

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL**

PPC18/00049

Under the Resource
Management Act 1991
(**RMA**)

And

In the matter of Proposed Private Plan
Change 49 to the New
Plymouth District
Council/Plan requested
by Hareb Investments
Limited for the rezoning
of land at 2 Johnston
Street, Waitara, New
Plymouth from Rural
(FUD) to Residential A
and Open Space

RIGHT OF REPLY
FOR THE APPLICANT
HAREB INVESTMENTS LIMITED

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MAY IT PLEASE THE INDEPENDENT HEARINGS COMMISSIONERS

Commissioner's Queries to Counsel (following legal submissions)

1. *Question* – what is the legal position on the Schedule One [consultation] procedural matters discussed at the hearing and a copy of any further relevant case law?

Council's Consultation Obligations

2. *Reply* – Under Schedule 1, Part 1, Clause 3 (1)(d), Resource Management Act 1991 (RMA) – during the preparation of a proposed policy statement or plan the local authority concerned **shall** consult the tangata whenua of the area who may be so affected, through iwi authorities. [Emphasis added].

That is a mandatory duty to consult – the onus being on the local authority. Failure to meet this consultation duty by a local authority can result in an enforcement order being sought/obtained against the local authority from the Environment Court under section 314(1)(f) RMA.

The leading case on what is required in law for an appropriate consultation process is the Court of Appeal's decision in Wellington International Airport Limited v Air New Zealand¹ - as cited in Counsels opening legal submissions² for the Applicant (and a copy of that decision was provided to the Commissioners, via Ms Straka, at the hearing).

¹ [1993] 1 NZLR 671 (CA), at 672

² At para 23 (a), page 15

Under Schedule 1, Part 2 RMA – clause 25 (2)(a) provides that a local authority may adopt a plan change request – and if it does so then pursuant to clause 25 (2)(a)(ii) the provisions of Part 1 or 4, Schedule 1 must apply (i.e. – abovementioned Schedule 1, Part 1, clause 3 (1)(d) would then apply).

Clause 25 (2)(a)(i) allows 4 months from adopting the request for the local authority to notify the request (if it decides to adopt a plan change request) – which allows time for earlier steps under Schedule 1, such as consultation under Part 1, clause 3 (1)(d).

If, however, the local authority accepts a plan change request (as the New Plymouth District Council did in the present case) then pursuant to Schedule 1, Part 2, clause 25 (2)(b) – the request proceeds to notification under Schedule 1, Part 2, clause 26 (and does not, for example, bring in the mandatory duties for local authorities to consult tangata whenua under Schedule 1, Part 1, clause 3 (1)(d) RMA).

Applicants Consultation Obligations

Under Schedule 1, Part 2 clause 21 (1) RMA any person may request a change to a district plan.

Schedule 1, Part 2, clause 22 (2) requires that where environmental effects are anticipated they must be described etc in the request - taking into account Schedule 4, clauses 6 and 7 in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

Of course, as noted (at the hearing), a local authority can request further information under clause 23, Schedule 1, Part 2 RMA (which occurred in this case as discussed at the hearing). Clause 23 (1)(d) allows a local authority to, inter alia, request further information on "*The nature of any consultation undertaken or required to be undertaken*" - as is, "*appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change*".

Clause 2, Schedule 4 RMA sets out information required in all applications – including, for example, an assessment of the activity's effects on the environment that - includes the information required by clause 6 - and addresses the matters specified in clause 7 - and includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment³.

The only consultation obligation in the context of the above provisions - is for the Applicant to report on consultation under Schedule 4, clause 6 (1)(f). While this suggests that consultation should occur, it is silent as to the consequences if it does not.

As affirmed in the Environment Court decision of Briggs v Kapiti Court District Council⁴ – copy **attached** - the relevant clauses of the RMA, "... *do not impose any consultation obligation on promoters of private plan changes nor do they impose a consultation obligation on local authorities processing such plan changes*".

³ See: sub-clauses 2(3)(a)-(c), Schedule 4, RMA

⁴ [2011] NZEnvC 57, His Honour Judge Dwyer, at para [11]

As acknowledged at the hearing, however, consultation in this context is seen as best practice (and has been for many years) – and it is well established under RMA case law that the relationship of Maori (with ancestral lands, water etc), kaitiakitanga and the principles of the Treaty of Waitangi/Te Tiritio Waitangi⁵ are strong directions to be borne in mind at every stage of the planning process: McGuire v Hastings District Council⁶ - copy **attached**.

