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**13.1 Advisory Notices****13.1.1 Mineral Prospecting Notices**

Each Mineral Prospecting Notice is to contain information on the following matters:

- (1) The legal descriptions and areas of sites to be prospected and their location.
- (2) The activities proposed, particularly those which are not minimum impact activities as defined in the Crown Minerals Act 1991.
- (3) The location of any significant stands of bush, scrub or other similar vegetation and the extent to which such stands are likely to be affected by the proposed activities.
- (4) The nature of any mechanical drilling or earthmoving operations required for tracking and the like and associated measures designed to protect soil and water resources.
- (5) Consultation undertaken with the owners and occupiers of affected properties and any associated access arrangements.
- (6) Consultation undertaken with iwi authorities.

**13.2 Land Use Consent Applications****13.2.1 General Information Requirements - Applications For Land Use Consent**

Each application for land use consent is to be made in accordance with the requirements in Section 88 of the Act, and Regulation 8 in the Resource Management (Forms) Regulations 1991. The Council has a standard application form for land use consents, copies of which are available from its Dargaville and Paparoa Offices. Section 88 of the Act requires each application for land use consent to be accompanied by an assessment of environmental effects. It is to be prepared in accordance with the Fourth Schedule to the Act, a copy of which appears in Appendix 13A.

Each application for land use consent is to be accompanied by appropriate site and building plans. The plans are to be drawn to scale with a northpoint and show the following information:

- the boundaries of the site, site dimensions and area
- the location of adjacent roads or rights of way and associated carriageway and stormwater drainage facilities
- the location of existing and proposed buildings in relation to site boundaries
- the depth and extent of any excavations or filling operations proposed
- the access to the site and associated vehicle parking, loading and manoeuvring areas
- the location of existing and/or proposed sewerage, stormwater, water, electricity and telephone services serving the site where relevant
- the position of any areas to be used for storage or disposal of wastes
- any significant stands of bush, shrubland or wetland, specimen trees, archaeological or historic sites
- location and dimensions of any proposed signs
- elevation and floor layout of proposed buildings and associated services where relevant
- any areas to be set aside for the private open space needs of individual household units where relevant

**13.2.2 Special Information Requirements - Applications For Land Use Consent Involving Sites Adjoining State Highways**

Where an application for land use consent relates to a site adjoining a state highway it is to be accompanied by information outlining the outcome of consultation undertaken with Transit NZ, being the relevant road controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from Transit NZ giving its comments, if any, on the application.

**13.2.3 Special Information Requirements - Applications For Land Use Consent Involving Sites Adjoining Railways**

Where an application for land use consent relates to a site adjoining a railway it is to be accompanied by information outlining any consultation undertaken with NZ Rail Ltd, being the relevant railway controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from NZ Rail Ltd giving its comments, if any, on the application.

**13.2.3A Special Information Requirements - Applications For Land Use Consent Involving Commercial or Industrial Zoned Sites Adjoining Molesworth Drive - Mangawhai Settlement (Planning Maps 57 & 59)**

Any land use consent application involving a Commercial or Industrial zoned site adjoining Molesworth Drive is to be accompanied by a Landscaping, Pedestrian and Visual Amenities Report which deals with the following matters:

- the extent and nature of vegetation on the site and road verges which contributes to the planted 'avenue' and other visual amenities of the area and how this is to be protected and/or enhanced.
- the visual prominence of the site when viewed from the road and the access, landscaping, signage control, street furniture and lighting and other measures intended to maintain and enhance the 'gateway' function and appearance of the site and associated road verges.

- The extent and nature of existing and proposed pedestrian movements in the immediate vicinity of the site, and any measures necessary to enhance pedestrian safety and accessibility.

**13.2.3B Special Information Requirements – Applications For Land Use Consent Involving Sites in the Kaipara Harbour Environment Area**

1. Land use consent applications involving sites in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-
  - A plan showing the contours of the site in relation to the scale and form of the land use activity, along with all recorded archaeological sites, registered historic places, historic areas and wahi tapu, watercourses and significant indigenous vegetation.
  - Details on any recorded archaeological sites on the site or registered historic place, historic area or wahi tapu, along with an assessment of the likely heritage values of the site, and need for an archaeological site and historic place survey of those parts of the site affected by the proposed land use activity.
  - An assessment of the effects of the land use activity on the ecological, heritage and landscape (including coastal natural character) values of the site related to the scale and form of the activity.
2. Land use consent applications involving the use of land containing indigenous vegetation in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-
  - A description of any significant naturally occurring indigenous vegetation on or immediately adjacent to proposed building and earthworks sites, driveways, roads and utility services and its ecological values (including significant habitats of indigenous fauna) in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G.

- Any measures (e.g 'buffer areas', controls on earthworks and stormwater discharges, covenanting, fencing and planting) intended to protect and enhance these values which is related to the scale and significance of the effects of the land use activity.
- A description of the landscape values of any indigenous vegetation on the site and any measures intended to enhance or restore the natural character values of the site.
- An assessment of the effects of the land use activity on the ecological and natural character values of the indigenous vegetation, particularly in terms of creation of new driveways and building sites and alternative mitigation measures.

**13.2.3C Special Information Requirements – Applications for Land Use Consent Involving Sites in the Rural-Residential (Landscape and Ecological Enhancement) Zone**

Land use consent applications involving sites in the Rural-Residential (Landscape and Ecological Enhancement) zone are to contain or be accompanied by a report, which provides the following information:

- A description of any significant areas of predominantly indigenous forest, shrubland or wetland on or immediately adjacent to the site, their ecological values in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G, and measures intended to secure their long term protection and enhancement on the site. For land in the Mangawhai Heads North area (Ref Planning Maps 55 and 80) the information is to be in the form of an Ecological Assessment and Management Plan prepared by an appropriately qualified person.
- A description of the landscape values of vegetation on the site and measures intended to enhance or restore the amenity and natural character values of the site. For land around the fringes of the Molesworth Peninsula (Ref Planning Maps 59 and 80) the information is to be provided in the form of a Vegetation Management Plan prepared by an appropriately qualified person.

**13.2.4 Controlled Activities - Matters Over Which Control is Exercised**

The Council will exercise its control over the following matters in respect of controlled activities:

- earthworks and site development works
- protection of historic and natural features
- natural hazard mitigation
- access and traffic management
- parking and loading facilities
- hours of operation
- utility services
- design and appearance of buildings
- provision for reserves
- protection of skylines and views

**13.2.5 Controlled Activities and Discretionary Activities - General Assessment Criteria**

The Council will have regard to the following matters or general assessment criteria when considering an application for land use consent involving a controlled activity or a discretionary activity (except those applications for activities made discretionary by their failure to comply with zone environmental standards - see Section 13.2.7).

When considering an application for land use consent involving a controlled activity the Council will exercise its control only over the matters listed. For land use consent applications involving discretionary activities the Council has not by virtue of this plan restricted its discretion to the matters listed and may consider other matters relevant to the application.

- (i) Relationship To Environmental Standards:- the extent to which the land use meets the environmental standards of the zone and the effects of any infringement on the amenities of adjacent sites.
- (ii) Earthworks and Site Development Works: - The extent of earthworks and other site development works required as part of the land use and their likely impact on existing landforms and related features including lakes, rivers and streams . Conditions may be imposed on any land use consent limiting the form scale and timing of earthworks, and associated filling and compaction operations in sensitive areas.
- (iii) Protection of Historic and Natural Features: - the impact of the proposed use on any area of significant indigenous vegetation and significant habitats of indigenous fauna significant landscape feature or any sites, buildings, places or areas with significant heritage values including archaeological sites and wahi tapu. Particular consideration will be given to the need for such features to be formally protected by a covenant or other similar instrument or specific measures taken to avoid or minimise damage to them. Financial contributions may be required as conditions of land use consent in order to mitigate or offset any impacts.
- (iv) Natural Hazard Mitigation: - the extent to which the site is affected or is likely to be affected by erosion, subsidence, slippage, inundation or other natural hazards and the need for associated protective measures to be taken, including the design of special retaining structures, accessways and buildings of a relocatable nature.
- (v) Access and Traffic Management: - the access to the site and the impact of vehicle movements on the safety and efficiency of adjacent roads. Particular consideration will be given to the extent of any additional heavy traffic movements likely to be generated. A financial contribution towards the upgrading of roads, service lanes or private ways may be required as a condition of land use consent. Section 9.8 prescribes the basis upon which such financial contributions may be sought.
- (vi) Parking and Loading: - the ability of the site to cater for the parking and loading of all vehicles associated with the proposed use. Related to this will be
- a consideration of the impact of vehicle movements on the amenities of adjacent sites and the need for special design and screening measures.
- (vii) Hours of Operation: - the hours of operations of the proposed use and the impact of associated activities, especially noise related, on the amenities of adjacent sites.
- (viii) Utility Services: - the servicing needs of the proposed use and the extent to which it will cause demands for the upgrading or extension of existing services particularly sewerage, stormwater disposal, water supply, electricity, and telephone. Associated financial contributions may be required as conditions of land use consent, the basis of which is outlined in Section 10.7.
- (ix) Design and Appearance of Buildings: - the extent to which any proposed buildings will blend into rather than dominate the surrounding environment and be screened or enhanced by existing vegetation or proposed planting schemes.
- (x) Provision for Reserves - the extent to which the proposed use will affect the use of existing reserves and/or generate demands for additional reserve facilities in the locality.
- (xi) Protection of Skylines and Views - impact of the proposed use on skylines, particularly in the coastal environment and views to and from reserves and other public areas.

