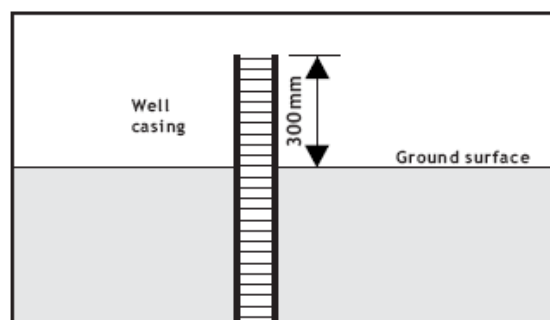


Figure 26.1

- 26.1.11.1.2 The following separation distances must be met:

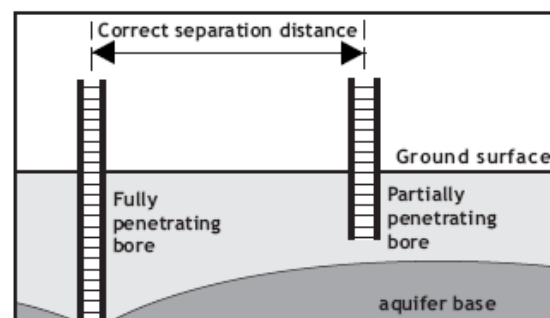


Figure 26.2

- a) In all areas domestic bores must have a minimum separation distance of 10 metres from any other domestic bores to mitigate against the drawdown effects of other bores.

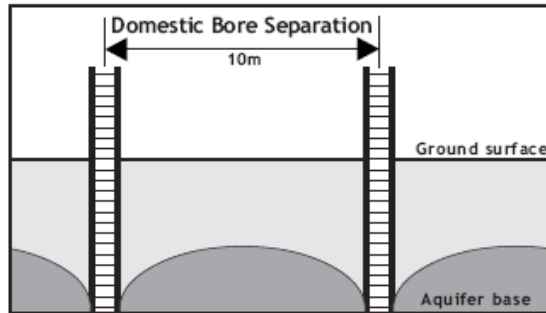


Figure 26.3

- b) In all areas irrigation bores must have a minimum separation distance of 50 metres from any other bore to mitigate against the drawdown effects from nearby bores.

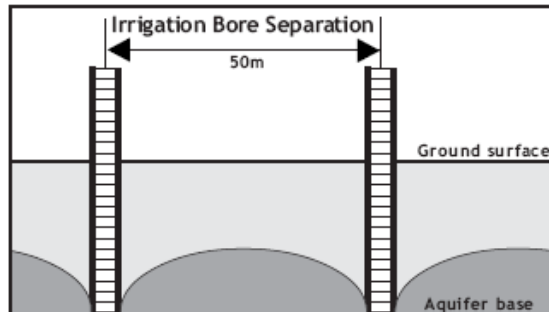


Figure 26.4

- c) All bores must have a minimum separation distance of 30 metres from soakage field of a septic tank and offal pits to mitigate against contamination.

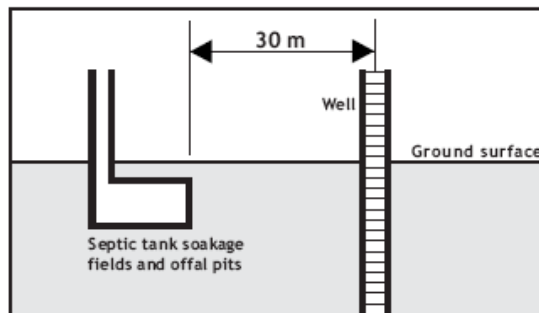


Figure 26.5

- d) All bores must have a minimum separation distance of 20 metres from the toe of a stopbank to avoid destabilisation of the bank.

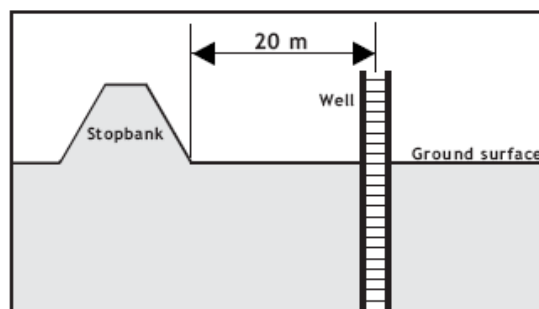


Figure 26.6

- a) All bores must have a minimum separation distance of 30 metres from the Mean High Water Mark to mitigate against salt water intrusion.

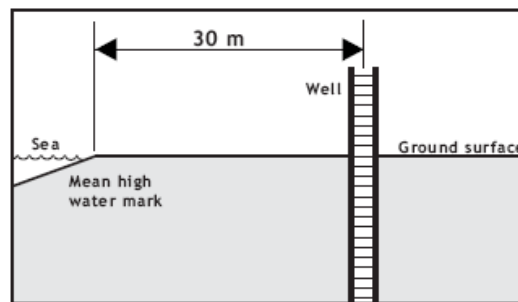


Figure 26.7

- 26.1.11.1.3 Bores located on a confined aquifer must be constructed by a contractor who has demonstrated experience in the construction of bores in confined aquifers with high artesian pressures.
- 26.1.11.1.4 The following monitoring requirements must be met for each bore:
- A copy of the bore log, a legal description of the land, a location map, a grid reference, and details on the Standard of Construction must be supplied to the Council;
 - Provision must be made for the fitting of a water meter;
 - Provision must be made for water quality sampling;
 - Provision must be made for access to the bore by the Council staff, to inspect and obtain samples and water level readings from bores through the use of a 20mm diameter electric probe, except bores less than 75mm in diameter; and
 - Any records collected from a bore, future or past, must be kept and made available to Council upon request.
- 26.1.11.1.5 The following maintenance, alteration and sealing requirements must be met for each bore:
- The bore owner is responsible for the maintenance of the bore. The Council may order the bore owner to repair or maintain bores where their disrepair is liable to cause an adverse environmental effect, eg. Permit entry of contaminants into the groundwater;
 - The bore owner is responsible for ensuring that water from the bore does not run to waste. The Council may require the bore owner to repair or maintain the bore to prevent water wastage;
 - Where a bore is not in use it must be capped and kept sealed to prevent water wastage or possible contamination;
 - The bore owner is responsible for the maintenance of the bore seal. The Council may order the bore owner to repair or maintain the seal where its disrepair is liable to cause an adverse environmental effect; and
 - Where the bore owner cannot be traced the Council will require the owner of a site on which a bore is located to undertake any maintenance works that may be required.

26.1.11.1.6 To gain a water permit for the taking and use of water, Council require test results to be submitted indicating the yield of the bore and effects on other users.

26.1.11.2 Limited Discretionary Activities

Application must be made for a resource consent for a Limited Discretionary

Activity for the following:

- a) All bores over 5 metres deep;
- b) Bores less than or equal to 5 metres deep which cannot meet the conditions for Permitted Activities; and
- c) Bores constructed for monitoring purposes.

26.1.11.2.1 The matters over which the Council will exercise its discretion shall be limited in the case of bores less than or equal to 5 metres deep to the effect of the particular non compliance on the environment. In the case of bores greater than 5 metres deep, the Council will limit its discretion to the conditions listed for Permitted Activities in Rule 26.1.11.1.

26.1.11.3 Non-Complying Activities

Application must be made for a resource consent for a Non-Complying Activity for any drilling, construction or alteration of a bore not provided for as a Permitted, Limited Discretionary, or Prohibited Activity.

26.1.11.4 Prohibited Activities

The following are Prohibited Activities for which no resource consent shall be granted:

- a) Free-flowing or uncontrolled artesian bores; and
- b) Injection of any substance into a bore hole, eg; Dumping of chemicals or waste.

26.2 Transportation - General

26.2.1 Transportation Hierarchy (as defined in the Regional Land Transport Strategy)

26.2.1.1 National Routes

- a) Picton to the Tory Channel entrance of Queen Charlotte Sound;
- b) Picton to the northern entrance of Queen Charlotte Sound;
- c) Currently or proposed Limited Access Roads; and
 - SH 1 Picton - The Elevation
 - SH 6 Okaramio - Havelock
 - SH 6 Havelock - Rai summit
- d) Main trunk railway line.

26.2.1.2 Primary or Regional Arterial Route

Kent Street, Queen Charlotte Drive, Mahakipawa Road.

26.2.1.3 Collector Routes

- a) Dublin Street (Auckland Street [SH 1] - Waikawa Road);
- b) Waikawa Road;
- c) Port Underwood Road (Waikawa Road - Karaka Point);
- d) French Pass Road (SH 6 - Okiwi Bay); and
- e) Kenepuru Road (Linkwater - Kenepuru Heads).

26.2.1.4 Local Roads

All other roads on the Plan area.

26.2.1.5 Underlying zoning of roads

Where a public work or permitted utility is proposed to be located within a legal road, the underlying zoning shall be deemed to be that of the immediately adjacent land extending to the mid point of the road.

26.2.1.6 Development of Unformed Roads

The consent of the road controlling authority shall be obtained prior to any proposal to develop unformed legal roads.

26.2.2 Vehicle Loading

26.2.2.1 Obligation to Provide Vehicle Loading Facilities

All activities which involve the delivery and/or collection of goods using heavy vehicles shall be provided with loading facilities able to accommodate expected demand for loading deliveries.

26.2.2.2 Design and Formation Standards for Loading Facilities

Unless specified to the contrary elsewhere in the Plan:

- a) Every loading space shall be of the following dimensions:

Activity	Minimum Size
Transport depots or similar	9.0 metres length 3.5 metres wide 3.8 metres high
Retail premises, offices, warehouse, bulk stores, industries, service industries and similar	8.0 metres length 3.5 metres wide 3.8 metres high
Offices and activities of less than 1500 m ² not frequently handling goods and where on street parking for occasional delivery is available	6.0 metres length 3.0 metres wide 2.6 metres high
Notwithstanding the above: <ul style="list-style-type: none"> • Where articulated trucks are used in connection with any site sufficient space not less than 20 metres in depth shall be provided; • Each loading space required by the Plan shall have unobstructed vehicular access to a road or service lane; and • Parking areas and loading areas may be served in whole or in part by a common manoeuvre area which shall remain unobstructed. 	

