

IN THE MATTER

of the First Schedule to the
Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14 of
the First Schedule to Act

BETWEEN

**HANCOCK FOREST
MANAGEMENT NZ LIMITED**

ENV-2011-AKL-000225

Appellant

AND

KAIPARA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the Memorandum of the Parties dated 19 July 2012.
2. Rayonier NZ Limited and the Director-General of Conservation have given notice of their intention to become parties under section 274, and have signed the memorandum of the parties setting out the relief sought.
3. The Court is making this order under section 279(1)(b) of the Act by consent, rather than representing a decision or determination on the merits pursuant to section 297 of the Act. The Court understands for present purposes that:
 - (a) The parties whose signatures are endorsed on the accompanying Memorandum are requesting this order; and



- (b) Those parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.
- (c) All parties are aware that the consent order is a partial settlement of the appeal.

Order

4. Therefore, the Court orders, by consent, that part of the appeal is resolved to the extent that that the Kaipara District Council is directed to amend Chapter 12 of the Proposed Kaipara District Council Plan ("**Proposed Plan**") as shown in the attachment to this order marked "**Annexure A**". The parties have agreed changes to the following rules of the Proposed Plan:
 - (a) 12.10.18 Traffic Intensity
 - (b) 12.10.25 Vehicle Access and Driveways
5. The appeal is otherwise extant.
6. There is no order as to costs in relation to this order.

DATED at Auckland this

7th

day of

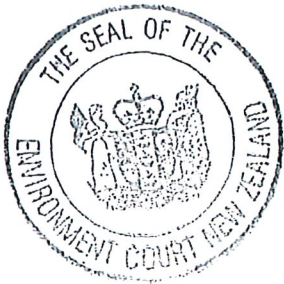
August

2012



L J Newhook
Acting Principal Environment Judge





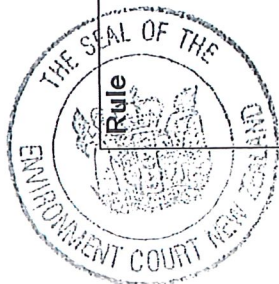
"Annexure A"

The agreed changes to the Proposed Kaipara District Plan are as follows (additions in underline and deletions are in ~~strikethrough~~):

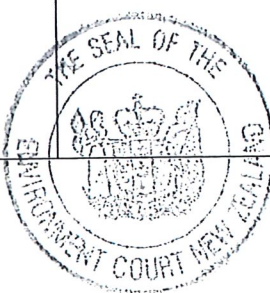
12.10 Performance Standards Rural Land Use

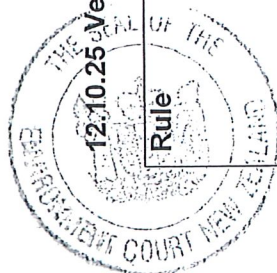
... 12.10.18 Traffic Intensity

Rule	Parameter	Rural Permitted Activity Standard	Activity Performance	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.18	Traffic Intensity	Any activity is permitted if the cumulative traffic generated on any road does not exceed 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Except that single dwelling s, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.		Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will restrict its discretion to the following matters when considering an application for Resource Consent: i) The time of day when any extra vehicle movements will occur; ii) The distance between the location of vehicle movements and adjacent properties; iii) The width and capacity of any road to be able to cope safely with vehicle movements;



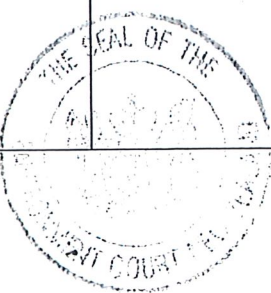
Rule	Parameter	Rural Permitted Activity Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		allows for seasonal variations). Applicants may be required to apply to the Council for a Certificate of Compliance where an activity has the potential to generate 50 or more daily one way movements. Note 2: As part of an application for Certificate of Compliance or Resource Consent under this rule Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided. Note 3: This calculation only applies when establishing a new activity on a site. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects. Note 4: For clarification, the replanting (within 5 years) and harvesting of a production forest is not considered a 'new activity' under this rule.		iv) The effect of traffic on the amenity and character of the surrounding area; v) The effect of changing capacity on the amenity and character (including natural character) of the surrounding area; vi) The nature of the surface (sealed or otherwise) on the adjoining road network; vii) The potential for dust nuisance to be generated from the site and its effects on adjoining properties and prevailing wind direction; viii) The safety and efficiency of vehicle access onto the road; ix) The volume and speed of traffic on the roads affected; x) The hierarchy of the roads

Rule	Parameter	Rural Permitted Activity Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				affected;
				xi) Any congestion or safety issues on roads affected;
				xii) The type and number of vehicles expected to access the <i>site</i> ;
				xiii) The <i>vehicle crossing</i> layout;
				xiv) Financial contributions for road upgrading; and
				xv) The requirements of the <i>Kaipara District Council Engineering Standards 2011</i> .

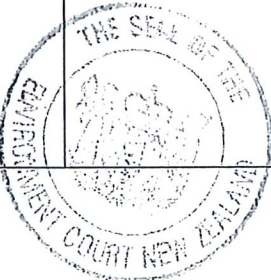


12.10.25 Vehicle Access and Driveways

Rule	Parameter	Rural Permitted Activity Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.25	Vehicle Access and Driveways	Any activity is permitted if: a) The owner or occupier of each <i>site</i> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site; b) For new <i>vehicle crossings</i> on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or For new or upgrades to vehicle crossings on to roads controlled by Kaipara District Council all <i>Council</i> engineering requirements have been satisfied (e.g. <u>compliance with the Kaipara District Council Engineering Standards 2011 or other engineering standards with the agreement of Council</u>);	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <i>Council</i> will restrict its discretion to the following matters when considering an application for Resource Consent: i) Whether and the extent to which the vehicle access and <i>driveway</i> meets the performance standards in Rule 12.10.24 or the <i>Kaipara District Council Engineering Standards 2011</i>; ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <i>site</i>, including pedestrian, cycle, disabled and vehicular; iii) The expected vehicle operating speeds and methods of controlling vehicle speeds;

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane; d) Each site shall be provided with and maintain a driveway to the following standard: - Formed with an all-weather surface; - For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m; - For a driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m; - The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;		iv) The ease of access to and from, and within the site. v) Adequacy of sight distances at the vehicle crossing and along the access; vi) Possible measures or restrictions on vehicle movements in and out of the access; vii) Possible adverse effects on Council infrastructure or adjoining properties; viii) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties; ix) Any traffic safety or congestion problems in the area; x) Any foreseeable future changes in

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		- Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a <i>road</i> or shared driveways (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standards); - Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010); - Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens toward the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);		traffic patterns in the area; xi) If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained; and xii) Whether and the extent to which the design of vehicle access and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access).

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		- All gated driveways shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road; and - Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse effects to adjoining properties or roads. Note 1: Any changes in land use on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981. Note 2: Where land adjoins a limited access road under the Government Roadway Powers Act 1989 access to and from that road is subject to restrictions and		

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		controlled by the NZ Transport Agency. Note 3: Council will confirm engineering approval for Council controlled roads, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer. Note 4: For Permitted Activities, approvals required for this performance standard can be provided at the time of Building Consent. Note 5: Roads and tracks internal to a site for farming and forestry use are not 'driveways' for the purpose of this Rule.		