### **13.2.6 Controlled Activities and Discretionary Activities - Specific Assessment Criteria<sup>#</sup>**

The Council will also have regard to the following specific matters when considering applications for land use consent involving the particular activities listed below:

#### **(1) Factory Farming**

- (i) Screening and Visual Amenity - the extent to which the operations will be effectively screened from any adjacent residential dwellings and public dwellings and public places including reserves.

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<sup>#</sup> Updated August 2005

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| <p>(ii) Odour - the nature of any odour or smells likely to be produced and their effect on the amenities of adjacent sites.</p> <p>(iii) Relationship To Environmental Codes of Practice: - the extent of which the farming operations will comply with guidelines and standards specified in any relevant environmental codes of practice including:</p> <ul style="list-style-type: none"> <li>- New Zealand Pork Industry Board - Pig Farming Code of Practice</li> <li>- Poultry Industry Association of New Zealand - Environmental Industry Agreed Code of Practice for Poultry Keeping and Broiler Farming</li> <li>- Federation of Commercial Rabbit Breeders - Recommended Code of Practice for Commercial Rabbit Farming</li> </ul> <p><u>(2) Mineral Exploration</u></p> <p>(i) Access Rooding and Tracking - the location of access roads and tracks and their impact on the landscape and associated natural features.</p> <p>(ii) Drilling, Trenching and Tunnelling Operations - the scale of drilling, trenching and tunnelling operations and their impact on the landscape and associated natural features.</p> <p>(iii) Restoration and Rehabilitation of Affected Areas - the need for any areas affected to be progressively restored and rehabilitated. Conditions may be imposed requiring recontouring and revegetation of such areas, with bonds sought in some circumstances to ensure satisfactory completion of works.</p> <p><u>(3) Mining and Quarrying</u></p> <p>(i) Scale of Workings - the scale of workings and their associated impact on the natural character of the surrounding landscape.</p> <p>(ii) Screening - the extent to which the proposed workings can be effectively screened, particularly from any adjacent residential dwellings and public places including roads and reserves.</p> | <p>(iii) Restoration and Rehabilitation of Affected Areas - the need for the site to be progressively restored and rehabilitated. Conditions may be imposed requiring recontouring and revegetation of worked areas with bonds sought in some circumstances to ensure satisfactory completion of works.</p> <p>(iv) Heavy Traffic Movements - the nature of heavy traffic movements expected to be generated, their impact on adjacent roads and the need for any associated upgrading works.</p> <p>(v) Impact on Coastal Environment - the extent of any modification of dune or beach systems, or impacts on habitat values, natural and physical processes, or landscape values associated with the coast, particularly land within the Coastal Environment Area shown on the planning maps.</p> <p><u>(4) Electricity Transmission Lines (High Voltage), Electricity Substations, Telephone Exchanges, Telecommunication Works, and Network Utilities Not Being Permitted Activities</u></p> <p>(i) Operational Needs - the operational needs of the servicing organisation and the extent to which alternative locations and/or other servicing options have been considered. The feasibility and costs of obtaining access and/or easements for alternative locations or options to that proposal will be relevant considerations.</p> <p>(ii) Separation Between High Voltage Electricity Lines and Structures and Residential Buildings - the physical separation between electricity transmission lines and structures of a high voltage nature and residential dwellings and other buildings of a predominantly residential nature, and associated public health considerations.</p> <p>(iii) Visual Impacts - the visual impact of the facility in terms of the likely effect on:</p> <ul style="list-style-type: none"> <li>- Residential or recreational use of land in the vicinity of the proposed facility</li> <li>- Ridge lines and view planes from public places, including roads</li> <li>- Design elements in relation to the locality, with reference to the existing character of the locality and amenity values</li> </ul> |
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In making the assessment of visual impact regard will be had to:

- The scale of the facility
- Height of structures
- Separation of structures to site boundaries
- Site location - in terms of the general locality, topography, natural features and adjoining land uses.
- Planting, fencing and other landscaping treatment. (Note this criteria does not apply to overhead lines and support structures).

(iv) Noise - The noise environment of the locality in which it is proposed to site the facility, proximity of the facility to residential dwellings and noise sensitive land uses, and any mitigation measures proposed.

(v) Lighting - The intensity of any lighting associated with the facility and likely spill of light adversely affecting the use and enjoyment of adjoining properties.

#### (5) Commercial Services, Offices and Shops

- (i) Site Location - the proximity of the site to suitably zoned commercial land and the extent to which it will promote ribbon development along any road.
- (ii) Service Orientation - the extent to which the proposed use will primarily serve residents in the surrounding area.

#### (6) Service Stations

- (i) Site Location - the proximity of the site to residential properties and the effect of traffic movements and other activities on their amenities.
- (ii) Design of Drive-In-Facilities - the extent to which the layout of buildings and associated drive facilities are designed to provide adequate queuing and parking space for vehicles and minimise interference to pedestrian and vehicle movements on adjacent roads.

#### (7) L.P.G Storage and Distribution Facilities

- (i) Location of Facilities - the proximity of the facilities to residential dwellings, schools, hospitals and other uses of a similar nature and associated risks to people and property. Particular consideration will be given to the need for separation distances and in this regard the Council will be guided by the provisions in the Dangerous Goods Regulations and New South Wales Department of Environment and Planning: Draft Locational Guide-lines for L.P.G Automotive Retail Outlets.
- (ii) Water Supply - the supply of water for fire fighting purposes in the immediate vicinity of the site and its adequacy for any emergency situations.

#### (8) Residential Dwellings Containing Two or More Household Units on a Site (Residential Zone)

- (i) Private Open Space - the provision made for private open space with each household unit. The Council will generally expect an area of private open space equivalent to 50% of the gross floor area of each unit be provided.

Each area of private open space should also:

- have direct access to the main living area of the dwelling unit
- be unobstructed by wide access or parking spaces
- be adequately screened from adjacent units

- (ii) Aural and Visual Privacy: - the extent to which each dwelling unit is provided with a reasonable standard of aural and visual privacy through:

- the construction of adequate sound reducing floors and walls between adjoining units; and
- the provision of an adequate separation distance between windows and openings of adjoining units and between buildings and site boundaries.
- the separation or screening of the main living areas and outdoor living courts from adjoining units and from neighbouring properties.

(9) Residential Dwellings and Accessory Buildings (Coastal Zone - Taharoa Domain Primary Visual Catchment Area)

- (i) Location and Design of Buildings - the extent to which buildings are designed and sited so as to complement rather than dominate the surrounding landscape and integrated with existing vegetation stands or proposed planting schemes.

(10) Residential Dwellings - Chases Gorge Camp Club Property, Baylys Beach

- (i) Location of Dwellings - the extent to which any dwelling is sited in accordance with the schematic plan of development for the property. This plan (Planning Map No. 79) identifies two potential building sites.
- (ii) Access - the extent to which suitable vehicle access is available to the dwelling site and the need for any upgrading of existing shared common driveways. Reference will be made to the design guide-lines for urban streets and private ways in Appendix 9K.
- (iii) Private Open Space - the provision made for private open space adjacent to the dwelling. Reference will be made to the environmental standards for the Residential zone (Section 3.5.5).

(11) Airstrips

- (i) Location of the Airstrip and associated Flight Paths - the proximity of the airstrip to any residential dwellings and other uses of a principally residential or community nature, the likely flight paths of aircraft using it and possible noise and other amenity impacts.
- (ii) Frequency of Flights and Hours of Operation - the number of flights expected each week, hours of operation and mitigation measures or conditions which may limit any noise or other amenity impacts on adjacent sites.

(12) Coastal Protection Works

- (i) Need for Works - the degree of need for the protection works, in terms of any threats to life and/or property from coastal erosion which cannot practicably be addressed by relocation or other means.
- (ii) Design and Location - impacts on the natural character of the coast resulting from the particular design and/or location of works, including consideration of any possible alternative designs or locations and landscaping measures.
- (iii) Alternative Methods - the extent to which alternative methods with lesser impacts on the coastal environment may be available.

(13) Slipways

- (i) Need for Facility - the demand for such a facility and the availability of other similar facilities within a reasonable distance.
- (ii) Treatment of Wastes - the extent to which provision is made for containment and treatment of waste materials.
- (iii) Maintenance of Facilities - the nature and extent of measures to be taken to ensure the facility is adequately maintained and presents a tidy appearance.
- (iv) Impacts on Natural Character - the extent to which the facility is likely to affect habitat or landscape values.
- (v) Public Access - the extent to which the facility will interfere with any existing or likely public access to/along waterways or recreational values.

(14) Wharves, Jetties and other Landing Facilities

- (i) Need for Facility - the demand for such a facility and the availability of other similar facilities within a reasonable distance. Particular consideration will be given to provision of public rather than private facilities and to the avoidance of a proliferation of structures along coastal margins.