- b) All loading facilities shall be designed to ensure that vehicles are not required to reverse either into or out of the site except where loading vehicle entrances intersect with local roads;
- c) Commercial space designated for loading purposes shall be formed and finished to an all-weather dust-free surface and shall be maintained in a condition available for loading purposes at all times; and
- d) All new provisions for vehicle loading shall be designed and located to avoid vehicles parking or standing on a state highway.

26.2.3 Vehicle Parking

26.2.3.1 Obligation to Provide Vehicle Parking

Unless specified to the contrary elsewhere in the Plan:

- a) All sites shall be provided with sufficient on-site vehicle parking to accommodate the number of vehicles expected to be parked on the site in the usual course of operation of the activity and in accordance with the requirements specified in each zone;
- b) The required number of car parking spaces shall be calculated in respect of each individual activity intended to be undertaken on the site;
- c) Where individual activities occur at mutually exclusive times of the day or night, individual car parking spaces may be considered as qualifying as part of the required car parking provision provided there is no overlapping demand for car parking spaces by each activity;

- d) Where the use or occupation of a site or premises changes, the number of required carparking spaces shall be calculated for each new or changed activity;
- e) The calculation of required car parking spaces shall be in terms of the gross floor area of the site, building, or premises of the activity but excluding the gross floor area of any vehicle access, loading, turning, or parking area provided therein;
- f) When the calculation of required car parking spaces results in a fraction of a number, the fraction shall be rounded to the nearest whole number and in the case of 0.5 shall be rounded upwards to the nearest whole number; and
- g) All required vehicle parking spaces shall be kept clear and available for use by occupants and visitors to the site during the hours that the site's activity is in operation.

26.2.3.2 Design and Formation Standards for Vehicle Parking

- a) All required car parking spaces shall be formed to an all-weather standard and shall be clearly identified by marking on the ground or other signal to avoid inefficient parking of vehicles within the allocated space;
- b) All required car parking spaces shall be of useable shape and gradient and, together with their entrance and manoeuvring aisles, shall be designed and formed to comply with the dimensions shown in Figure 26.12;
- c) On any site fronting a national route or arterial route where car parking spaces are required to be provided they shall be configured such that vehicles are able to enter and leave the site in a forward direction and without reversing onto the road;
- d) Where required car parking spaces are to be provided at a distance of greater than 30 metres from the road boundary, the spaces shall be located such that vehicles are able to enter and leave the site in a forward direction without reversing onto the road;
- e) Where vehicle parking areas are expected to be used at night they shall be provided with overhead lighting sufficient to illuminate the parking area without causing nuisance light spill to adjoining properties; and
- f) Where multiple parking spaces are provided, there shall be provided sufficient queuing space to prevent conflict between vehicles entering and leaving the site.

26.2.3.3 Alternative Provision for Carparking

Where it is not practicable to provide the required number of car parking spaces on the site of the activity, the Council may accept payment of a sum of money in lieu of parking spaces which shall contribute towards the cost of providing or maintaining public car parking in the vicinity.

The sum payable shall not exceed the value of land equivalent to 24 square metres per required car parking space provided for.

26.2.3.4 Screening of Multiple Vehicle Parking Spaces

Any group of five or more vehicle parking spaces on any site adjoining a Residential Zone shall be screened from view from any adjoining residential property by a fence or vegetation or other means of screening.

26.2.3.5 Turning Space on Rear Sites

All required car parking and loading spaces on rear sites shall be configured such that vehicles using the spaces are able to enter and leave the site in a forward direction without reversing onto the road.

26.2.4 Protection of Sight Lines at Rail Crossings

26.2.4.1 Rail Crossings

The sight lines shown in Figure 26.15 in relation to railway level crossings should be kept clear of all obstructions including buildings, fences and vegetation.

26.2.5 New Road Intersections

26.2.5.1 Location

- a) The location of intersections with state highways shall be chosen to ensure adequate spacing and adequate sight distance is available for all vehicle movements. The spacing of intersections shall be such that the function of the through road is not impaired.
- b) The minimum spacing between intersections shall be as follows in Table 26.1.

Table 26.1 Minimum Spacing Between Intersections	
Speed Limited (km/h)	Minimum Distance (m)
100	800
80	550
70	220
60	160
50	125

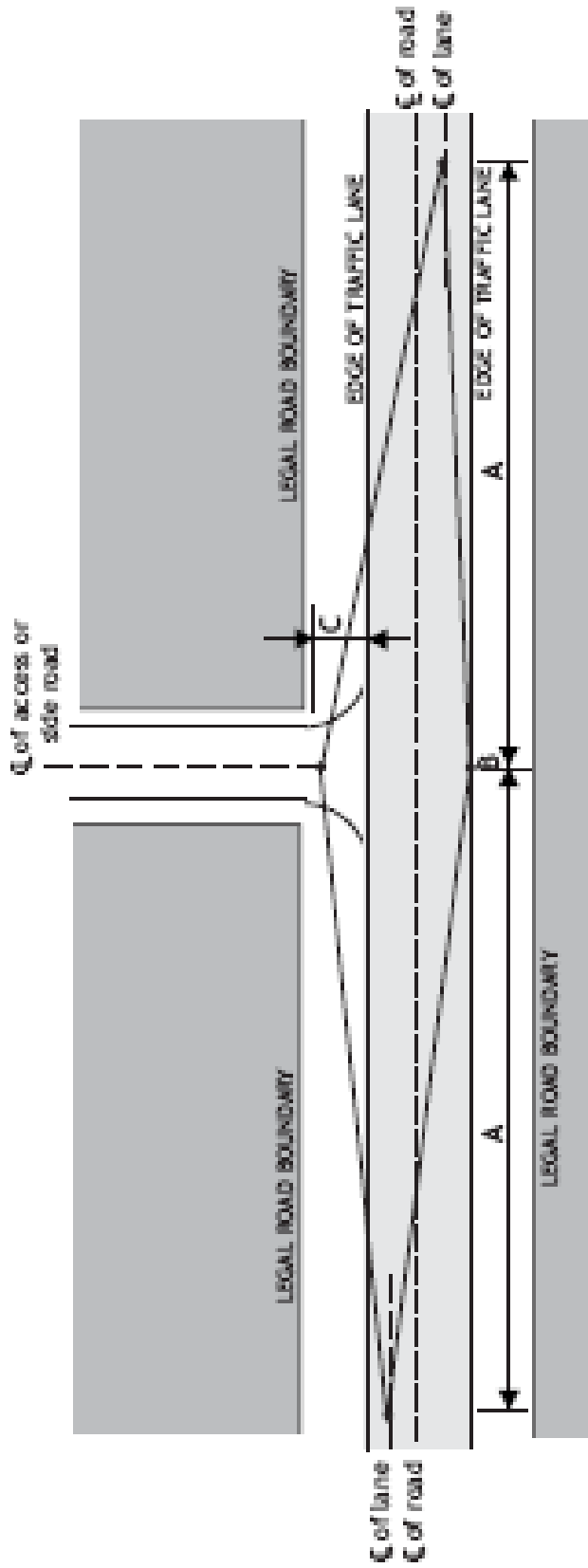
26.2.5.2 Sight Distances

- a) The sight distance available from any new intersection to be formed shall not be less than the minimum specified in Table 26.2 below, and wherever practicable the optimum specified in that table is to be provided.
- b) The sight lines at new road intersections shall be kept clear of all obstructions including buildings and other structures, fences and vegetation in accordance with the dimensions in Table 26.2.

Table 26.2 Minimum Sight Distance from Intersection		
85 percentile* speed (km/h)	Sight Distance (m)	
	Optimum (Entering Sight Distance)	Minimum Safe Intersection Sight Distance)
50	125	80
60	160	105
70	220	130
80	305	175
90	400	210
100	500	250
110	500	290
120	500	330

- c) The 85th percentile speed shall be determined in accordance with the method set out in the AUSTRROADS Guide to Traffic Engineering Practice Part 3 Traffic Studies, Chapter 4 (1988). The visibilities shall be measured in accordance with Figure 26.8.
- d) The available sight lines at existing intersections shall not be obstructed by buildings and other structures, fences and vegetation.
- e) Any new intersection to be formed with a State highway shall be no closer than 100 metres to any existing access on the highway or 30 metres if the access is on the side road. Note: Distance measurements are to be taken from the nearest intersection of road reserve boundaries to an access, or in the case of a T intersection, the prolongation across the intersection of the road reserve boundaries of the intersection road.

Figure 26.8
Sight Distance Measurement Diagram



NOTE: Sight Distances shall be measured to and from a height of 1.15 metres above the existing road surface and the proposed surface level of the side road or access.

INTERSECTION	A	Sight Distance - Table 26.2
PROPERTY ACCESS	A	Sight Distance - Table 26.3
	B	Edge of State Highway traffic lane
	C	For Access: 3.5m from edge of State Highway traffic lane For Intersections: 5.5m from edge of State Highway traffic lane

DIAGRAM NOT TO SCALE

26.2.5.3 Relationship with Railways

- a) Any new road intersection to be formed where a road crosses a railway shall have a minimum separation of 25 metres between any State highway and the railway.
- b) Where a road crosses a railway it shall be a requirement that 20 metres each side of the railway is constructed generally at the same level as the railway.