However, as also discussed, while the issues raised under those provisions of the RMA are powerful, they are not necessarily decisive – nor do they provide tangata whenua with a right of veto; a number of cases have established that consideration of tangata whenua matters under ss. 6, 7 and 8 RMA do not provide priority over or trump other values that are pertinent to achieving the purpose of the RMA, following the Court of Appeal's decision in Water Care Services Limited v Minhinnick⁷ - copy **attached**. As do all factors arising under ss. 6, 7 and 8 RMA – they inform the overall decision to be made under s. 5 – being whether the proposal promotes sustainable management; see for example Outstanding Landscape Protection Society Inc v Hastings District Council⁸ – copy **attached**.

Once again, the leading case on what is required in law for an appropriate consultation process is the Court of Appeal's decision in Wellington International Airport Limited v Air New Zealand⁹.

⁵ Under ss. 6(e), 7(a) and 8 RMA

⁶ [2002] 2 NZLR 577 (PC)

⁷ [1998] 1 NZLR 294

⁸ W24/2007 EnvC, at para [85]

⁹ Supra

As also discussed at the hearing – consultation is a two way process – and the Applicant has genuinely endeavoured to appropriately consult with tangata whenua throughout the plan change request process¹⁰.

As also discussed at the hearing (and as per the Application and the Applicant’s evidence) – initial consultation with tangata whenua was very positive and was (and still is) considered to be - *“appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change”* – in the context of cultural effects.

Ultimately, the level of consultation comes back to what is considered proportionate to the scale and significance of the private plan change request’s anticipated effects – bearing in mind all of the relevant evidence – and the fact that the subject site was previously identified by the Council (and the community) for Future Urban Development under Plan Change 15. Moreover, in that context, tangata whenua would have been consulted by the New Plymouth District Council during that Plan Change 15 process – as was required of the Council under Schedule 1, Part 1, clause 3 (1)(d) RMA.

Commissioner Whetu’s Query of Ms. Hooper

3. *Question* – are any of the Rules in the Proposed New Plymouth District Plan (PDP) operative/of immediate effect yet - and if so which Rules?

¹⁰ As per the detail provided in the Application and Applicant’s evidence (in total) - and as submitted in Counsels opening legal submissions at para 23 (a), page 15

4. *Reply –*

Yes, three sections of the PDP have operative rules which took immediate effect when the PDP was notified, which are relevant to this case, as follows:

- (a) Rules WBR1-R5 – regarding waterways (relevant to Mangaiti Stream);
- i. WBR1-R3 - sets permitted standards for buildings in relation to waterbodies;
 - ii. WBR4 - sets permitted standards for earthworks, however, does not apply if earthworks are permitted under the Taranaki Regional Freshwater Plan, or holds a consent from the Taranaki Regional Council;
 - iii. WBR5 - sets controlled standards for subdivision of land adjoining a waterbody. While it is expected that any future subdivision would comply with this rule (it requires provision of a 5m wide esplanade strip to be a controlled activity), this rule would be superseded by the overlays rules and the structure plan proposed by this plan change (which will in fact require a wider esplanade strip than identified in this rule).

For completeness, it is noted that WBR6 does not apply as the Mangaiti is not identified as a significant waterbody; and WBR7 relates to wastewater treatment plants near waterbodies, and also does not apply.

A copy of the waterbodies section from the PDP is included as "**Attachment A**".

- (b) Rules HHR1-R18 and SASMR1-R9 – relate to Heritage/archaeological sites and sites of significance to Maori. As per Mr Bruce’s evidence, there are no such sites on the subject property.
- (c) Rules ECOR1-R6 - relate to biodiversity and indigenous vegetation clearance, which is also not applicable in this case as there are no significant natural areas identified in the PDP on the subject property. For completeness it is also noted that the rules relating to notable trees also took immediate effect on notification of the PDP, and these too do not apply - as there are no notable trees on the property.

Commissioner Daysh’s Query of Ms. Hooper

5. *Question* – Are the provisions of the National Policy Statement – Freshwater Management, August 2020, (which came into force on 3 September 2020) (NPS-FM) on the table in this hearing – and, if so, what wetland provisions should be considered in this case?
6. *Reply* – yes.

