

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Resource Management Act 1991

Applications for Resource Consents for activities not expressly permitted by the District Plan require as part of the application process, an assessment of environmental effects (AEE). An application for land use or subdivision consent must be accompanied by an AEE. The process of gathering and preparing this information, and associated cost is the applicant's responsibility.

According to the Resource Management Act 1991 an assessment includes "*any actual or potential effects that the proposed activity may have on the environment and the ways in which any adverse effects may be mitigated*". This helps to identify and address environmental impacts at an early stage and provides information to assist Council and affected parties to fully understand the nature of the proposal and anticipated effects. Ultimately it assists Council in determining whether the application should be publicly notified and contributes to the final decision on the application and the conditions that may be imposed.

If an AEE is not provided or considered to be inadequate, Council may decline the application and deem it to be incomplete pursuant to Section 88 of the RMA (1991) and return the entire application and request that the applicant submit a fresh application.

The sort of information that should be provided in an AEE may include:

- a project description,
- initial list of potential impacts,
- practical alternatives,
- maps, drawings and other aids to understanding.
- It should include mitigation or compensation measures and indicate any uncertainties.

An AEE need not be an exhaustive analysis and no more effort should be put into an assessment than is needed for Council to evaluate possible concerns. However, it must provide a clear starting point for discussion to the extent that those potentially affected by the proposal have been identified and their specific interest highlighted.

The Fourth Schedule of the Act gives guidance on the scope and content of an AEE (refer to Appendix 1, page 5). This schedule is guidance and not a list of statutory requirements. Therefore, an assessment should be made with reference to this guideline but should be as simple or complex as the effects anticipated.

Preparation of an AEE should be initiated as early as possible to enable sufficient time to consider the likely effects of the proposed activity and the ways the effects can be avoided, remedied or mitigated. Applicants should approach and discuss their proposal with people likely to be affected. The principle behind this consultation is that in order to properly assess the nature of the effects, applicants need to be aware of the parties who will be affected. For minor proposals written approval of affected persons may be presented on standard forms available from Council. For more complex or large-scale projects a more rigorous approach is appropriate. This may involve determining the issues and concern through delivery of information and consultation through public displays, discussion standards and information meetings (refer to the Guideline on Consultation for further information). The report of the consultation should be included as part of the AEE, and submitted with the consent application.

SCHEDULE 4

Assessment of Effects on the Environment

1. Matters that should be included in an assessment of effects on the environment:

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 should include:

- a) a description of the proposal:
- b) where it is likely that an activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:
- c) repealed:
- d) an assessment of the actual or potential effect on the environment of the proposed activity:
- e) where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:
- f) where the activity includes the discharge of any contaminant, a description of:
 - i) the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
 - ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
- g) a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
- h) identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any persons consulted:
- i) where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

1A. Matters that must be included in an assessment of effects on the environment

An assessment of effects on the environment for the purposes of section 88 must include, in a case where a recognized customary activity is, or is likely to be, adversely affected, a description of possible alternative locations or methods for the proposed activity (unless written approval for that activity is given by the holder of the customary rights order).

- 1AA. To avoid doubt, clause 1(h) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not:
 - a) oblige the applicant to consult with any person; or
 - b) create any ground for expecting that the applicant will consult with any persons.

2. Matters that should be considered when preparing an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects: 1991 *Resource Management Act* Schedule 4 – 353 (20/08/2005)
- b) Any physical effect on the locality, including any landscape and visual effects:
- c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
- d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural, or other special value for present or future generations:
- e) any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:
- f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

5 Amenity Values & Existing Neighbourhood Character

- Potential effects on visual and recreational amenity, noise, dust, smell, privacy, glare and landscaping)
- What impact will the proposal have on the surrounding neighbours i.e. how will their outlook change, will it impact on their amenity?
- Will development be screened in any way i.e. with fences or vegetation?
- How will the development appear from the road frontage?
- Is the proposal consistent with the appearance of other buildings in the area when viewed from the street/road?

6 Heritage Values (including historic places, historic buildings, waahi tapu, middens, notable trees)

- Check with Council and with local Iwi to identify if a known archaeological or cultural heritage site is located on or within 100m of the subject site. Discuss with relevant Iwi Authorities as to the presence of any unrecorded waahi tapu or sites of cultural significance.
- To find out the relevant Iwi Authorities visit the www.tkm.govt.nz/region website which will assist you in identifying the relevant Iwi that may be impacted by your proposal. You may wish to call the individual Iwi Authorities to obtain Marae contacts or alternatively contact ODC.
- If a site of cultural significance is located within or near the subject site, a Cultural Impact Assessment may be required. (Please refer to the Quality Planning www.qualityplanning.org.nz website.

7 Building Effects

- What effect will new buildings have on the surrounding neighbourhood?
- Does the proposal meet the yard, height, access to daylight & privacy standards,
- Will the development affect neighbour's privacy i.e. will the proposal overlook other properties?
- Will buildings shade adjoining properties?

8 Noise Effects

- What noise effects will be generated by the proposal?
 - During construction
 - During operation
- An Acoustic report may be required from a suitably qualified engineer if the proposal exceeds or is likely to exceed the noise standards as per the District Plan.