26.2.6 Accesses

26.2.6.1 Sight Distance

- a) The sight distance available from any new access shall not be less than the minimum distance specified in Table 26.3.
- b) Where a new access is to be formed to a State highway and the access crosses a railway and there is less than 25 metres separation between the State highway and the railway (insufficient length for large vehicles to wait) the sight distance shall be measured from a point:
 - c) At a height of 1.15 metres above the proposed surface level of the access.
 - d) on the access, and
 - e) 5 metres back from the side of the railway furthest from the State highway.
- f) The sight lines at new or altered accesses and existing accesses where there is a change of land use activity or a new activity is to be established shall be kept clear of all obstructions including buildings and other structures, fences and vegetation in accordance with the dimensions on Table 26.3.

Table 26.3 Minimum Sight Distance from Accesses		
85 percentile* speed (km/h)	Sight Distance (m)	
	Private Access	Rural Selling Place and Commercial Activities
50	45	80
60	65	105
70	85	140
80	115	175
90	140	210
100	170	250
110	210	290
120	250	330

- g) The 85th percentile speed shall be determined in accordance with the method set out in the AUSTRROADS Guide to Traffic Engineering Practice Part 3 Traffic Studies, Chapter 4 (1988). The visibilities shall be measured in accordance with Figure 26.8.

26.2.6.2 Access Spacing

- a) For rural State highways, where the speed limit is 100km/hr, the minimum spacing between successive accesses (regardless of the side of road on which they are located) shall be not less than 200 metres.
- b) For urban State highways the minimum distance between accesses (either single or combined) on the same side of the road shall be:
 - Not less than 7.5 metres for residential land uses, and
 - Not less than 15 metres for all other land uses.

26.2.6.3 Distances of Access from Intersections

- a) Except as specified below in respect of State Highways no access to any property shall be sited closer than 12.0 metres from any intersection, such distance to be measured from the intersecting kerb lines. The Council may require greater distance in the case of major intersections, or where development of a property near an intersection will generate traffic likely to interfere with the normal flow of traffic through that intersection.
- b) In a rural area no vehicle access to a State highway shall be constructed within 100 metres of a road intersection. Where the access is to a side road the access shall be a minimum of 30 metres from the State highway boundary.
- c) In an urban area no vehicle access to a State highway shall be constructed within 15 metres of a road intersection. Where the access is to a side road the access shall be a minimum of 15 metres from the State highway boundary.
- d) For the purposes of this rule "intersection" means the physical intersection inclusive of any acceleration, deceleration or turning lanes and any road widening associated with the intersection.
- e) The measurement of the offset distance shall be taken from the nearest corner junction point of the road reserve boundaries at the intersection, or, in the case of a T intersection, the prolongation shall extend to the near side of the access where it crosses the property boundary.

26.2.6.4 Relationship with Railway

Where an access crosses a railway, 20 metres either side of the railway shall be constructed generally at the same level as the railway.

26.2.7 Standards for Vehicle Access to Individual Sites

26.2.7.1 Design and Formation Standards for Vehicle Access

All accesses shall be designed and constructed so that heavy vehicles do not have to cross the road centre line when making a left turn.

26.2.7.2 General

Where the carriageway margin provides, or is intended to provide kerb or kerb and channel, access from the carriageway to property shall be gained by channel crossing, except that in the case of major developments a developer may wish

to negotiate with the Council for access to be a continuation of the carriageway kerb into the property. This latter form of access is known as a drive-in access.

26.2.7.3 Urban Situations

There are two types of channels and crossings: residential (built to carry car traffic) and other (built to carry heavier traffic). "Crossing" means the pavement or footpath between the carriageway channel and the property boundary, while "channel" means the part of the carriageway channel that is crossed for access purposes.

a) Residential Crossings Standards :

For front and corner lots the minimum width of each crossing shall be 3.0 metres.

b) Standards for Other Crossings

Where vehicle access is required to properties with other than residential activity, this shall be by means of channel and crossing constructed to a commercial standard. The minimum width of crossing is 4.0 metres. This may be increased to 5.0 metres, where local traffic conditions or the type of vehicle commonly used to serve the property justify this increase.

26.2.7.4 Rural Situations

Exception:

a) Construction Standards

All rural vehicle entrances shall be constructed to an all-weather standard, viz, metalled or sealed, to the same standard as the adjoining road. In urban areas all entrances shall be constructed in permanent materials consistent with the standard in the immediate locality.

b) State Highways

here the access is on to a state highway in a rural area the design and construction of the crossing shall comply with the standards indicated on Figures 26.9, 26.10, or 26.11 depending upon the activity served by the proposed access (the figures form part of this rule).

c) All vehicle entrances which cross waterways and drains shall be constructed to incorporate culverts and crossings appropriate to the maximum traffic load expected to use the crossing in the normal course of events. Any pipe work or diversion of waterways shall comply with the requirements of the Code of Practice for Subdivision and Land Development.

Figure 26.9
Provisions for Access - Up to four Residential Units

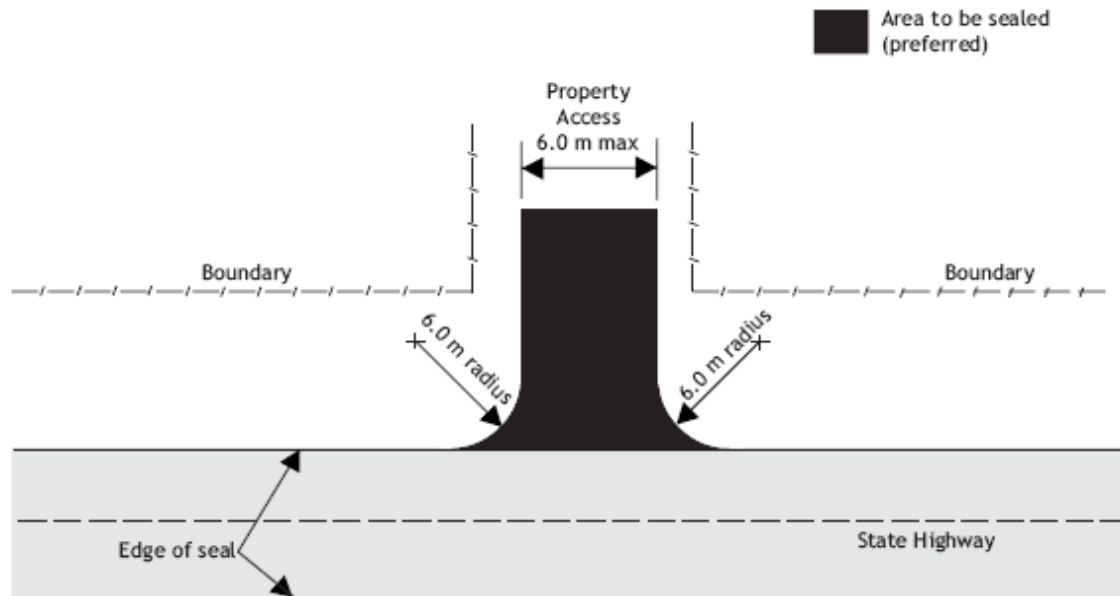


DIAGRAM NOT TO SCALE
 NOTE: All dimensions in metres

Figure 26.10
Provisions for Access - Up to four Residential Units
Frequent Use By Heavy Vehicles (eg dairy tankers)