- (ii) Impacts of Natural Character - the extent to which the facility, individually or in combination with other similar facilities, is likely to affect habitat or landscape values.
- (iii) Public Access - the extent to which the facility will interfere with or, conversely, provide for public access and recreation values.

(15) All Activities in the Coastal Zone

- (i) Impacts on Natural Character - the extent of any impacts on habitat values, natural and physical processes, and /or landscape values associated with the coastal environment. Particular consideration will be given to activities in the more sensitive "Coastal Environment Area" shown on the planning maps. This area takes in land which is considered the most visually sensitive being closest to the beach and on the seaward side of any dominant ridges or plateaus. It also takes in land which is prone to erosion and/or has significant duneland vegetation.

(16) All Activities in the Kaipara Harbour Environment Area<sup>#</sup>

- (i) Buildings and associated accessways shall be sited to avoid archaeological sites and historic places. In areas which have not been subject of a recent archaeological site/historic places survey advice is to be sought from an archaeologist or the NZ Historic Places Trust.
- (ii) Buildings are to be located where they appear to be part of the landscape and sit in it rather than on it. Prominent knolls and ridgelines are to be avoided as sites for buildings, except where there is significant background vegetation which provides context and ability to integrate buildings into the landscape when viewed from public roads, reserves, rivers and the harbour. Locating buildings in proximity to existing vegetation is also to be considered from a landscape and amenity perspective.
- (iii) Building sites are to be carefully selected in order to minimise clearance of significant indigenous vegetation and earthworks except where these activities

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will assist in mitigating the landscape effects of the development. The natural contours are to be utilised for alignment of access tracks and roadways. Where significant cuts or fills are necessary provision is to be made for the batters to be graded back and revegetated as soon as possible. Where clearance of significant indigenous vegetation is necessary, plantings and other compensatory measures are likely to be required.

- (iv) Where it is proposed that buildings 'break' the landform or vegetated skyline consideration is to be given to grouping and limiting their overall impact. New foreground and/or backdrop planting may be required to mitigate the visual effects of such development.
- (v) On steep hillside sites pole type timber buildings are generally more appropriate as they provide opportunities for stepped two and three storey structures with irregular rooflines. In ridgeline areas single storey buildings with low pitched roofs are generally more appropriate. Large steep pitched roof areas are to be avoided in visually prominent areas.
- (vi) Consideration is to be given to building, materials and colours in visually prominent areas. This will vary according to the site's relationship to the coast, the landform and existing vegetation context. In highly prominent areas, particularly where there are no existing buildings or vegetation which can mitigate visual effects, naturally recessive finishes or colours are to be considered.

**13.2.7 Activities Made Discretionary By Their Failure to Comply With Zone Environmental Standards - Limited Exercise of Discretion<sup>#</sup>**

Land use consent shall be sought from the Council for any activity, building, structure, earthworks or clearance of vegetation not complying with the environmental standards in Section 2.2.5 (Rural zone), Section 3.5.5 (Residential zone), Section 4.5.5 (Commerical zone), Section 4.6.6 (Industrial zone and Limited Industrial zone), and Section 5.5.5 (Maori Purposes zone). Any such application for land use consent shall be considered as a discretionary activity and be subject to the provisions in Part VI of the Act. It will

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generally be dealt with in a non-notified manner where the requirements in Section 94(2) of the Act are met.

When considering any application the Council will limit its discretion to those parts of the proposal that fail to comply with the standard(s) and have regard to:-

- (i) The amenities of adjacent sites, and possible loss of privacy, noise or visual intrusion from the proposed activity.
- (ii) The physical limitations on development arising from the size, shape or topography of the site, the location of existing buildings or services, the location of any historic or natural feature which is to be protected which make it impracticable or undesirable to meet the specified environmental standards.
- (iii) The environmental effects related to compliance with the standards and whether alternative building designs or layouts or methods of earthworks and vegetation clearance, provide a better means of avoiding or mitigating environmental effects.
- (iv) The liability of the site to erosion and other forms of natural hazard.
- (v) In relation to any verandah
  - The pedestrian volume on the adjacent street
  - The economic life of the building and the period of use expected
  - The location of the building in the zone and verandah facilities available on adjacent sites.
- (vi) In relation to the Impermeable Surfaces Standard
  - the extent to which Low Impact Design Principles have been used to avoid, remedy or mitigate any adverse effects of stormwater runoff on the Mangawhai Village receiving environment, and
  - the nature of development and stormwater disposal in the surrounding catchment and the likely cumulative effects of similar impermeable surfaces in other parts of the catchment.

- (vii) In relation to relocation of dwellings
  - Structural Design – the structural soundness of the dwelling.
  - External Appearance – the external appearance of the dwelling and the extent to which it can be located and finished in a manner which is compatible with the amenities of the surrounding area.
  - The proposed timetable for completion of the work required to reinstate the exterior of the building and site it on permanent foundations.
- (viii) In relation to the Water and Wastewater for the Limited Industrial Zone
  - Whether a connection can be made to existing reticulated water supply, sewage disposal system and/or stormwater system.
  - Whether the demand placed on any existing reticulated system by the proposed activity is such that the system will be unable to meet the reasonably foreseeable needs of all existing sites within adjacent Residential, Commercial or Industrial zones which are capable of connection to the system.
  - The extent to which the proposal is able to meet the full cost of any necessary upgrading of any existing reticulated system that is to be connected to. In general it is expected that such costs will be met wholly by the applicant.

**13.3 Subdivision Consent Applications**

**13.3.1 General Information Requirements - Applications for Subdivision Consent**

Each application for subdivision consent is to be made in accordance with the requirements in Section 88 of the Act and Regulation 8 in the Resource Management (Forms) Regulations 1991. The Council has a standard application form for subdivision consents, copies of which are available from its offices.

Each application for subdivision consent is to be accompanied by a preliminary plan of subdivision. The plan is to be drawn to scale with a northpoint and show the following information:

- the boundaries of the site, site dimensions area and legal description
- the legal description of adjoining sites
- the position of all new boundaries and areas of proposed allotments

- in the case of a subdivision to be effected by the grant of a cross lease or company lease, the areas of each building or flat, each area over which restrictive covenants are proposed, and each common area
- in the case of a subdivision to be effected by the deposit of a unit plan, the areas of each principal unit, each accessory unit and each common area
- the location of suitable building sites for lots of a principally residential, commercial or industrial nature, along with contour information where relevant
- the location of adjacent roads or rights of way and associated carriageway and stormwater drainage facilities
- the location of all principal buildings and any accessory buildings adjacent to proposed new boundaries
- the position of existing and/or proposed sewerage, stormwater, water, electricity and telephone services where relevant
- any significant areas of bush, shrubland or wetland, specimen trees, archaeological or historic sites
- the position of any existing or proposed easements (including rights of way) and associated schedules of interests held
- the location and areas of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under Section 231 of the Act
- the location and areas of any esplanade strips to be created under Section 232 of the Act
- the location and areas of any land below mean high water springs of the sea, or of any part of the bed of a river or lake, which is required under Section 237A of the Act to be shown on a survey plan as land to be vested in the Crown
- the location and areas of land to be set aside as new road
- any known information on flooding, including the contour of the likely 100 year flood level
- any amalgamation conditions proposed under Section 220 (1) of the Act

Section 88 of the Act requires each application for subdivision consent to be accompanied by an Assessment of Environmental Effects (A.E.E.). It is to be prepared in accordance with the Fourth Schedule to the Act, a copy of which appears in Appendix 13A.

In addition under the provisions of this plan all A.E.E.s are to contain information on, or be accompanied by a report, which addresses the following matters:-

- The position, formation standard and visibility from all existing vehicle crossings and any new vehicle crossings required to serve the subdivision.
- The intended supply of electricity and telephone services to the subdivision and the need to create supply easements.
- The landscape effects of any above ground electricity supply structures on the natural character of any land in the Coastal Environment Area or Kaipara Harbour Environment Area.

**13.3.2 Special Information Requirements - Applications For Subdivision Consent Involving Sites Adjoining State Highways**

Where an application for subdivision consent relates to a site adjoining a state highway it is to be accompanied by information outlining the outcome of consultation undertaken with Transit NZ, being the relevant road controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from Transit NZ giving its comments, if any, on the application.

**13.3.3 Special Information Requirements - Applications For Subdivision Consent Involving Sites Adjoining Railways**

Where an application for subdivision consent relates to a site adjoining a railway it is to be accompanied by information outlining any consultation undertaken with NZ Rail Ltd, being the relevant railway controlling authority. This requirement will be deemed to be satisfied where the application is accompanied by a letter from the NZ Rail Ltd giving its comments, if any, on the application.

**13.3.3A Special Information Requirements - Applications For Subdivision Consent Involving Sites Containing High Voltage Transmission Lines**

Where an application for subdivision consent involves a site containing a high voltage transmission line (110kv or more) then it shall be accompanied by information outlining the consultation undertaken with the line owner and any response to the views of the line owner on the proposed subdivision and any appropriate environmental effects avoidance

or mitigation measures. Depending on the outcome of the consultation and category of subdivision involved the Council may consider the line owner to be an affected party and require either their written consent or notification of the application in accordance with Section 94 of the Act.