Requirements of the NPS-FM generally, inter alia, include managing freshwater in a way that gives effect to Te Mana o te Wai, improving degraded water bodies, avoiding any further loss or degradation of wetlands and streams, and encouraging their restoration.

Part 2, Policy 6 of the NPS-FM provides: “*There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*”

The NPS-FM definition of a “*natural wetland*”¹¹ is:

“*natural wetland* means a wetland (as defined in the Act¹²) that is not:

- a. a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
- b. a geothermal wetland; or
- c. any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling.”

The NPS-FM definition of a “*natural inland wetland*”¹³ is:

“*natural inland wetland* means a natural wetland that is not in the coastal area”.

Subpart 3, clause 3.22 of the NPS-FM contains specific requirements relating to natural inland wetlands, generally requiring that: “*The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted...*”.

¹¹ See: NPS-FM, Preliminary Provisions, clause 1.4, Interpretation, definition of “**natural inland wetland**” (has the meaning in clause 3.21), and Subpart 3, clause 3.21 definitions of “**natural wetland**” and “**natural inland wetland**”.

¹² See: NPS-FM, Preliminary Provisions, clause 1.4, Interpretation, definition of “**Act**” (Resource Management Act 1991); and see section 2 RMA definition of “**wetland**” *includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.*

¹³ See: NPS-FM, Preliminary Provisions, clause 1.4, Interpretation, definition of “**natural inland wetland**” (has the meaning in clause 3.21), and Subpart 3, clause 3.21

There are some exceptions to this, but none are considered to apply in this case.

It is unclear whether the “*permanently or intermittently wet areas*” of the Mangaiti Stream and its margins meet the definition of a “*natural wetland*” or not - there are areas of the Applicant’s site adjacent to the Mangaiti Stream that might meet that definition.

However, regardless of whether those areas are strictly defined as “*natural wetland*” or not - the Applicant proposes to protect, restore, and enhance those areas; thereby giving effect to the NPS-FM in this context.

Right of Reply in Respect of matters raised by submitters

Teresa Wilcox

7. *Question* – Mrs Wilcox, inter alia, queried whether or not instead of having two access road from Raleigh Street, there could be one access road from Raleigh Street and one form Johnston Street?
8. *Reply* – the Applicant’s preferred position was to leave the application as is with two access roads from Raleigh Street; as per the Applicant’s evidence – this option is preferred as it assists to maintain the rural character of Johnston Street.

Concluding comments

9. It is submitted that all other issues raised in the Hearing have already been thoroughly canvassed in the application, the

applicant's evidence and further evidence and discussions during the course of the Hearing.

10. Finally, a revised and marked up set of plan provisions and the structure plan noting outstanding matters of agreement and disagreement and reasons why was to be included with this right of reply as directed; and extension has been sought to file that by 5.00pm on 17 December 2020.



.....
SWA Grieve
Counsel for Applicant
11 December 2020

ATTACHMENT A

Overview

Waterbodies and their margins are an important part of the district. This chapter contains the provisions which manages the activities that occur on land adjoining waterbodies (including natural waterbodies and significant waterbodies).

Waterbodies are mapped and listed as significant waterbodies in SCHED9 - Schedule of Significant Waterbodies if they have identified significant biodiversity, ecological, natural character, recreational, scenic, amenity, cultural or water quality values. However, all waterbodies are connected and have important values, including for biodiversity, cultural or historical reasons. Even if a waterbody is not identified as a 'significant waterbody' in the District Plan, it may still be valued, for example:

- tangata whenua have a special relationship with the mouri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the District (including tributaries) are identified as statutory acknowledgement areas. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of tangata whenua; and
- small streams, which make up 75% of all streams in Taranaki, have important ecological, natural character and hydrological values as they provide important habitat for native fish (with some streams known to support high numbers of eels, and support diverse macroinvertebrate and fish populations), as identified in Taranaki Regional Council's research on Small Stream Modification in Taranaki (2010)).

The National Policy Statement for Freshwater Management 2014 guides decision-making regarding the freshwater resources of New Zealand. In particular the Council must have regard to its policies in consent decision-making.

The Council works with Taranaki Regional Council and tangata whenua to ensure waterbodies are managed in an integrated way.

