

**Chapter 49****OPEN SPACE ENVIRONMENT  
(Assessment Criteria)****49.1 INTRODUCTION**

Some non-complying and discretionary activity and restricted discretionary rules refer to assessment criteria to assist the Council in considering resource consent applications. The Council will have regard to the Assessment Criteria outlined below for the open space environments when considering an application under Sections 104 and 105 of the Act.

**49.2 GENERAL**

The following criteria will be used by the Council in considering a resource consent application for a Discretionary Activity or a Restricted Discretionary Activity for non-compliance with one or more conditions in the relevant activity table and/or condition table.

- a) Any unusual circumstances including, but not limited to, those listed below:
- i) Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;
  - ii) Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of architectural harmony, compliance with engineering or bylaw standards, enhancement of private open space, achievement of a better relationship between the site and the road, building renovation or restoration of demonstrable merit, the design and arrangement to facilitate access for the disabled, or legal impediments;
  - iii) Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.

**49.3 ASSESSMENT CRITERIA FOR PARTICULAR LAND USES**

1. All land uses (other than land uses in the River Conservation Zone and land uses crossing the MHWS mark).

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

*Scale and Intensity*

- a) Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the City and whether any alternative sites, locations or zones have been considered.
- b) Whether the land use/building provides any positive effects for the neighbourhood and wider community, including the extent to which the land use may enhance the amenity and character of the area.
- c) Whether the impact of the scale and intensity of the use is compatible with the surrounding landuses.
- d) Whether there are any effects of a low probability, but high potential impact.

- e) Whether the land use is consistent with the status of any land under the Reserves Act and / or the Reserves Management Plan.
- f) Whether the establishment and operation of the land use would adversely affect the efficient use and/or development of natural and physical resources of any other zone or result in significant social or economic impacts.
- g) Whether the land use's hours of operation would adversely affect the amenity, health and wellbeing of surrounding land uses and residents.
- h) Whether the volume of traffic attracted to the site is likely to cause an effect on the neighbouring people and environment, including the road network and traffic safety and efficiency.
- i) Whether the proposed land use will restrict access to or reasonable use and enjoyment of the inner harbour area, the Estuary, Foreshore Reserve, Marine Parade Recreation area, or the River Conservation zone.
- j) Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.

#### *Design and External Appearance*

- k) Whether the proposed land use will have a significant adverse effect on the visual amenity, landscape value or conservation values of the zone.
- l) Whether the design of buildings, structures, and vehicle parking areas, maintains the scale and amenity of the area.
- m) Whether parking, storage areas and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- n) Whether the landscaping is compatible with the landscape character of the surrounding environment.

#### *Site Layout*

- o) Whether buildings and structures including parking and storage areas are sited in a way or adequately screened that minimises any adverse effects on the visual and aural amenity of adjoining land uses, public places and roads.

#### *Vehicle parking and Access*

- p) Whether the land use will avoid on-road congestion, including vehicle parking, as a result of the ingress and egress of vehicles to and from the site.
- q) Whether adequate sight distances are available for vehicular and pedestrian access.

The Council will pay particular attention to the adequacy of accessways and their relationship with existing intersections, land constraints and adjacent land uses. The Council may require adverse effects to be avoided, remedied or mitigated by controlling access to the road or site, by redesign of the access or roadway, or by traffic signals and the like. Sites adjacent to local roads may be unsuitable for some land uses.

#### *Noise Mitigation Measures*

- r) Whether noise arising from the land use, including the congregation of people and movement and parking of vehicles, will have an adverse effect on the amenity of the area.

The Council may require noise mitigation measures to be undertaken to protect the aural amenity of the area.

#### *Infrastructure*

- s) Whether the land use can avoid, remedy or mitigate any adverse effects that it may have on infrastructural services.

Where the existing infrastructure cannot sustain new development, the proposal must provide a satisfactory alternative or level of mitigation. This may be in the form of financial contributions.

#### *Air Traffic Safety*

- t) Whether the proposed land use will have an adverse effect on the safety, efficiency and operations of the Hawke's Bay Airport.

#### *Cumulative Effect*

- u) Whether the proposed land use will have an adverse cumulative effect on the surrounding area.

In assessing the appropriateness of allowing a land use to be located in an area or an increase in the scale and intensity of a land use, consideration will be given to the presence of land uses already located in an area and on the site, and their effect on the surrounding environment. Of particular concern is the cumulative effect of locating a land use on a site adjacent to or already accommodating land uses that may generate adverse effects.

- v) Whether the proposed land use will exacerbate any existing hazard control works in the zone.

## **2. The Erection of Structures or Buildings Crossing the MHWS Mark; Sediment and Shingle Removal and Deposition.**

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

#### *Effects on Physical Environment*

- a) Whether the land use will have a significant impact on ecological values.
- b) Whether the land use will have an adverse effect on natural processes.
- c) Whether the land use will exacerbate any existing hazard control works.
- d) Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.

*Air Traffic Safety*

- e) Whether the proposed land use will have an adverse effect on the safety, efficiency and operations of the Hawke's Bay Airport.

*Cumulative Effects*

- f) Whether the proposed land use will have an adverse cumulative effect on the surrounding area.
- g) Whether the proposed land use will restrict access to or reasonable use and/or enjoyment of the area.
- h) Whether the proposed land use will have a significant adverse effect on the visual qualities, amenity, or landscape values of the area.

**3. Land Uses in the River Conservation Zone**

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

- a) Whether the proposed land use will restrict access to, or the reasonable use and enjoyment of, the river by the general public;
- b) Whether the proposed land use will have a significant adverse effect on the visual qualities, amenity or landscape values of the river environment;
- c) Whether the proposed land use will create or exacerbate any existing natural hazards or public safety issues;
- d) Whether the proposed land use will have any effect on any existing river control works;
- e) Whether the proposed land use will have any effect on the natural river environment.
- f) Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
- g) Whether the proposed land use will have an adverse effect on the safety, efficiency and operations of the Hawke's Bay Airport.