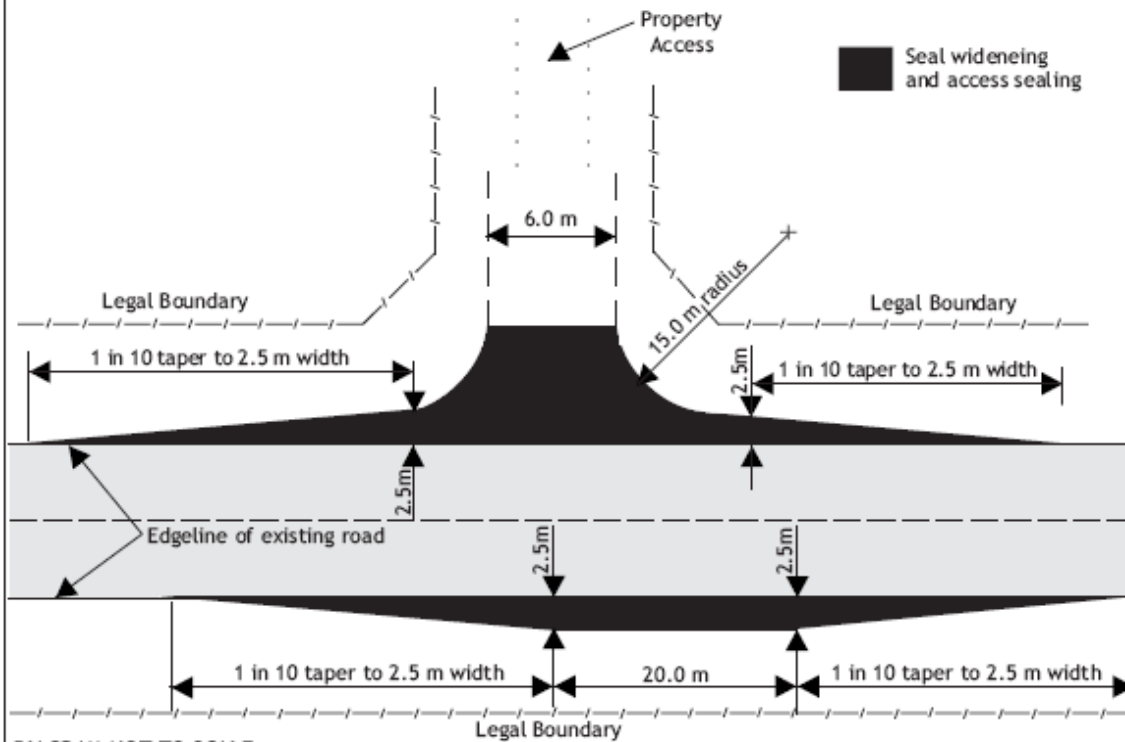
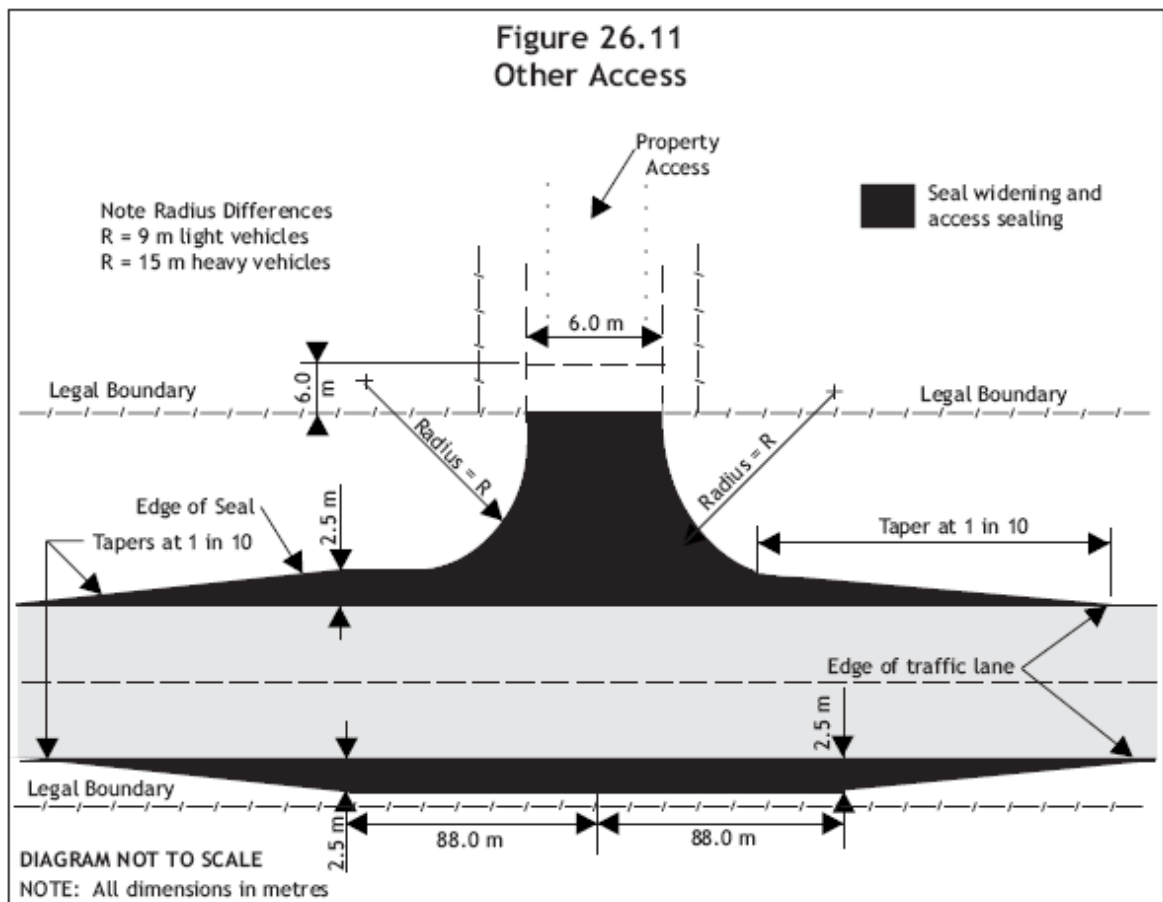


DIAGRAM NOT TO SCALE
 NOTE: All dimensions in metres



26.2.8 On-Site Turning and Manoeuvring Space

26.2.8.1 All parking and loading areas shall be designed to Building Act 1991 standards to ensure that vehicles are not required to reverse either on to or off the site except:

- a) Loading areas with access to secondary collector and local roads or services lanes where loading docks may be provided.
- b) Parking spaces for a single residential unit on a front site on roads other than State Highways, primary and secondary arterial roads and Waikawa Road.

26.2.8.2 Refer to General Rule 26.2.2 Vehicle Loading and 26.2.3 Vehicle Parking for additional rules.

26.2.9 Specific Requirements for Service Stations

26.2.9.1 The canopy shall be set back 2.0 metres from the legal road boundary.

26.2.9.2 Accessways into service stations shall comply with the following minimum separation distances from intersections measured from the start of corner construction:

- a) If a State Highway is one of the intersections roads 15 metres
- b) Otherwise 10 metres

- 26.2.9.3** Accessways into service stations shall comply with the following minimum separation distances from other driveways:
- a) Between driveways for residential activities 7.5 metres
 - b) Between driveways for other activities 15 metres
- 26.2.9.4** The width of any driveway into a service station shall comply with the following:
- a) One way (with no tanker movements) 3.5 metres min
6.0 metres max
 - b) Two way, and one way (with tanker movements) 6.0 metres min
9.0 metres max
- 26.2.9.5** The road boundary of the site shall be bordered by a nib wall to control traffic flows and to clearly define entrance and exit points.
- 26.2.9.6** Pumps shall be located a minimum of 4.5 metres from the road boundary and a minimum of 12 metres from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling.
- 26.2.9.7** A minimum path width of 4.5 metres shall be provided for vehicles through the service station forecourt.
- 26.2.9.8** Tanker access to bulk tank filling positions shall ensure that tankers drive in and out in a forward direction, without the need for manoeuvring either on the site or adjacent roadways. Where this cannot be achieved, an area sufficient for tanker manoeuvring shall be provided so that the tanker may drive out in a forward direction.
- 26.2.9.9** Tankers discharging shall not obstruct the footpath or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service.
- 26.2.9.10** The minimum path and loading bay widths for tankers shall be 4.5 metres with a minimum inside turning radius of 7.5 metres.
- 26.2.9.11** Minimum sight distances at entrance and exit points - refer Rule 26.2.4.

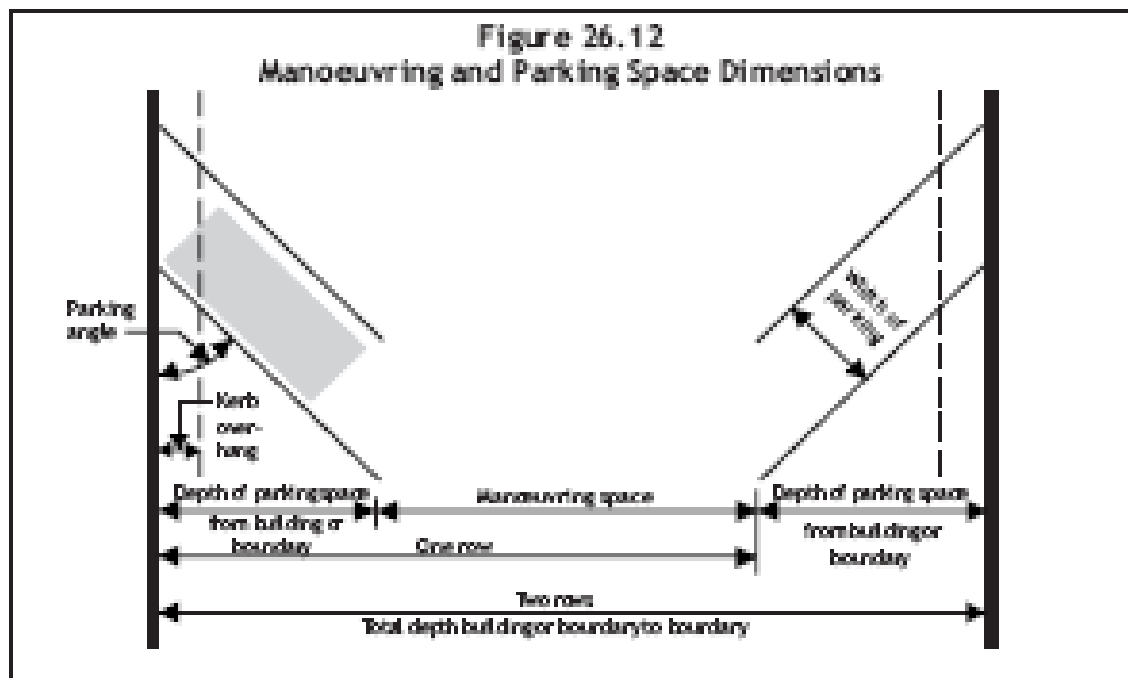


Table 26.4

Parking Angle	Width of Parking Space	Kerb Overhang	Depth of Parking Space	Manoeuvring Space	Total Depth	
					One Row	Two Row
90°	2.30	1.0	4.9	8.3	13.2	18.1
	2.45	1.0	4.9	7.9	12.8	17.7
	2.60	1.0	4.9	7.0	11.9	16.8
	2.75	1.0	4.9	6.7	11.6	16.5
75°	2.30	1.0	5.2	7.0	12.2	17.4
	2.45	1.0	5.2	6.2	11.4	16.6
	2.60	1.0	5.2	5.2	10.9	15.6
	2.75	1.0	5.2	4.6	9.8	15.0
60°	2.30	1.0	5.2	5.0	10.2	15.4
	2.45	1.0	5.2	4.3	9.5	14.7
	2.60	1.0	5.2	3.5	8.7	13.6
	2.75	1.0	5.2	3.2	8.4	13.1
45°	2.30	0.8	4.9	3.3	8.2	13.1
	2.45	0.8	4.9	2.6	7.5	12.4
	2.60	0.8	4.9	2.4	7.3	12.2
	2.75	0.8	4.9	2.3	7.2	12.1
30°	2.30	0.6	4.0	2.5	6.5	10.5
	2.45	0.6	4.0	2.4	6.4	10.4
	2.60	0.6	4.0	2.4	6.4	10.4
	2.75	0.6	4.0	2.3	6.3	10.3
Parallel Parking	6.10	0.4	2.5	3.7	6.2	8.7
	6.20	0.4	2.5	3.6	6.1	8.6
	6.40	0.4	2.5	3.3	5.8	8.3
	6.60	0.4	2.5	3.0	5.5	8.0