Cross references to other relevant District Plan provisions

It is important to note that in addition to the zone chapters, a number of District Wide and Overlay chapters also contain provisions that may be relevant for energy activities, including:

- **Public Access** - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation the provision of esplanade reserves and strips, in particular SUB-S9.
- **Activities on the Surface of Water** - The Activities on the Surface of Water Chapter contains provisions that manage activities that occur on the surface of water.
- **Coastal environment** - The Coastal Environment Chapter contains provisions which manage activities occurring on land adjacent to the coast and includes specific provisions in relation the provision of esplanade reserves and strips when subdividing land adjoining mean high water spring..
- **Earthworks** - Earthworks that have the potential to result in adverse effects on identified features are to be managed. Provisions relating to earthworks are contained in the Earthworks Chapter.

Objectives	
WB-01	Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.
WB-02	Public access to and along waterbodies with high recreation, scenic or amenity values is maintained and enhanced.
WB-03	The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.
WB-04	The relationship of tangata whenua and their traditions, values and interests associated with waterbodies are recognised and provided for.

Policies	
WB-P1	Identify, map and schedule significant waterbodies for one or more of the following reasons: <ol style="list-style-type: none"> 1. the waterbody and/or its margins have high natural character and ecology values, including natural aquatic habitats that support the presence of threatened, at risk, or regionally distinctive indigenous species, 2. use of the waterbody and/or its margins for recreational purposes including surface water activities, fishing, hunting and tramping; 3. importance of the waterbody in providing access and connections to areas of recreational use; 4. cultural, spiritual or heritage associations of tangata whenua to the waterbody, including ability to undertake customary activities; and/or 5. importance of water quality, including for urban water supplies, and in relation to the above values.
WB-P2	Protect the natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of waterbodies, including significant waterbodies, by: <ol style="list-style-type: none"> 1. managing the potential adverse effects of subdivision on the values of the waterbody; 2. requiring buildings and earthworks to be set back from waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and 3. maintaining and enhancing public access to waterbodies with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or strips at the time of subdivision, especially where it would provide connections to existing reserves.
WB-P3	Require that activities proposing to locate on sites adjoining a waterbody, including a significant waterbody, demonstrate that the activity is located appropriately having regard to:

	<ol style="list-style-type: none"> 1. the particular natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of the waterbody and the extent to which the values of the waterbody may be adversely affected by the activity; 2. the purpose of the activity and whether it has a functional need to be located adjoining a waterbody; 3. the ability to effectively restore and rehabilitate the waterbody and/or off-set adverse effects; 4. for waterbodies which have cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, the outcomes of any consultation with and/or cultural advice provided by tangata whenua as kaitiaki, including with respect to mitigation measures; and 5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-P4	<p>When any subdivision of land creates allotments containing or adjoining a significant waterbody, or any subdivision of land adjoining or containing a waterbody creates an allotment of less than 4 ha in area, require that an esplanade reserve or esplanade strip be provided along the waterbody, where a reserve or strip will:</p> <ol style="list-style-type: none"> 1. assist to protect, maintain or enhance the values of the waterbody including; natural character and ecology, recreation, public access, cultural and heritage associations of tangata whenua, or water quality; and/or 2. assist to mitigate natural hazards.
WB-P5	<p>Require any subdivision of land creating allotments containing or adjoining a waterbody, which proposes to waive the provision of and/or reduce the width of an esplanade strip or reserve, to demonstrate that the waiver or reduction is appropriate, having regard to:</p> <ol style="list-style-type: none"> 1. the purpose(s) of esplanade reserves and strips in accordance with section 229 of the Act, and whether a reserve or strip will best achieve the purpose; 2. whether the waterbody adjoins a public access corridor and/or is within an urban area, and if so, whether public access and recreational opportunities will be better provided for by requiring a reserve instead of a strip; 3. whether the waiver or reduction will limit or reduce opportunities to link land-locked or isolated esplanade strips or reserves, or access strips; 4. whether any alternative public access to the waterbody is available; 5. the site's physical characteristics and constraints and any practical implications of providing access; 6. effects of natural hazards, including protection of the integrity of the river, and erosion and flood control works; 7. whether the provision of a reserve or strip would compromise or assist the ability to protect, maintain or enhance natural character, ecological, landscape, historic heritage or cultural values of the waterbody and/or the ability to protect sites and activities of significance to tangata whenua; and 8. the benefits and costs of the provision and maintenance of esplanade reserves or strips.
WB-P6	<p>Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities on sites adjoining waterbodies which have cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua and provide opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in respect of waterbodies.</p>
WB-P7	<p>Promote community awareness of:</p> <ol style="list-style-type: none"> 1. the importance of the values of waterbodies and the threats to them; 2. opportunities for waterbodies to provide a network of indigenous biodiversity; and 3. the benefits of the protection and enhancement of waterbodies and their values.
WB-P8	<p>Support the provision of information, technical and cultural advice to the community relating to the protection and enhancement of the values of waterbodies, including riparian planting and management, in conjunction with relevant agencies and tangata whenua.</p>

Rules

Refer to Part 1 for how to use this District Plan, including activity status abbreviations.