**13.3.3B Special Information Requirements – Applications for Subdivision Consent Involving Commercial, Industrial or Residential Zoned Land at Mangawhai (Planning Maps 55-59 & 80)**

Any subdivision consent application involving Commercial, Industrial or Residential zoned land at Mangawhai is to contain or be accompanied by a report on the landscape and visual amenity values of the site (including landform, watercourses and existing vegetation) and proposals to protect and enhance these values. Such proposals could include:

- protection of significant trees and/or areas of vegetation
- enhancement planting of roadways and lot boundaries

**13.3.3C Special Information Requirements - Applications for Subdivision Consent Involving Commercial or Industrial Zoned Sites Adjoining Molesworth Drive - Mangawhai Settlement (Planning Maps 57 & 59)**

Any subdivision consent application involving a Commercial or Industrial zoned site adjoining Molesworth Drive is to be accompanied by a Landscaping, Pedestrian and Visual Amenities Report which deals with the following matters:

- the extent and nature of vegetation on the site and road verges which contributes to the planted 'avenue' and other visual amenities of the area and how this is to be protected and/or enhanced.
- the visual prominence of the site when viewed from the road and the access, landscaping, signage control, street furniture and lighting and other measures intended to maintain and enhance the 'gateway' function and appearance of the site and associated road verges.

- The extent and nature of existing and proposed pedestrian movements in the immediate vicinity of the site, and any measures necessary to enhance pedestrian safety and accessibility.

**13.3.3D Special Information Requirements – Applications for Subdivision Consent Involving Sites in the Kaipara Harbour Environment Area**

1. Subdivision consent applications involving sites in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-

- A plan showing the contours of the site in relation to the scale and form of subdivision or land use activity, along with all recorded archaeological sites, registered historic places, historic areas and wahi tapu, watercourses and significant indigenous vegetation.
- Details on any recorded archaeological sites on the site or registered historic place, historic area or wahi tapu, along with an assessment of the likely heritage values of the site, and need for an archaeological site and historic place survey of those parts of the site affected by the proposed subdivision.
- An assessment of the effects of the subdivision or land use activity on the ecological, heritage and landscape (including coastal natural character) values of the site related to the scale and form of the activity.

2. Subdivision consent applications involving land containing indigenous vegetation in the Kaipara Harbour Environment Area are to contain, or be accompanied by a report, which provides the following information:-

- A description of any significant naturally occurring indigenous vegetation on or immediately adjacent to proposed lot boundaries, building and earthworks sites, driveways, roads and utility services and its ecological values including significant habitats of indigenous fauna in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G.

- Any measures (e.g 'buffer areas', controls on earthworks and stormwater discharges, covenanting, fencing and planting) intended to protect and enhance these values which is related to the scale and significance of the effects of the subdivision.
- A description of the landscape values of any indigenous vegetation on the site and any measures intended to enhance or restore the natural character values of the site.
- An assessment of the effects of the subdivision activity on the ecological and natural character values of the indigenous vegetation particularly in terms of creation of new fenced boundaries, driveways and building sites and alternative mitigation measures.

**13.3.3E Special Information Requirements – Applications for Subdivision Consent Involving Sites in the Rural-Residential (Landscape and Ecological Enhancement) Zone**

Subdivision consent applications involving sites in the Rural-Residential (Landscape and Ecological Enhancement) zone are to contain or be accompanied by a report, which provides the following information:

- A description of any significant areas of predominantly indigenous forest, shrubland or wetland on or immediately adjacent to the site, their ecological values in terms of the Department of Conservation's rating criteria for ecological features as set out in Appendix 8G, and measures intended to secure their long term protection and enhancement on the site. For land in the Mangawhai Heads North area (Ref Planning Maps 55 and 80) the information is to be in the form of an Ecological Assessment and Management Plan prepared by an appropriately qualified person.
- A description of the landscape values of vegetation on the site and measures intended to enhance or restore the amenity and natural character values of the site. For land around the fringes of the Molesworth Peninsula (Ref Planning Maps 59 and 80) the information is to be provided in the form of a Vegetation Assessment and Management Plan prepared by an appropriately qualified person.

- A plan showing the location of any roads and private ways to be formed as part of the subdivision, along with nominated building envelopes and driveways where such facilities are likely to have more than minor effects on the ecological and landscape values described in the Ecological Assessment and Management Plan and Vegetation Assessment and Management Plan.

**13.3.4 Controlled Activities - Matters Over Which Control Is Exercised**

The Council will exercise its control over the following matters in respect of subdivision consent applications involving controlled activities:-

- Subdivision layout
- Lot Shape
- Natural hazard mitigation
- Road access
- Utility services
- Earthworks and site development works
- Protection of heritage and natural features
- Reserves
- Esplanade areas
- Proximity of Lots to High Voltage Transmission Lines
- Stormwater Drainage.

The Council will also exercise control over the following matters in respect of subdivision consent applications involving controlled activities in the Maori Purposes and Rural zones:-

- Proximity of Lots To Existing Rural Industries
- Landscape and Rural Amenity Values
- Natural Character of the Coastal Environment
- Stormwater and Wastewater Disposal
- Roads and Traffic Effects
- Effects on Significant Ecological Areas

### **13.3.5 General Assessment Criteria**

The Council will have regard to the following matters or assessment criteria when considering a subdivision consent application involving a controlled activity, a discretionary activity, or a non-complying activity. When considering an application for subdivision consent involving a controlled activity the Council will exercise its control only over the matters listed. For subdivision consent applications involving discretionary or non-complying activities the Council has not by virtue of this plan restricted its discretion to the matters listed and may consider other matters relevant to the application.