Figure 26.13
Vehicle Tracking Curve
90 Percentile Truck

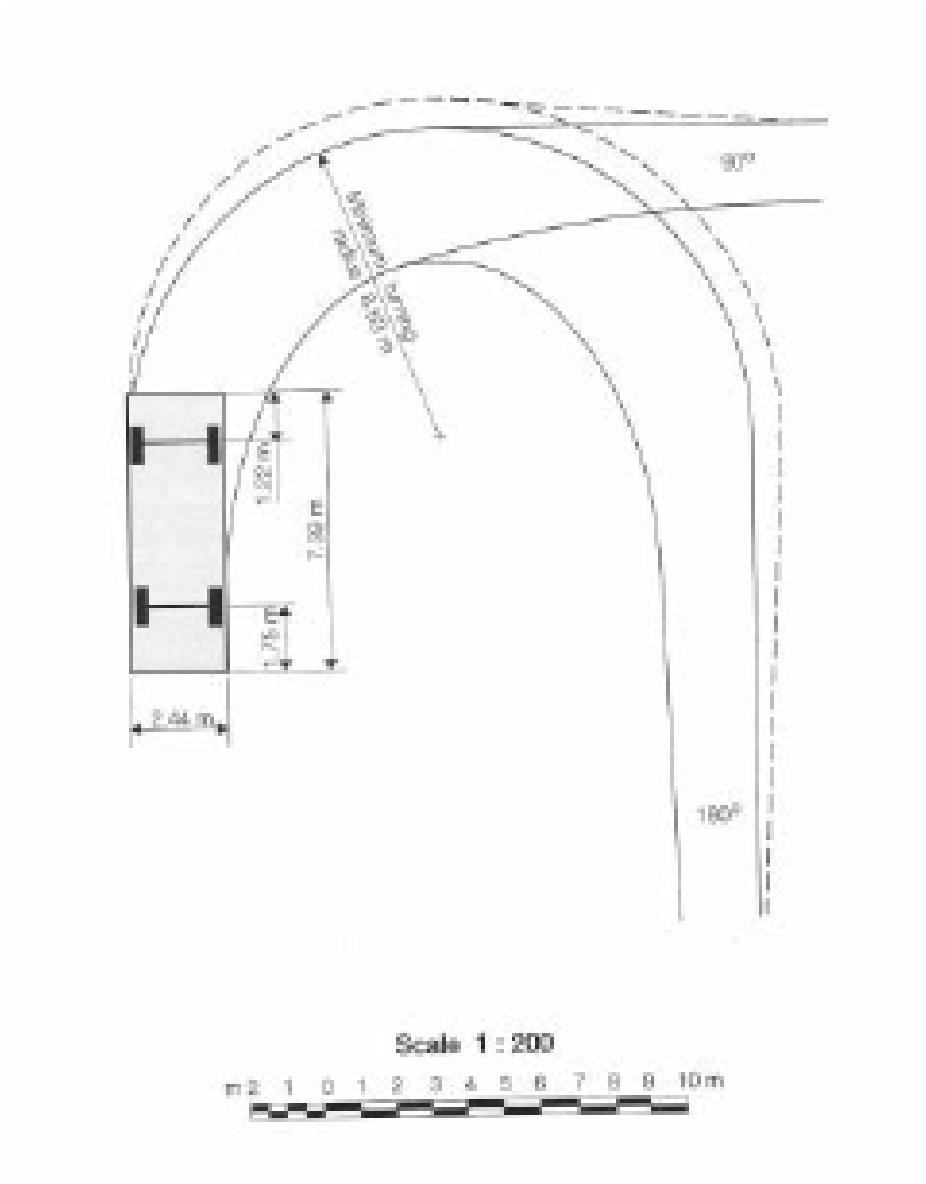
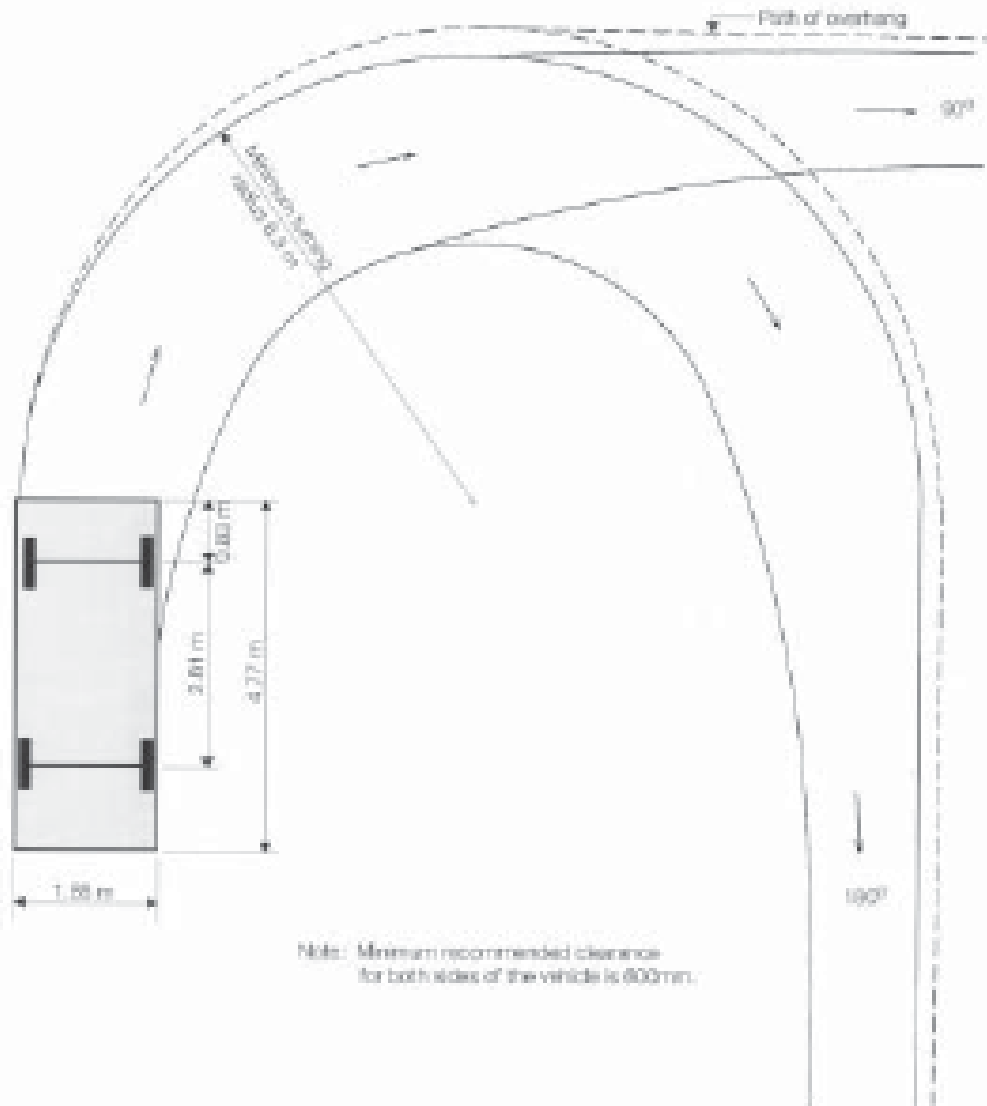


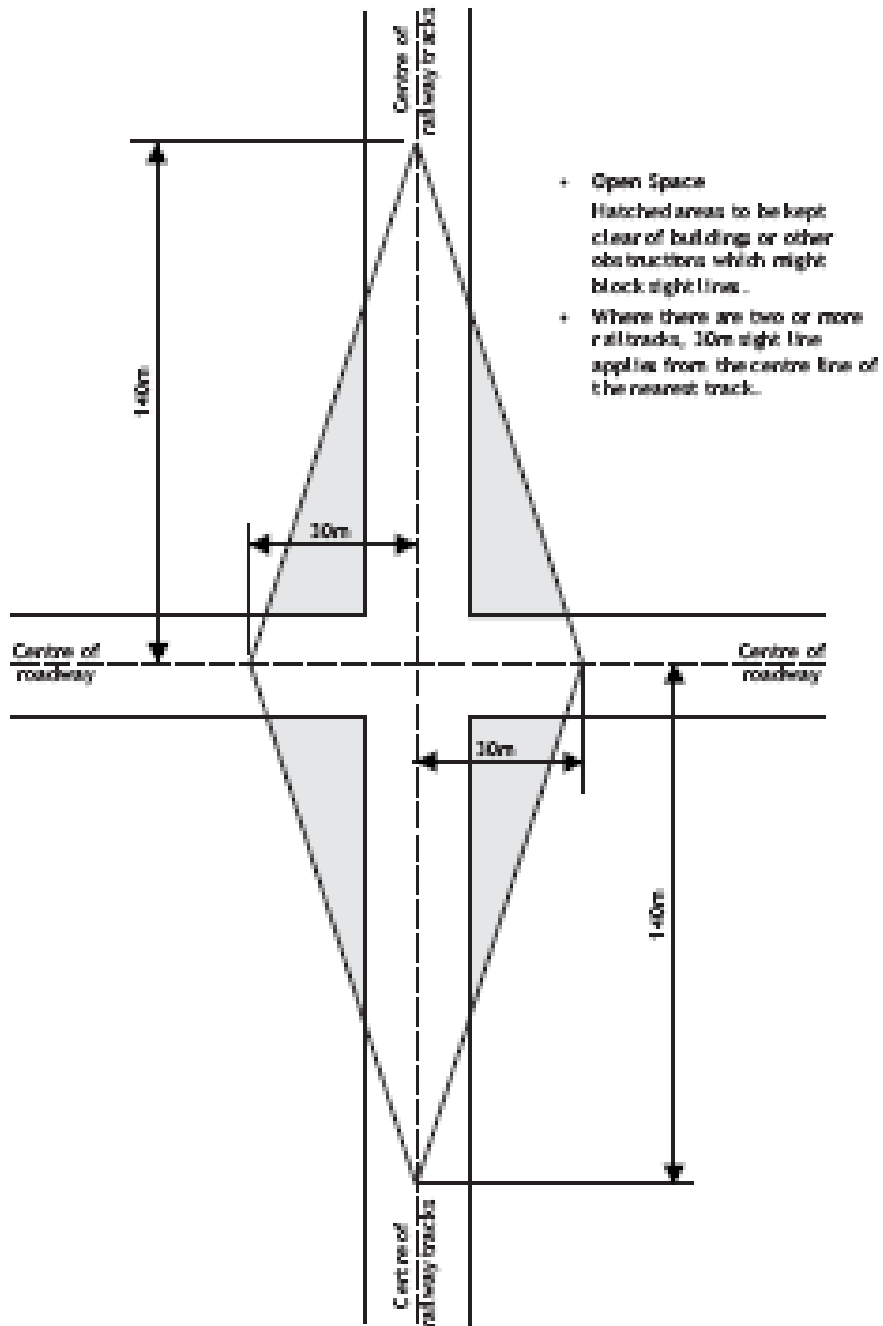
Figure 26.14
Vehicle Tracking Curve
90 Percentile Car