Activities Rules

WB-R1	Erection of a building on a site containing or adjoining a natural waterbody or significant waterbody	
WB-R2	Relocation of a building onto a site containing or adjoining a natural waterbody or significant waterbody	
WB-R3	Addition to a building on a site containing or adjoining a natural waterbody or significant waterbody	
(1) Commercial and Mixed Use Zones	<p>Activity status: PER</p>	<p>Activity status where compliance not achieved: N/A</p>
(2) Rural Zones	<p>Activity status: PER Where: <ol style="list-style-type: none"> 1. the building is set back at least 10 metres from a significant waterbody, or 2. the building is set back at least 5 metres from any other natural waterbody. Note: <ol style="list-style-type: none"> 1. This rule applies to wastewater pump stations but does not apply to pump stations used for other purposes. </p>	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. 2. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.

	<p>2. For rivers and streams, the setback shall be measured from the closest bank. The setback does not apply on land where the waterbody was piped as at <i>(date the Proposed plan is notified)</i></p>	
<p>(3) Open Space and Recreation Zones</p> <p>Residential Zones</p> <p>General Industrial Zone</p> <p>Special Purpose Zones</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> the building is set back at least 10 metres from a significant waterbody. <p>Note:</p> <ol style="list-style-type: none"> This rule applies to wastewater pump stations but does not apply to pump stations used for other purposes.. For rivers and streams, the setback shall be measured from the closest bank. The setback does not apply on land where the waterbody was piped as at <i>(date the Proposed Plan is notified)</i> 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R4	Earthworks on a site containing or adjoining a natural waterbody or significant waterbody	
Rural Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> the earthworks are set back at least 10 metres from any significant waterbody; and the earthworks are set back at least 5 metres from any other natural waterbody. <p>This rule does not apply to:</p> <ol style="list-style-type: none"> Earthworks permitted by a rule in a Regional Plan or resource consent issued by Taranaki Regional Council, or Earthworks for, or associated with undertaking, erecting, maintaining or upgrading: <ol style="list-style-type: none"> natural hazard mitigation activities pump houses not associated with pumping wastewater. network utilities poles and masts for the purposes of supporting lines across a waterbody or thrusting lines underneath the bed of a waterbody. post and wire fences. river flow recording facilities. bridges, culverts, or fords. jetties or boat ramps, and/or customary activities <p>Note:</p> <ol style="list-style-type: none"> For rivers and streams, the setback shall be measured from the closest bank. 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R5	Subdivision of land containing or adjoining a waterbody	
All zones	<p>Activity status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> Effects Standard SUB-S9 is complied with. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. The matters set out in WB-P2 - WB- P6. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion. 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. Whether an esplanade strip or esplanade reserve is set aside for the purposes set out in section 229 of the Act. The matters set out in WB-P2 - WB-P6. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R6	Subdivision of land containing or adjoining a significant waterbody	
All zones	<p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> Effects Standard SUB-S9 is complied with 	<p>Activity status where compliance not achieved: DIS</p>

	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. 2. The matters set out in WB-P2 - WB- P6. 3. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion. 	
WB-R7	Wastewater treatment plant on a site containing or adjoining a natural waterbody or significant waterbody	
All zones	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> 1. the wastewater treatment plant is set back at least 10 metres from a significant waterbody; or 2. the wastewater treatment plant is set back at least 5 metres from any other natural waterbody. <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The location, design, layout and proximity of the activity in relation to the waterbody and the extent to which the waterbody's values will be protected or maintained. 2. The matters set out in policies WB-P1, WB-P2, WB-P3 and WB-P6. <p>Note:</p> <ol style="list-style-type: none"> 1. For rivers and streams, the setback shall be measured from the closest bank. 	<p>Activity status where compliance not achieved: DIS</p>