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| <p>i) Subdivision Layout - the extent to which the boundaries of each new lot are located in accordance with the topography of the land so as:</p> <ul style="list-style-type: none"> <li>- to enable effective access, drainage, fencing and management of the lots and any balance area</li> <li>- to provide more than one suitable building site where such development is likely</li> <li>- to create a variety of lot sizes where the subdivision is for residential purposes and involves three or more lots in a 'greenfields' area</li> <li>- to not prejudice the subdivision potential of any balance area or adjacent site and provide for future road linkages, particularly where shown on structure plans</li> <li>- to make effective provision for road, pedestrian and cycleway linkages between subdivision and community facilities such as schools</li> </ul> <p>ii) Lot Shape - the extent to which the shape of the lot is suitable for the intended use. The Council will generally require each lot to contain a nominated building site of not less than 200m<sup>2</sup>, with a least dimension of 10 metres, exclusive of any yard requirements. Each lot is also to be of such a shape as to contain suitable land for on-site sewage effluent disposal and stormwater disposal where this is intended.</p> <p>iii) Natural Hazard Mitigation - the extent to which the site is affected or likely to be affected by erosion, subsidence, slippage, inundation, or other natural hazards and the need for associated protective measures taking into account the provisions in Section 106 and Section 220 (1) (d) of the Act.</p> | <p>iv) Road Access - the type of access required to serve the proposed lots. The Council will generally require each lot to have frontage to a formed road except where provision is otherwise made in accordance with Section 321 of the Local Government Act. Conditions requiring a financial contribution towards the establishment and/or upgrading of roads, service lanes, rights of way and other similar facilities serving the subdivision may be imposed on subdivision consents. Section 9.8 prescribes the basis upon which such conditions, including financial contributions may be sought.</p> <p>v) Utility Services - the servicing needs of the proposed lots, particularly in terms of sewage and stormwater disposal, water supply, electricity and telephone services. The Council will generally require lots to be provided with connections to any public utility services available in the immediate vicinity. Associated financial contributions may be required as conditions of subdivision consent where a subdivision causes a demand for the upgrading or extension of existing services. Section 10.7 prescribes the basis upon which such conditions, including financial contributions may be sought.</p> <p>vi) Earthworks and Site Development Works - the nature of earthworks and other site development works required as part of the subdivision and their likely impact on existing landforms and related features including lakes rivers and streams. Conditions may be imposed on any subdivision consent limiting the form, scale and timing of earthworks and associated filling and compaction operations in sensitive areas.</p> <p>vii) Protection of Historic and Natural Features - the need to formally protect any significant historic sites, archaeological sites, Wahi tapu, stands of bush, wetlands and other natural features or significant landscape features as part of the subdivision and to arrange the layout access to and servicing of lots accordingly.</p> <p>viii) Reserves - the extent to which use of the proposed lots will place additional demands on reserves and other public open space areas in the general locality and the need for a financial contribution to be made towards the establishment and/or upgrading of such reserves and public open space areas. Section 11.6 prescribes the basis upon which such financial contributions may be sought.</p> |
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| <p>ix) Esplanade Areas - the need for esplanade reserves or esplanade strips to be created as part of the subdivision in accordance with the requirements in Sections 231 and 232 of the Act and related provisions of this plan (See Section 11.7).</p> <p>x) Proximity of Lots to High Voltage Transmission Lines</p> <ul style="list-style-type: none"> <li>• Subdivision design: The degree to which subdivision design, including the location of roads and reserves recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.</li> <li>• Location of building platforms: The extent of separation between building platforms and existing lines, taking into account the requirements of NZECP:34 or any subsequent code of practice.</li> <li>• Location of proposed tree planting: The extent of separation between the location of proposed trees and existing lines, taking into account the likely mature height of the trees, whether they have potential to interfere with the lines, and whether an alternative location would be more suitable given the operational requirements of the lines owner to prune or remove trees which have the potential to interfere with the lines.</li> <li>• Extent and mode of earthworks: Whether appropriate safeguards are in place to avoid contact with or flashovers from lines, and effects on the stability of support structures.</li> </ul> <p>xi) Stormwater Drainage - the stormwater drainage needs of individual lots, including balance areas, and the extent to which the subdivision has been designed to protect identified drainage and flood paths in Council plans, including the Mangawhai Heads Catchment Drainage Plan (1991)</p> <p><b><u>13.3.6 Controlled and Discretionary Activities: Specific Assessment Criteria</u></b></p> <p>(1) <u>Rural and Maori Purposes Zones - All Subdivisions</u></p> | <p>i) Proximity of Lots To Existing Rural Industries - the nature of the subdivision layout, particularly identified building sites, and the location of any existing rural industries in the locality. Consideration is to given to 'buffer' areas between lots intended for principally residential use and any existing rural industries on adjacent properties, which generate nuisance elements, e.g. dust, odour, noise, or contaminant discharges, as well as other mitigation measures, e.g. screen planting. Such rural industries include dairy sheds, horticultural packing sheds, poultry farm buildings, piggeries, quarries and sawmills.</p> <p>ii) Landscape and Rural Amenity Values - the effects of the roading layout (including proposed earthworks) and likely built development on the landscape values of the site and surrounding area. All subdivisions are to be designed so as to protect and enhance notable landforms, stands of vegetation and watercourses which contribute significantly to the rural character of the surrounding area. If intensive subdivision is planned in an area with a distinctive largely unbuilt rural character, particular consideration will need to be given to landscaping and other mitigation measures to 'soften' its overall effect on the open space and other rural amenity values of the area.</p> <p>iii) Natural Character of the Coastal Environment – the location, form and scale of the proposed subdivision and the extent to which roadways and any subsequent building development is likely to detract from the natural character of the land in the coastal environment around the Kaipara Harbour. This land is shown on the planning maps as the Kaipara Harbour Environment Area. The Council will give consideration to the layout and number of lots, nominated building sites and access arrangements. Particular consideration will be given to land which is visually prominent and contributes significantly to the open landscape character of the coastal environment. Subdivision layouts are expected to utilise the contours of the site and involve minimal earthworks. Significant indigenous vegetation is expected to be retained and ecological and landscape protection and enhancement measures developed as part of the subdivision.</p> <p>iv) Stormwater and Wastewater Disposal - the extent to which suitable land is available for stormwater and wastewater disposal and the need for any discharge permits to be obtained from the Northland Regional Council. Where on-site wastewater disposal is proposed lot sizes are to be determined having regard to the Proposed Regional Water &amp; Soil Plan and the Auckland Regional</p> |
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- Council's Technical Publication No. 58 "On Site Wastewater Disposal From Households and Institutions" referred to in this Plan. Reference should be made to TP 58 in all subdivision consent applications which involve on-site wastewater disposal.
- v) Roads and Traffic Effects - the location and number of existing and proposed vehicle crossings and the likely effect of resulting traffic movements on the safety and efficiency of adjacent roads. Particular consideration will be given to the effects of numerous crossings onto heavily trafficked strategic, arterial and collector roads and the need for appropriately sited internal subdivision roads or common access lots and other traffic safety mitigation measures. Subdivisions are to be designed to limit the number of vehicle crossings onto heavily trafficked roads, and not promote forms of 'ribbon' development. They are also to be designed to not affect the amenities of adjacent properties and in some situations landscaping and other mitigation measures may be required.
- vi) Cumulative Effects of Wastewater Discharges in Areas with Poor Soils and/or Significant Water Resources – The likely cumulative effects of wastewater discharges from the proposed subdivision and other subdivisions of a similar nature on soils with poor treatment capabilities and/or significant water resources. Particular consideration is to be given to the effects of wastewater discharges from subdivisions of a principally residential nature on the Mangawhai Coastal Aquifer (see Planning Map No. 86). In areas with poor soils and significant water resources, subdivision consent applications are to be accompanied by an engineering report evaluating alternative wastewater treatment and disposal systems and associated management – monitoring issues. Engineering reports are also required for the subdivision of any lots where groundwater discharges are unlikely to comply with the relevant rules in the Proposed Regional Water and Soil Plan. Such reports are to recommend treatment, specific disposal systems or other measures which can in turn be linked to consent notice conditions.
- vii) Effects on Ecological Features – The proximity of the proposed lots to recorded ecological features and the likely effects of people and domestic animals on their values. Particular consideration will be given to subdivisions adjacent to publicly managed conservation areas, particularly wildlife refuges and the need for ecological enhancement and/or public access mitigation measures.
- viii) Effects on Significant Ecological Areas – the nature of the subdivision layout and the proximity of lots, particularly clustered lots and small farming lots, to Department of Conservation managed conservation areas and reserves and other significant ecological areas and the likely effects of additional people, traffic and domestic animals on their indigenous flora and fauna values. At the time of subdivision, consideration will need to be given to the way in which lot and access layout location of dwelling sites, buffer areas, fencing and other measures can be used to avoid, remedy and mitigate the potential effects arising from that subdivision. Effects of resultant buildings and driveways on the landscape and amenity values of the areas are also to be considered. Significant ecological areas include protected ecological features recorded in the district plan and other features which contain significant indigenous vegetation and significant habitats of indigenous fauna.
- (2) Rural and Maori Purposes Zones – Subdivisions Within The Kaipara Harbour Environment Area
- i) Protection of Significant Indigenous Vegetation - The subdivision is to be designed so as to avoid the removal of any significant indigenous vegetation for the purposes of creating accessways or building sites. Any necessary indigenous vegetation removal is to be effectively mitigated through revegetation and other measures. Covenanted, fencing and other protection measures which protect in perpetuity and secure long term enhancement of significant indigenous vegetation may be used to 'offset' reserve contribution requirements.
- ii) Lots in Visually Prominent Areas - The subdivision is to be designed so that lots which are likely in the future to contain residential dwellings or other buildings are not located where such future buildings would detract from the natural character of the area. Lots in visually prominent areas will be expected to contain defined building envelopes. Planting and other mitigated measures as part of the subdivision may also be necessary in such areas. The land use consent assessment criteria in Section 13.2.6(16) will be used by the Council for assessing defined building envelopes and related matters.

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| <p>iii) Earthworks - The subdivision is to be designed to minimise earthworks associated with construction of accessways and building sites. Proposed soil and water conservation measures, including revegetation of bare earth areas are to be outlined in subdivision consent applications, or earthworks management plans containing the information outlined in section 6.9.2.</p> <p>iv) Enhancement Planting - Gully revegetation, stream and foreshore enhancement planting programmes are encouraged and may be used to 'offset' reserve contribution requirements.</p>   | <p>formally reserved or covenanted and its conservation or cultural values enhanced as a result of the subdivision.</p> <p>iv) Access and Traffic Effects - The location and number of vehicle entrances proposed and the likely effect of resulting traffic movements on the safety and efficiency of any adjacent roads. The Council will generally not grant consent to subdivisions which are likely to create forms of ribbon development along roads, especially heavily trafficked strategic and arterial routes.</p>  |
| <p>(3) <u>Coastal Zone - Lots Less Than 20ha (Discretionary Activities)</u></p>  | <p>v) Availability of Building Sites and Land for Sewage and Stormwater Disposal - The extent to which suitable building sites are available on the proposed lots and associated land is available for on-site sewage and stormwater disposal where such services are to be utilised. Where septic tank systems with conventional drainage fields are to be used for sewage disposal the Council will generally expect an area of at least 400m<sup>2</sup> to be available solely for this purpose within each lot. Such areas are to be of suitable soil type and slope and free of paved areas, buildings and the like.</p>  |
| <p>i) Settlement Pattern - The proximity of the proposed subdivision to existing settlements and the availability of lots of a similar nature within such settlements.</p> <p>ii) Natural Character of the Coastal Environment - The scale of the proposed subdivision and the extent to which any subsequent building development is likely to detract from the natural character of the coastal environment. The Council will give particular consideration to the number of lots intended for principally residential use and their associated layout and access arrangements. It will generally not grant consent to multiple lot subdivision of a principally residential nature on land which is visually prominent and contributes significantly to the open landscape character of the coast or any lakes in the zone. Much of the land within the primary visual catchment area of the Taharoa Domain (Kai Iwi Lakes) and immediately adjacent to the east and west coasts, (i.e the land which is contained within the Coastal Environment Area shown on the planning maps falls into this category. Lots of a residential nature may however be approved in areas adjacent to existing settlements which are of limited scenic significance and where the form and scale of subdivision would complement the existing development pattern. They may also be approved in areas inland of the Coastal Environment Area which do not have significant landscape values.</p> <p>iii) Covenancing and Reservation of Land - The extent to which land within the catchment area of any dune, lake or the Coastal Environment Area will be</p> | <p>(4) <u>Residential Commercial and Industrial Zones – Lots To Be Served by Individual On-Site Sewage Disposal Systems (Discretionary Activities)</u></p> <p>i) Availability of Building Sites and Land For Sewage and Stormwater Disposal - The extent to which suitable building sites are available on the proposed lots and associated land is available for on-site sewage and stormwater disposal. Where septic tank type systems with conventional drainage fields are to be used for sewage disposal the Council will generally expect an area of at least 400m<sup>2</sup> to be available solely for this purpose within each lot. Such areas are to be of suitable soil type and slope and free of paved areas, buildings and the like.</p> <p>ii) Soil Conditions and Water Resource Protection - The soil conditions on the proposed lots and the extent to which alternative wastewater treatment and disposal systems have been evaluated. The proximity of the lots to natural waterbodies and the nature and use of underground water supplies in the immediate area are to be assessed. Particular consideration is to be given to the cumulative effects of sewage discharges from residential subdivisions on the Mangawhai Coastal Aquifer identified in the Proposed Regional Water &amp; Soil Plan (see Planning Map 86).</p> |