Scale: 1 : 100



Figure 26.15
Railway Crossing Sight lines



26.3 Heritage

26.3.1 Scheduled Heritage Resources in all Zones

26.3.1.1 Class A Heritage Resources

26.3.1.1.1 The demolition or removal of a Class A heritage feature as identified in Appendix A is a Non-Complying Activity. Any application for such a resource consent shall be accompanied by an application for a plan change to remove the feature from Appendix A. All costs associated with these applications shall be borne by the applicant.

26.3.1.1.2 Any alteration or addition to a Class A heritage feature identified in Appendix A shall be a Discretionary Activity.

26.3.1.2 Class B Heritage Resources - Other than Heritage Trees, Archaeological and Waahi Tapu Sites and Areas

26.3.1.2.1 The demolition or removal of a Class B heritage feature (other than heritage trees, archaeological and waahi tapu sites) as identified in Appendix A is a Discretionary Activity. Any application for such a resource consent shall be accompanied by an application for a plan change to remove the feature from Appendix A. All costs associated with these applications shall be borne by the applicant.

26.3.1.2.2 Any alteration or addition to a Class B heritage feature (other than heritage trees, archaeological and waahi tapu sites) and areas identified in Appendix A shall be a Controlled Activity.

26.3.1.3 Class B Heritage Resources - Heritage Trees, Archaeological and Waahi Tapu Sites and Areas

26.3.1.3.1 Any alteration to a Class B heritage resource (heritage trees, archaeological and waahi tapu sites and areas) listed in Appendix A shall be a Discretionary Activity.

26.3.1.3.2 In relation to heritage trees, alteration means removal of any listed tree; significant trimming of any listed tree; the construction of any building or laying of overhead or underground services within 5 metres of the base of any listed tree whether on the site or not; or, any other work or activity which could adversely affect the condition of a scheduled tree. Alteration shall exclude any minor maintenance work including trimming and pruning.

26.3.1.3.3 In relation to archaeological or waahi tapu sites and areas, alteration means excavation; physical investigation; damage; the removal of soil, structures or trees; the reconstruction of any feature; or, any other activity, use or work in the vicinity of the listed feature which endangers, damages or destroys the listed feature. Alteration does not include general maintenance and repair.

26.3.1.4 Assessment Matters

26.3.1.4.1 In addition to the matters contained within Part II and sections 104 and 105 of the Act, Council shall have regard to the matters set out in assessment criteria Rules 26.3.2, 26.3.3 and 26.3.4 as applicable.

- 26.3.1.4.2 The New Zealand Historic Places Trust shall be consulted with in respect of any application involving a heritage feature recorded in the Historic Places Trust Register or any recorded archaeological site.
- 26.3.1.4.3 Iwi consultation will be required for any application involving an archaeological or waahi tapu site or area or any other heritage resource which relates to tangata whenua.
- 26.3.1.4.4 In the case of **Controlled Activities**, the following assessment matters shall only apply in respect of the conditions that may be imposed on a resource consent. For **Discretionary Activities**, the following criteria apply in considering whether or not to decline consent or impose conditions.

26.3.2 Heritage Resource - Other than Archaeological and Waahi Tapu Sites and Areas

26.3.2.1 Assessment Criteria

- a) The immediate or cumulative effects of the demolition, removal, alteration or addition to the feature on local heritage;
- b) The reasons for the listing of the heritage resource and the category in which it appears;
- c) Where the feature is part of a group of similar features, any adverse effect on the integrity of the group shall be considered;
- d) Any effort by the applicant to retain important features of the heritage resource where possible;
- e) The extent to which any alteration or addition is in keeping with the original design and materials; and
- f) Any other appropriate condition which enables all or part of the heritage resource to be retained, picks up on any incentives available to the applicant to retain the heritage resource or relates to any of the policies contained within Volume One.

26.3.3 Heritage Resources - Heritage Trees

26.3.3.1 Assessment Criteria

The removal or alteration of scheduled trees are a Discretionary Activity. In considering any such application the Council may give consent where one or more of the following is established:

- a) The tree or trees are dying, diseased, or have lost the essential qualities which they were originally listed and protected for;
- b) The tree or trees have become a danger to people and/or any part of the environment, natural or built;
- c) The tree or trees are seriously restricting a particular use of the site which offers significantly greater benefits in terms of amenity value;
- d) Any substitute or compensating tree planting or landscaping proposed; and

- e) Any other appropriate condition which enables all or part of the heritage resource to be retained, picks up on any incentives available to the applicant to retain the heritage resource or relates to any of the policies contained within Volume One.

26.3.4 Heritage Resources - Archaeological and Waahi Tapu Sites and Areas

26.3.4.1 Assessment Criteria

Subject to approval from the New Zealand Historic Places Trust an application to alter (includes destruction) a scheduled site or area listed in Appendix A, Council in conjunction with the relevant iwi shall, in considering whether or not to decline consent or impose conditions, have regard to the following assessment criteria:

- a) The immediate or cumulative effects of the alteration to the feature, on local heritage;
- b) The reasons for the listing of the archaeological or waahi tapu site or area;
- c) Where the feature is part of a group of similar features, any adverse effect on the integrity of the group shall be considered;
- d) Any effort by the applicant to retain important features of the heritage resource where possible;
- e) The possibility of imposing a restriction on any work involving alterations for a specified time to enable a comprehensive archaeological investigation of the site or area;
- f) Whether the work proposed can be located on an alternative part of the site where the adverse effects on the actual archaeological or waahi tapu site/area can be avoided or mitigated; and
- g) Any other appropriate condition which enables all or part of the heritage resource to be retained, picks up on any incentives available to the applicant to retain the heritage resource or relates to any of the policies contained within Volume One.

26.4 Outdoor Advertising

26.4.1 General Site Standards for all Signs

- 26.4.1.1 All signs shall comply with the height requirements for the zone in which they are located.
- 26.4.1.2 All signs shall advertise only services, products or events available or occurring on the site on which the sign is located, except where specifically provided for as Permitted Activity or as a temporary sign.
- 26.4.1.3 No sign shall be erected on or adjacent to a road which will:
 - a) Obstruct the line of sight of any bridge, corner, bend, intersection or vehicle crossing;

- b) Obstruct, obscure or impair the view of any traffic sign or signal;
- c) Resemble or be likely to be confused with any traffic sign or signal;
- d) Use reflective materials, other than a traffic safety sign erected by the road controlling authority;
- e) Use flashing or revolving lights; and
- f) Give rise to excessive levels of glare to a hazardous degree.
- g) Be within 120 metres of any State Highway intersection or bridge, within a 100km/hr speed limit.

26.4.1.4 All signs shall be constructed, fixed and placed in a manner so they do not pose a danger to property or people. This shall be the responsibility of the sign owner and the owner of the building or land on which the sign is placed.

26.4.1.5 Advertising blimps or balloons shall not be flown:

- a) More than 40 metres above the ground
- b) Within a 5 kilometre radius of any aerodrome;
- c) Outside daylight hours; and
- d) When the wind speed exceeds 15 knots;
- e) Within 100 metres of any arterial road.

26.4.1.5.1 Advertising blimps or balloons shall be flown with at least two guy-ropes attached so that in the event of one rope breaking the remaining rope shall adequately restrain the blimp or balloon.

26.4.1.6 No sign shall be attached to a tree, other than a sign identifying the species of tree and/or its classification in terms of the Plan.

26.4.2 Signs in all Zones

This section does not apply to:

- signs erected within the Conservation or Coastal Marine Zones, in accordance with a Conservation Management Strategy, Management Plan, or Outdoor Sign Manual - Dept of Conservation - 1994; and
- Christmas decorations erected in a public place for the period between two months before and two months after Christmas Day.

Except where specifically provided for as discretionary or non-complying activities, the following signs shall be **Permitted Activities** in all zones, subject to compliance within the General Site Standards (Rule 26.4.1) for all Signs:

26.4.2.1 Traffic signs or signs denoting the name of a street or the street number of a premises.

26.4.2.2 Temporary signs for community, educational and recreational events and during building construction, provided that they comply with the following site standards:

- Signs shall not exceed 2m² in area; and
- Signs shall not be erected more than three months prior to the date of the commencement of the activity advertised nor remain erected more than one week following completion of that activity.