Note Subdivision consent applications being assessed under this clause will be required to be supported by information on whether or not the proposed means of wastewater disposal complies with the relevant rules relating to discharges in regional plans, and whether any other consents are required.

(5) Limited Industrial Zone<sup>#</sup>

All lot boundaries for sites within the Limited Industrial Zone shall be consistent with the Structure Plan for this zone.

(6) Rural-Residential (Landscape and Ecological Enhancement) Zone

- (i) Natural Character of the Coastal Environment - The scale of the proposed subdivision and the extent to which subsequent building development is likely to affect the natural character of the coastal environment. The Council will give particular consideration to the layout of lots, siting of nominated house sites, and access arrangements. The subdivision design is to utilise the existing landform profile and contours, minimise cut and fill earthworks, and wherever possible involve the use of shared accesses.
- (ii) Ecological Protection and Enhancement - The nature of any significant indigenous flora and fauna on the site and extent to which it is to be protected through creation of reserves or conservation covenants. Particular consideration is also to be given to ongoing ecological enhancement measures, including restorative plantings and weed management.
- (iii) Landscape Enhancement - The landscape qualities of the site and surrounding area and the extent to which existing features are integrated into the subdivision and enhanced. Particular consideration is to be given to restorative planting of areas affected by past earthworks or earthworks required as part of the subdivision. The Council may control the location of building sites to ensure protection of landscape and natural character values.
- (iv) Availability of Building Sites and Land for Sewage and Stormwater Disposal - The extent to which suitable building sites are available on the proposed lots

and associated land is available for on-site sewage and stormwater disposal. Where septic tank systems with conventional drainage fields are to be used for sewage disposal the Council will generally expect an area of at least 400 m<sup>2</sup> to be available solely for this purpose within each lot. Such areas are to be of suitable soil type and slope and free of paved areas, buildings and the like.

- (v) Drainage Conditions On-Site and Water Resource Protection The drainage conditions on the proposed lots and the extent to which any wastewater disposal systems will be effective and not contaminate water resources. The proximity of the lots to natural water courses and the nature and use of underground water supplies in the immediate area are to be assessed. Particular consideration is to be given to the effects of wastewater discharges from subdivisions on the Mangawhai Coastal Aquifer identified in the Proposed Regional Water & Soil Plan (see Planning Map 85).

Note Subdivision consent applications being assessed under this clause are required to be supported by engineering reports and information on alternative wastewater and stormwater systems, whether or not the proposed means of stormwater and wastewater disposal comply with the relevant regional rules on discharges to discharges and whether any other resource consents are required.

- (vi) Access and Traffic Effects - the location and number of vehicle entrances proposed and the likely effect of resulting traffic movements on the safety and efficiency of adjacent roads. Particular consideration will be given to entrances onto heavily trafficked arterial and collector roads and the need for internal subdivision roads, common access lots and other traffic safety mitigation measures.

**13.3.7 Residential Zone – Subdivision – Discretionary Activities – Assessment Criteria**

- (i) Neighbourhood Development Pattern. - The size and shape of lots and any controls on the floor area, design and appearance of future buildings on them in relation to the existing pattern of subdivision and development in the neighbourhood. The potential and cumulative effects of subdivisions on the built character, open space and amenity values of the neighbourhood will be assessed.

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<sup>#</sup> Updated August 2005

- (ii) Amenity Values of the Site and Adjacent Properties. - The vegetated character and visual prominence of the site and the relationship of the proposed lots, roadways and likely buildings and driveways to adjacent residential dwellings and community facilities, including reserves. Closer subdivision may be approved on sites where amenity values are affected by the adjacent built environment or use. e.g. sites bordering commercial areas.
- (iii) Effects of Earthworks and Vegetation Clearance. - The extent and form of earthworks and vegetation clearance and their effects on the amenity and open space values of the neighbourhood. Wherever possible significant trees and shrubs, especially natives, are to be retained. Cuts and fills and impermeable surfaces are to be minimised. Retention of significant vegetation and enhancement planting can 'offset' the effects of closer subdivision on the amenities of adjacent properties.

### **13.4 Consent Procedures**

#### **13.4.1 Requests for Further Information**

Section 92 of the Act gives the Council powers to make requests for further information to be provided in relation to any application for resource consent prior to a hearing.

#### **13.4.2 Notification of Applications**

Section 93 of the Act deals with the notification of applications whilst Section 94 deals with applications not requiring notification. Under Section 94 (5) the Council has powers to notify any application, even if the district plan provides that such an application need not be so notified.

In accordance with the provisions on Section 93 a notified resource consent application will be served on:-

- (a) The owner or occupier of any land to which the application relates; and
- (b) The Minister of Conservation if the application relates to land which adjoins any coastal marine area; and
- (c) The New Zealand Historic Places Trust if the application:-

- (i) Relates to land that is subject to a heritage order or a requirements for a heritage order or is otherwise identified in the plan as having heritage value; or
- (ii) Affects any historic place, historic area, waahi tapu, or waahi tapu area registered under the Historic Places Act 1993; and
- (d) The Minister of Fisheries if the application relates to marine farming within the meaning of the Marine Farming Act 1971, or the Fisheries Act 1983, or to a fish farm within the meaning of the Freshwater Fish Farming Regulations 1983; and
- (e) Such persons who are, in its opinion, likely to be directly affected by the application, including adjacent owners and occupiers of land, where appropriate; and
- (f) Such local authorities, iwi authorities, and other persons or authorities as it considers appropriate;  
Other persons or authorities may include, the Department of Conservation, New Zealand Historic Places Trust, New Zealand Archaeological Association, Northland Province of Federated Farmers, Northland Fish and Game Council, Northpower, Telecom, Transpower New Zealand Ltd, and Northland Health Ltd.

#### **13.4.3 Submissions on Applications**

Sections 96-98 of the Act outline the basis upon which any person may make submissions on notified applications, along with associated time limits and advice to applicants.

#### **13.4.4 Pre-Hearing Meetings**

Section 99 of the Act provides for pre-hearing meetings for the purposes of clarifying, predicting or facilitating resolution of any matter or issue related to an application or submission.

#### **13.4.5 Hearings**

Sections 100-104 of the Act establish the hearing procedures which apply to resource consent applications and associated submissions. Joint hearings are generally required

where two or more consent authorities are involved eg the District Council and Regional Council.

#### **13.4.6 Decisions on Applications**

Sections 104 -116 of the Act outline the basis upon which decisions and applications are to be made and associated conditions imposed. Time limits are set on notification of decisions in Section 115.

#### **13.4.7 Appeals**

Section 120 of the Act outlines the right of appeal to the Planning Tribunal which may be exercised in respect of any decision on a resource consent application. The procedure for appeals is outlined in Section 121.

#### **13.4.8 Objections to Certain Decisions on Non-Notified Applications**

Section 357 of the Act provides applicants with rights of objection to any decision made in respect of an application for resource consent which is non-notified.

#### **13.5 Definition of Terms**

The following definitions shall apply to terms used in this plan.

Access Lot means a lot held in undivided shares by the owners of two or more lots as tenants in common which provides street frontage and access to the lots.

Accessory Building means a building the use of which is incidental to that of any other building or buildings on the site and in relation to a site on which no building has been erected incidental to the use which may be permitted on such site. Accessory buildings include carports, garages, glasshouses, playrooms or recreational rooms, tool sheds, workshops and other similar structures.

Accessway means any passage way which provides pedestrian access between any roads, streets, service lanes, reserves or other public places but excludes any footpaths provided in conjunction with any road or street.

The Act means the Resource Management Act 1991 and its subsequent amendments.

Airstrip means an area of land and associated facilities used for the landing and takeoff of light aircraft including microlight aircraft.

Allotment shall have the meaning given in the Resource Management Act 1991 being parts of land or buildings shown on a survey plan, or on a unit title plan.

Animal Boarding Facilities means buildings and other structures used for the boarding of cats, dogs and other animals for commercial gain.