- 26.4.2.3 Temporary Real Estate signs, provided that they comply with the following site standards:
- Signs shall not exceed 1m² in area; and
 - Signs shall be erected only while a property is on the market and shall be removed within one week of the sale (when contract unconditional OR possession date or withdrawal from the market of that property).
- 26.4.2.4 A sign for any public purpose or in connection with and on the same site as any utility, community facility or public reserve, provided that they comply with the following site standard:
- Signs shall not exceed 1.2m² in area.
- 26.4.2.5 Power line crossing signs warning of power lines crossing navigable channels, provided they comply with the current directive issued by the Maritime Safety Authority of New Zealand.
- 26.4.2.6 A banner sign not exceeding 4m² erected between buildings or from a building for a period not exceeding one month.

26.4.3 Signs in Commercial, Industrial, Marina, Port and Rural Township Zones

- 26.4.3.1 Except where specifically provided elsewhere or for Discretionary or Non-Complying Activities, signs shall be **Permitted Activities** in:
- All Commercial, Industrial, Marina, Port and Rural Township Zones; and
 - Front sites within the Township Zones on State Highway 6;
- provided that they comply with the General Site Standards for all Signs and the site standards set out in 26.4.3.2 to 26.4.3.6 below.
- 26.4.3.2 Signs attached to buildings shall not exceed the highest point of the roof.
- 26.4.3.3 The total area of signs on any site shall not exceed the following maximum areas:
- a) 6m² in Commercial, Industrial, Marina and Port Zones; and
 - b) 3m² in Rural Township Zone, limited to front sites on State Highway 6.
- For the purposes of measuring the area of any sign, a double-sided sign shall be measured as the area of one side only.
- 26.4.3.4 Signs attached to, but under, street verandahs shall be:
- a) No closer than 2.5 metres to the footpath below;
 - b) Set back at least 500mm from the kerb of the road; and
 - c) Be at least 3 metres away from any other under verandah sign.
- 26.4.3.5 Street verandahs fascia signs shall not protrude below the verandah;
- 26.4.3.6 Signs above verandahs but attached to the verandah shall not exceed 1.2 metres in height above the top of the verandah and shall be set back at least 500mm from the fascia line.

26.4.4 Signs in Rural Zones

- 26.4.4.1 All signs shall be situated on the property to which they relate.
- 26.4.4.2 Signs shall be erected generally at right angles to the frontage roadway but angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting back into the motorist’s vision.
- 26.4.4.3 There shall be permitted only one double-sided sign per property and all signs shall be wholly situated within the property.
- 26.4.4.4 Signs shall be erected to present an unrestricted view to the motorist for the minimum distance shown in Table 26.5 below.

Table 26.5 Minimum Visibility Distance to Signs	
Regulatory Speed Limited (km/hr)	Visibility Distance (m)
50	80
70	130
80	175
100	250

- 26.4.4.5 The minimum distance between successive signs should be as is shown in Table 26.6.

Table 26.6 Minimum Distance between Signs	
Regulatory Speed Limit (km/hr)	Distance (m)
70	60
80	70
100	80

- 26.4.4.6 Advance warning signs will be considered where a sign located in accordance with the criteria in this Section is unable to be seen from the distance specified in Table 26.5. In considering any application for such a sign the Council shall consider the degree of divergence from the standard specified in Table 26.5 and the contribution the advance sign will make to the safe operation of the state highway. Any such application shall be a Discretionary Activity.
- 26.4.4.7 Advance warning signs will not be allowed to direct motorists from a main traffic route to business outlets on a side road.
- 26.4.4.8 Signs are to be located immediately adjacent to the access to the property to which they relate, except for those signs to which Rule 26.4.4.6 relates.
- 26.4.4.9 Signs shall be sited such that they do not restrict visibility to and from intersections and property accesses.
- 26.4.4.10 The sign message must be clear, concise, of a plain lettering style and limited to a maximum of five words or a combination of words and symbols to be not more than six. Lettering shall conform with the sizes set out in Table 26.7.

Table 26.7 Lettering Height (mm)			
Regulatory Speed Limit (km/hr)	Main Message	Property Name	Secondary Message
50	100	100	75
70	200	150	100
80	250	175	125
100	300	200	150

- 26.4.4.11 Signs shall not conflict with the colour combinations or shape of traffic signs.
- 26.4.4.12 The total area of the sign shall be the minimum required to accommodate the message and/or symbols and in no instance shall the area of the symbol exceed 20 percent of the area occupied by the words or letters.
- 26.4.4.13 Where the sign comprises a symbol or combination of symbols only, the total area of the sign shall not exceed 3.0 square metres.
- 26.4.4.14 Where the shape of the sign depicts the nature of the product or service or logo then the total area shall not exceed 3.0 square metres and the words shall be contained within this area.
- 26.4.4.15 A removable panel may be provided indicating whether a business is open or closed.
- 26.4.4.16 The letter height for the message shall be as for the property name.
- 26.4.4.17 Signs visible from a state highway in a 100km/hr area shall be not illuminated unless the premises are open for business.
- 26.4.4.18 Signs and support structures shall be unobtrusive and well-maintained.
- 26.4.4.19 Signs constructed using retro-reflective material are prohibited.
- 26.4.4.20 Flashing or animated signs, including those employing revolving lights, are prohibited.

26.4.5 Advertising Signs and Devices on State Highways

- 26.4.5.1 All free-standing signs which are situated within the state highway legal road reserve are subject to the controls specified in Transit New Zealand Bylaw 1987/3.
- 26.4.5.2 All signs approved for erection by the road controlling authority are deemed to be Permitted Activities throughout the district.
- 26.4.5.3 All other signs which are situated within the state highway legal road reserve, or the air space above that legal road, are subject to Transit New Zealand's controls relating to location and design, as applicable. Any proposal shall be considered as an application for a Discretionary Land Use Activity.

26.4.6 Lettering Sizes

Unless specified elsewhere the following suggested lettering sizes are intended to be used in areas of the district where specific regulatory traffic speed limits apply, in order to make signs in these areas easily readable to passing motorists, and therefore minimise their potential adverse effects on traffic safety.

Table 26.8 Lettering Height (mm)			
Regulatory Speed Limit (km/hr)	Lettering Height Main Message	Occupier/Property	Secondary Message
50	150	100	75
70	200	150	100
100	300	200	150

26.4.7 Discretionary Activities

26.4.7.1 Except where specifically provided for as non-complying activities, the following signs are Discretionary Activities in respect of the matter(s) specified:

26.4.7.2 Any sign listed as a Permitted Activity which does not comply with any one or more of the General Site Standards for all Signs and/or the specified site standards specified for signs as permitted activities.

26.4.7.3 The following signs in relation to their effect on traffic safety:

- a) Flashing signs with lights or illumination which flashes, moves, rotates, varies in intensity, colour or size and all other advertising devices of this nature; and
- b) Moving signs which visibly move, revolve, rotate, create an optical illusion of movement, or change colour, whether by electrical or other means, and all other advertising devices of this nature.

26.4.8 Non-Complying Activities

The following signs are Non-Complying Activities:

- Signs affixed to vehicles or trailers, and parked in a public place, road, public property or private property so as to be visible from a public place. This does not apply to advertising painted, or attached directly, onto vehicles or trailers and incidental to the primary uses of that vehicle or trailer, or the use of such a sign to promote a community activity provided that the sign is not in use for more than 14 days per annum.

26.4.9 Resource Consents - Assessments Matters

26.4.9.1 General

The matters contained in sections 104 and 105 and Part II of the Act apply to the consideration of resource consents for land use activities.

In addition, the Council shall also apply the relevant Assessment Matters following.

In the case of activities which are Discretionary (in respect of a particular matter only), the assessment matters taken into account shall only be those relevant to that matter.

26.4.9.2 Assessment Matters

26.4.9.2.1 In considering whether or not to grant consent or impose conditions, the Council shall have regard to the following specific assessment matters:

- a) The extent to which the sign will have any adverse effects on traffic safety, the visual amenities of the locality; and
- b) The need for any extra signage in addition to the permitted signage for the zone.

In relation to general traffic safety:

- c) The extent to which the signs may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of view; and
- d) The potential adverse effects of the proposed sign on drivers, concentration under all possible weather conditions.

26.4.9.2.2 The extent that any sign resembles a traffic control sign or signal, or may make a traffic control sign or signal difficult to discern, with respect to both colour and shape, when considered from all possible driving angles. This includes signs which:

- a) Resemble in shape and/or coloration an official traffic control sign or signal, and may accordingly confuse motorists when in the vicinity of an intersection or other potential traffic hazard;
- b) Provide a confusing or dominating background, which could reduce the clarity or effectiveness of a traffic sign or signal;
- c) Invite drivers to turn, but are sited in such proximity to the vehicle entrance that there is no time to signal, slow down and turn safely; and
- d) Contain reflectors, and therefore have the potential to be confused with traffic control signs or signals at night.

26.4.9.2.3 The visual impact of the sign and its potential effects on the amenities of the locality.

26.4.9.2.4 The potential of the sign to adversely affect public health and safety, or to reduce public convenience.

26.4.9.2.5 Any likely cumulative effects of allowing the sign to be erected.

26.4.9.2.6 The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected, or operated.

26.5 Utilities - Applicable to all Zones

All activities carried out under this rule shall recognise the obligations of S16, relating to unreasonable noise, and S17, relating to avoiding, remedying or mitigating adverse effects.

26.5.1 Utilities

26.5.1.1 The following new utilities are a Permitted Activity in every zone providing compliance with the following standards, conditions, and rules:

- a) The relevant standards and conditions as specified in section 26.5.1.2 of the Utility Rules below; and

- b) Any relevant rules and standards in the General Rules (except the rules within section 26.1.4); and
 - c) Any relevant rules and conditions of the relevant zone relating to land disturbance (including vegetation clearance), discharges, hazardous facilities and noise.
- 26.5.1.1.1 Lines for conveying electricity at a voltage up to and including 110 KV with a capacity up to and including 100 MVA per circuit and lines as defined by section 2 (1A) of the Telecommunications Act 1987, and associated support structures including towers, masts and poles.
- 26.5.1.1.2 Telecommunication and radiocommunication facilities which include aerials, antennas, dish antennas, wires and associated support structures including towers, masts and poles.
- 26.5.1.1.3 Transformers, substations, utility buildings and depots.
- 26.5.1.1.4 Automatic weather stations or weather recording devices.
- 26.5.1.1.5 Underground pipe networks for the conveyance and drainage of water or sewage and any ancillary underground equipment.
- 26.5.1.1.6 Reservoirs, wells and supply intakes for the reticulation or provision of water supply.
- 26.5.1.1.7 Irrigation and stock water races, open drains and open channels.
- 26.5.1.1.8 Lighthouses, navigational aids and beacons.
- 26.5.1.2 Conditions for New Utilities in Rule 26.5.1.1**
- 26.5.1.2.1 All new utilities buildings and structures on or adjacent to watercourses listed in Appendix I and the Ecology maps in Volume Three shall be set back in accordance with the setbacks specified in Appendix I, Table 1. This condition shall not apply to subaqueous/underground lines or cables, cables, lines, support structures, antennas, and utility cabinets up to 9m² in floor area and 2.5 metres in height.
- 26.5.1.2.2 Unless specified to the contrary in Appendix I and the Ecology Maps in Volume Three, all proposed buildings and structures shall be set back at least 8 metres from the top of any bank of any river, or where there is a stopbank at least 8 metres from the landward toe of that stopbank. Buildings and structures shall be set back at least 20 metres from the coast, lakes and wetlands. This condition shall not apply to subaqueous/underground lines or cables, cables, lines, support structures, antennas, and utility cabinets up to 9m² in floor area and 2.5 metres in height.
- 26.5.1.2.3 Support structures for electricity lines shall be no more than 25 metres in height.
- 26.5.1.2.4 No telecommunication and radiocommunication facilities shall exceed a maximum height of 25 metres, provided that the maximum height is not to be exceeded by the support structure, aerial or antennae mounting or the aerial antennas whether affixed to the land, a building or an existing mast, tower or pole;
- 26.5.1.2.5 No dish antennae shall exceed 3 metres diameter.
- 26.5.1.2.6 No building shall exceed 65m² in gross floor area and 5 metres in height

- 26.5.1.2.7 Buildings more than 15m² in ground floor area and/or over 2.5 metres in height shall be set back from the road boundary by a distance not less than half the height of a structure;
- 26.5.1.2.8 All outdoor storage shall be screened from public view by landscaping or solid fencing of at least 1.8 metres in height;
- 26.5.1.2.9 Depots containing no buildings shall provide a landscaped area to a minimum depth of 3 metres along the road boundary;
- 26.5.1.2.10 All proposed new utility structures and depots shall be located outside the areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape, except the following new utility structures which are permitted in the following parts of areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape:
- 26.5.1.2.10.1 In the coastal marine area and in a 20 metre strip adjacent to the coastal marine area:
- a) Antennae;
 - b) Subaqueous or underground cables and lines;
 - c) Utility buildings not exceeding 9m² in floor area and 2.5 metres in height.
- 26.5.1.2.10.2 In that area extending from 20 metres from the coastal marine area to 30 metres below any prominent ridge (as indicated on the Planning Maps):
- a) Subaqueous or underground cables and lines;
 - b) Antennas;
 - c) Single stand-alone support structures for radiocommunication facilities not more than 15 metres in height;
 - d) Utility buildings not more than 9m² in floor area and 2.5 metres in height;
 - e) Above-ground lines and cables and associated support structures not more than 10 metres in height.
- 26.5.1.2.10.3 On any prominent ridge or less than 30 metres below that prominent ridge (as indicated on the Planning Maps):
- a) Subaqueous or underground cables and lines;
 - b) Above-ground lines and cables and associated support structures if the support structure is not more than 10 metres in height and is in the area for the purpose of carrying lines or cables across the ridge.
- 26.5.1.2.11 No automatic weather stations or weather recording devices shall exceed a maximum height of 25 metres by any mast, aerial or pole.
- 26.5.1.3 The maintenance, upgrading and replacement of the following existing utilities are a Permitted Activity in every zone where the term 'maintenance, upgrading and replacement' shall mean any work or activity necessary to continue access to and the operation and/or functioning of an existing utility and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose:

- a) Existing lines for conveying electricity at all voltages and capacities and existing telecommunications lines;
- b) Existing telecommunication facilities and radiocommunication facilities;
- c) Existing buildings and depots;
- d) Existing weather radar;
- e) Existing flood protection works; and
- f) Navigational aids.

Note: Other General standards and conditions do not apply to 26.5.1.3.

26.5.1.4

Where a utility is unable to comply with any one or more of the conditions listed in 26.5.1.2 that utility shall be a Limited Discretionary Activity. In considering whether to grant or decline consent for a utility that is a Limited Discretionary Activity, and in evaluating any conditions that may be imposed on any such consent, the Council's discretion can only be exercised in relation to the condition with which the utility is unable to comply. In evaluating whether to grant or decline consent and in evaluating any consent conditions, the Council's evaluation will be restricted to an assessment of:

- a) the scale and nature and extent of non-compliance with the condition(s) not being met; and
- b) the measures proposed by the utility operator to avoid, remedy or mitigate any adverse effects that may result from non compliance with the condition(s).

26.5.1.5

Any person unearthing or otherwise disturbing any historical, cultural, archaeological artefact or waahi tapu of significance to iwi during the course of a land disturbance operation shall cease work immediately and report the discovery to the Council. Work may not recommence unless expressly agreed to it in writing by the Iwi who have jurisdiction or manawhenua over it, or resource consent to a Discretionary Activity has been obtained.

26.5.2 Designations

NB: In accordance with section 184 and section 184A of the Act all designations are for the life of the Plan.

26.5.2.1 Information to be provided with requirement

In the case of any notice of requirement for a designation under section 168 of the Act or notice or requirement to alter a designation where information is required under section 181 of the Act, the following information shall be provided:

- a) A statement of reasons why the designation is needed;
- b) A description of the site, the proposed work and any proposed restrictions;
- c) A description of the effects the work will have on the environment and how these are to be mitigated;
- d) A statement of any alternative sites, routes or methods considered;
- e) A statement of the consultation with affected persons; and
- f) A statement of resource consents required and if these have been applied for.

26.5.2.2 The following additional information:

- a) Details of the notice in the Gazette and the Order in Council which empowers the applicant as a requiring authority including any specified terms and conditions;
- b) Outline drawings of the works to be constructed showing the height, shape and bulk of the work, its location on the site, the likely finished contours of the site, vehicular access and circulation, and landscaping provisions;
- c) A statement as to how the work impacts on any relevant provisions of the Plan;
- d) In the case of designations for state highways, arterial or principal roads, a Noise Management Plan should be provided detailing measures to be taken to avoid and/or mitigate unreasonable levels of traffic noise. Transit New Zealand's Guidelines for the Management of Road Traffic Noise should be used as the basis of assessing noise effects and determining avoidance and/or mitigation measures;
- e) The proposed sequence and timing of implementation of the work or project. If any of the work is not to be commenced within a five year period, that particular part of the work and its timing, and the reasons why the requirement needs to be included now, shall be specified; and
- f) Proposals for the use and maintenance of those parts of the land which will not be developed for five or more years.

26.5.2.3 Conditions

After considering a requirement for a designation, the Council may recommend to the requiring authority such conditions as the Council considers appropriate to the work.

26.5.2.4 Work to be undertaken on designated land

Prior to commencing any work for which a requiring authority has financial responsibility, the information detailed in section 176A(3) of the Act shall be provided to the Council, except that this shall not apply where any of the circumstances set out in section 176A(2) of the Act are satisfied. After considering the outline plan the Council may request the requiring authority to make changes before construction is commenced. The procedures set out in section 176A of the Act shall apply to any such request.

26.5.2.5 Activities not in accordance with designation

Under section 176 of the Act, written consent to use designated land for other than the designated purpose is required from the designating authority, prior to the commencement of any activity.

26.5.2.6 Schedule of designations

Appendix F identifies the activities deemed to be permitted for each area of land designated. The designations are also shown in Volume Three - Maps. In addition all roads within the district are designated as 'roads'.

26.6 Garden Maintenance

26.6.1 Permitted Activities

The maintenance or removal of trees and other vegetation is a permitted activity provided the following conditions are met:

26.6.1.2. Conditions

- (a) The tree is not a heritage tree identified in Appendix A.
- (b) This rule does not apply to the Conservation Zone
- (c) Where the activity occurs in the Rural 1 and 2 Zones it complies with Rule 36.1.5.4.

26.7 Temporary Military Training

26.7.1 Permitted Activities

Temporary military training activities are permitted activities subject to compliance with the following:

- a) The activity does not require the construction of permanent structures;
- b) The activity does not require earthworks or excavation unless provided for elsewhere in the Plan;
- c) Flying activity is in accordance with civil aviation regulations;
- d) Noise levels shall comply with the limits set for the zone in which the activity is occurring; and
- e) The activity will occur for less than 31 days.

26.7.2 Controlled Activities

Temporary military training activities not provided for as a Permitted Activity are Controlled Activities with Council retaining control over the following:

- a) The duration of the activity for longer than 31 days;
- b) Noise; and
- c) Avoidance, remediation and mitigation of significant adverse effects of the temporary military training.