Aquaculture means the breeding and raising of fish and shellfish in constructed ponds and ancillary facilities.

Archaeological Site shall have the meaning given in the Historic Places Act 1993 and means

- any place in New Zealand that:
  - (a) Either -
    - (i) Was associated with human activity that occurred before 1900; or
    - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
  - (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Average Net Site Area means the average area of all lots which have been subdivided from a site over the preceding 10 year period but excludes any land in the lots which is solely or principally available for access purposes.

Bed shall have the meaning given in the Resource Management Act 1991 being:

- (a) In relation to any river:

- (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;
- (ii) In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and
- (b) In relation to any lake, except a lake controlled by artificial means:
  - (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;
  - (ii) In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and
- (c) In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and
- (d) In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Borrow Pit means the excavation and stockpiling of material from the ground for other than commercial gain, including those required for any farming or forestry operation, road or railway cutting, and provision of public utilities to a site, provided that no more than 2000m<sup>3</sup> of material shall be extracted from the site in any one year.

Building means any structure, or part of a structure, whether temporary or permanent, movable or immovable, [of not less than 1.2m in height, any fence over 2m, or any concrete or masonry wall or any retaining wall over 1.2m in height]

Building Coverage means that portion of the net site area which may be covered by buildings and includes all accessory buildings, balconies, and parts covered by eaves, overhangs or cantilevered structures but does not include fences, [under 2m high, terraces, inground swimming pools or other structures less than 1.2m high or concrete or masonry wall, or retaining walls less than 1.2m high.

Building Line Restriction means a restriction imposed on a site to ensure that when new buildings are erected or existing buildings re-erected, altered or substantially re-built, no part of any such building shall stand within the area between the building line and the site boundaries.

Camping Ground shall have the meaning given in the Camping Ground Regulations 1985 being any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties [whether consisting of 1 or more persons] living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of these regulations.

Clear or Clearance means cutting, crushing, destruction or removal of vegetation by burning, chemical or mechanical means.

Coastal Marine Area shall have the meaning given in the Resource Management Act 1991 being the foreshore, seabed, and coastal water, and the air space above the water:

- (a) Of which the seaward boundary is the outer limits of the territorial sea;
- (b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
  - (i) One kilometre upstream from the mouth of the river; or
  - (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

Coastal Protection Works means sea walls and other similar structures designed to protect a site from inundation, erosion and other natural hazard processes.

Coastal Water shall have the meaning given in the Resource Management Act 1991 being seawater within the outer limits of the territorial sea and includes:

- (a) Seawater with a substantial fresh water component; and
- (b) Seawater in estuaries, fiords, inlets, harbours, or embayments.

Commercial Service means a building site used for a business activity such as a domestic appliance repair shop, a dry-cleaning shop, or a hairdressing salon, which provides a service to people and other businesses, but does not include the servicing or repair of motor vehicles or the fitting of any part to or the dismantling of motor vehicles.

Community and Recreational Facilities means any land or buildings which are used in whole or in part for cultural, educational, entertainment, religious or recreational purposes including creches, childcare centres, kindergartens and kohanga reo.

Conservation Area shall have the meaning given in the Conservation Act 1977 being land or foreshore that is:

- (a) Land or foreshore for the time being held under this Act for conservation purposes; or
- (b) Land in respect of which an interest is held under this Act for conservation purposes.

Contaminant shall have the meaning given in the Resource Management Act 1991 which includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Controlled Activity shall have the meaning given in the Resource Management Act 1991 being an activity which:

- (a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
- (b) Complies with standards and terms specified in a plan or proposed plan for such activities; and
- (c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and
- (d) Is allowed only if a resource consent is obtained in respect of that activity.

Cottage Industry means a use or activity which is carried out within a residential dwelling or accessory building, and is incidental to the principal use of the site but does not come within the definition of home occupation.

Council means the Kaipara District Council or any Committee, Sub Committee, Council Officer or person to whom the Council's powers, duties and discretions under the Act have lawfully been delegated pursuant to the provisions of the Act or any other statute.

Deposits or Depositing means the act of placing of any soil, spoil, fill or other material, on a site. Deposition shall have a corresponding meaning.

Depot means a building or site used for storage and maintenance of equipment, machinery, materials and plant and includes depots used for transport, contracting courier and other similar vehicle oriented services.

Designation shall have the meaning given in the Resource Management Act 1991 being a provision made in a district plan to give effect to a requirement made by a requiring authority under Section 168 or Section 168A or Clause 4 of the First Schedule.

Development means the erection of a building, the carrying out of building, engineering, excavation or other work, and any other use of land or part of a building which is different from the purpose for which the land, building or part of a building was last being used and includes any alteration to a building.

Discretionary Activity shall have the meaning given in the Resource Management Act 1991 being an activity:

- (a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- (b) Which is allowed only if a resource consent is obtained in respect of that activity; and
- (c) Which may have standards and terms specified in a plan or proposed plan; and
- (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

Driveway means a permanently formed access for the use of motor vehicles and pedestrians between a road or street and a carport, garage, parking space or loading space on a site.

Earthworks means the disturbance of land surfaces by placing soil or earth, or by excavation, or by cutting and filling operations, or earthworks for quarries or mines, and roading. The term does not include normal gardening practices, trenching for utility services, road, driveway and track maintenance, land cultivation, digging post holes, planting trees, or earthworks associated with clearance or maintenance of drains, dams and other man made water features.

Earthworks Management Plan means a plan showing the location and form of earthworks proposed on a site, including relevant existing and proposed contours along with information on the site's archaeological and historic places values, soil conservation and landscape mitigation measures.

Electricity Substation means those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used principally for the purposes of the control of the distribution of electricity and includes associated depots for maintenance, upgrading, alteration, construction or security of associated lines or pylons.

Electricity Transmission Line (High Voltage) means a line able to conduct electricity at a voltage exceeding 110kv or a capacity exceeding 100 mva per circuit.

Enclosure means any moveable or permanent structure in which animals are confined ie pens, yards, but excludes any fences.

Entrance Strip means in relation to a rear site that part of the site which extends from the street boundary to the nearest rear yard of the site and which provides street frontage and access to the site.

Environment shall have the meaning given in the Resource Management Act 1991 which includes:

- (a) Ecosystems and their constituent resources; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

Erection means the placing of a building on a site or the movement of a building from one position on a site to another position on the same site or any addition or structural alteration to an existing building. Erected shall have a corresponding meaning.

Esplanade Reserve shall have the meaning given in the Resource Management Act 1991 being a reserve within the meaning of the Reserves Act 1977:

- (a) Which is either:
  - (i) A local purpose reserve within the meaning of Section 23 of that Act, is vested in the territorial authority under Section 239; or
  - (ii) A reserve vested in the Crown or a regional Council under Section 237D; and
- (b) Which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in Section 229.

Esplanade Strip shall have the meaning given in the Resource Management Act 1991 being a strip of land created by the registration of an instrument in accordance with Section 232 for a purpose or purposes set out in Section 229.

Excavating means the act of removing soil and other material from the ground by either mechanical or manual means. Excavation shall have a corresponding meaning.

Factory means a place including buildings where goods are prepared or manufactured for sale or trade.

Factory Farming means the commercial raising of animals in artificially controlled conditions and includes fitch, opossum, pig, poultry and rabbit farming where such activities are carried out substantially within buildings or enclosed yards.

Farming means any primary production activity which relies on the productive capacity of the soil including any market garden, orchard or pastoral farm but excludes any factory farming operation.

Forestry means the planting, tending and harvesting of trees and plantations for any purpose.

Hapu means a sub-tribe usually comprising a number of whanau with a common ancestor.

Height means the vertical distance between the highest point on the building at any point and the natural ground level at that point. For the purpose of this definition a building, shall be deemed to exclude aials, chimneys, ornamental towers, turrets, lift towers, machinery rooms, and provided that such structures:

- (a) do not exceed a height of 3m above the maximum height specified in the relevant zone.
- (b) do not exceed a floor area equal to 10% of the area of the roof to the storey immediately below.

Historic Place shall have the meaning given in the Historic Places Act 1993 and means:

- (a)
  - (i) Any land (including an archaeological site); or
  - (ii) Any building or structure (including part of a building or structure); or
  - (iii) Any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand; and
- (b) Includes anything that is in or fixed to such land.

Home Occupation means any occupation, craft, or profession that is carried out in a residential dwelling or accessory building and is ancillary to the residential use of a site such that:

- (a) the activity is carried out by at least one person who resides permanently on the site and not more than two persons who reside off the site; and
- (b) the activity occupies not more than 25% of the gross floor area of any residential dwelling and any associated accessory buildings.
- (c) the activity does not involve the sale of goods or products other than those produced on or repaired on the site.
- (d) no equipment or material from the home occupation shall be stored outdoors unless it is effectively screened from neighbouring sites and public places by shrubs, trees or a close boarded fence.

Homestay Accommodation means visitor accommodation facilities of a commercial nature provided within any residential dwelling. Such facilities are to be ancillary to the residential use of the dwelling and occupy not more than 50% of its gross floor area.

Hospital means:

- (a) Any hospital or institution for the reception and treatment of persons requiring medical treatment or suffering from any disease; or
- (b) Any maternity hospital; or
- (c) Any convalescent home;

and includes all clinics, dispensaries, out-patient departments, services, offices and undertakings maintained in connection with, or incidental to, the primary health care activity.

Hotel shall have the meaning given in the Sale of Liquor Act 1989 being any premises used or intended to be used in the course of business principally for the provision to the public of:-

- (a) Lodging; and
- (b) Liquor, meals and refreshments for consumption on the premises.

Household Unit means a self contained home or residence of a single household.

Indigenous Vegetation means vegetation comprising species which are predominantly indigenous to New Zealand and includes indigenous forests, dunelands, gumlands and shrublands including manuka scrub.

Industrial or Trade Premises shall have the meaning given in the Resource Management Act 1991 being:

- (a) Any premises used for any industrial or trade purposes; or
- (b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for the other waste-management purposes, or used for composting organic materials; or
- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process:

and includes any factory farm; but does not include any production land.

Jetty shall have the same meaning as wharf.

Kohanga Reo means a place including buildings for learning Maori language, customs and traditions.

Lake shall have the meaning given in the Resource Management Act 1991 being a body of fresh water which is entirely or nearly surrounded by land.

Land shall have the meaning given in the Resource Management Act 1991 and includes being land covered by water and the air space above land.

Land Cultivation means the disturbance of the soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing, drilling, ripping and sowing.

Landfill means land used for the disposal of waste material principally by burial to ground, and associated facilities which are available to the general public.

Land Use Consent shall have the meaning given in the Resource Management Act 1991 as any of the following:

- (a) A consent to do something that otherwise would contravene section 9 or section 13
- (b) A consent to do something that otherwise would contravene section 11
- (c) A consent to do something in a coastal marine area that otherwise would contravene any of sections 12, 14 and 15
- (d) A consent to do something (other than in a coastal marine area) that otherwise would contravene section 14
- (e) A consent to do something (other than in a coastal marine area) that otherwise would contravene section 15.

Loading Space means a portion of a site which is designed and constructed for the loading and unloading of goods or people from a motor vehicle associated with the site and which has access onto a road or street at all times without the necessity for moving any other motor vehicle parked on the same site.

Lot shall have the same meaning as allotment in the Resource Management Act 1991 being parts of land or buildings shown on a survey plan, or on a unit title plan;

except that in respect of any company or cross lease form of subdivision a lot shall be deemed to be the building or flat (allotment), and associated areas over which restrictive covenants are proposed, along with a proportionate share of any common areas; and

except in respect of any unit title form of subdivision a lot shall be deemed to be the principal unit (allotment) and associated ancillary units along with a proportionate share of any common areas.

Main Living Area means the principal living area in a dwelling unit and means either a dining room, living room, lounge or rumpus room.

Managed Whole Subdivision Wastewater or Stormwater System means a system designed to serve all of the lots in a subdivision using one or more treatment and disposal facilities which are subject to regular inspection, maintenance and discharge monitoring arrangements.

Maori Land means land administered by the Maori Land under the Maori Land Act 1993.

Marae means an area of land set apart for the common use of a Maori community family or tribe and any associated buildings including a meeting house, dining hall and kitchen used for community and family gatherings.

Marine Farming Shore Facilities means land buildings and structures used for the storage of equipment and materials associated with a marine farm along with processing and packaging of related products.

Mineral Exploration shall have the meaning given (exploration) in the Crown Minerals Act 1991 being any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

Mineral Prospecting shall have the meaning given (prospecting) in the Crown Minerals Act 1991 being any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:-

- (a) Geological, geothermal, and geophysical surveys; and
- (b) The taking of samples by hand or hand held methods; and
- (c) Aerial surveys.

Mining shall have the meaning given in the Crown Minerals Act 1991 being to take, win or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration.

Multiunit Dwelling means a residential dwelling containing two or more household units.

Naturally Occurring Indigenous Vegetation or Naturally Occurring Indigenous Tree<sup>#</sup> means vegetation or an individual tree comprising species which are predominantly indigenous to New Zealand and includes such vegetation or individual tree in forests, dunelands, gumlands and shrublands, regardless of size, but does not include any planting of indigenous flora, except where this has been undertaken for revegetation or other purposes in accordance with a resource consent condition and has a corresponding meaning.

Net Site Area means the total area of a site minus the area of any entrance strip or any area subject to a drainage or right of way easement in favour of any site.

Network Utility means and includes the following:

- lines for the conveyance of electricity and associated structures including poles, pylons, transformers, electricity and distribution substations not exceeding 20 m2 in area except those able to conduct electricity at a voltage exceeding 110kv or a capacity exceeding 100 mva.
- lines for telecommunications purposes including any pole insulator, casing, minor fixture, tunnel or other equipment used for supporting, enclosing, surrounding or protecting any line.
- pipes for the conveyance of sewage, stormwater, water and other liquids and necessary incidental equipment including pumping stations
- pipes for the conveyance of gas, heat or geothermal steam and necessary incidental equipment including gas compressor stations
- channels, drains, races and other similar facilities for the conveyance of stormwater, water and other liquids
- navigational aids and beacons

- buildings and other structures associated with the above

- automatic weather stations, anemometer masts and other meteorological facilities.

Non-Complying Activity shall have the meaning given in the Resource Management Act 1991 being an activity (not being a prohibited activity) which:

- (a) Contravenes a rule in a plan or proposed plan; and
- (b) Is allowed only if a resource consent is obtained in respect of that activity.

Notional Boundary means in relation to noise emissions a line 20 metres from the facade of any rural dwelling or the legal boundary where this closer to the dwelling.

Office means any building used for administrative commercial or professional office purposes and includes those used by health care providers for health care related purposes.

Outdoor Living Court means that part of a site which is landscaped and planted to meet the private outdoor recreational needs of the occupants of any dwelling unit.

Papakāinga Housing means the development of residential dwellings and associated accessory buildings on Maori land.

Parking Area means a group of parking spaces set aside for the parking of motor vehicles and which may be publicly or privately owned and serve one or more sites.

Parking Space means a portion of a site which is designed and constructed for the parking of a motor vehicle associated with the use of a site and which has access onto a road or street at all times without the necessity for moving any other motor vehicles parked on the same site.

Permitted Activity shall have the meaning given in the Resource Management Act 1991 being an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in Section 108 or Section 220) specified in the plan.

<sup>#</sup> Updated August 2005

Plant Nursery means the use of land and buildings for propagation and sale of plants shrubs and trees but does not include the sale of any plants or other materials not produced on the site.

Portable Batten Mills, Portable Post Peelers and Portable Sawmills means plant and equipment used for the processing of logs and other timber which are of a portable nature and are operated on the same site for not more than 6 months in any 12 month period.

Private Road shall have the meaning given in the Local Government Act 1974 (Section 315) being any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this part of this Act, by the owner thereof, but intended for the use of the public generally.

Private Way shall have the meaning given in the Local Government Act 1974 (Section 315) being any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this part of this Act exists within any district.

Prohibited Activity - shall have the meaning given in the Resource Management Act 1991 being an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted and includes any activity prohibited by Section 105(2)(b) of the Historic Places Act 1993.

Protected Ecological Feature means an area of indigenous forest, shrubland or wetland identified in Appendix 8E – Register of Ecological Features as being of international, national, regional or district significance.

Public Place means an area of land including a road under the control of the Council.

Public Work shall have the meaning given in the Public Works Act 1981 being:-

- (a) Every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage,

operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use;

- (b) Every Government work or local work constructed, undertaken, established, managed, operated, or maintained by any Education Authority within the meaning of the Education Act 1964 and every use of land for any Government work or local work which such Education Authority constructs, undertakes, establishes, manages, operates, or maintains, and include anything required directly or indirectly for any such Government work or local work or use;
- (c) Any Government work or local work that is, or is required, for any university within the meaning of the Universities Act 1961.

Quarrying means the excavation of gravel, limestone rock, sand, shingle, stone and other material from the earth and includes any works, machinery and plant used in conjunction with the operation; but does not include:-

- (a) the exploration, prospecting and mining of minerals
- (b) any borrow pit for the extraction of fill material, any road or railway cutting, any excavations for the purposes of providing electricity, sewage, water or other public utilities to a site.

Rear Site means a site which is situated to the rear of another site facing the same street and has access over an access lot, access strip, private way or other similar facility.

Recorded Archaeological Site means an archaeological site recorded on the N.Z. Archaeological Association data base (Information on this data base and recorded archaeological sites is available from the N.Z. Historic Places Trust and Department of Conservation).

Recorded Ecological Feature means a feature on the Council's Register of Ecological Features (Appendix 8E in District Plan) or the Department of Conservation's Schedule of Sites of Biological Interest (SSBI).

Refuse Recycling Facilities means buildings and land used for the collection, storage processing and sale of recyclable waste materials except those of a hazardous nature. Processing includes shredding compaction baling and composting of materials.

Registered Historic Place, Historic Area or Wahi Tapu Area means an historic place, historic area or wahi tapu registered under Part II of the Historic Places Act 1993. (Information on registered historic places, historic areas and wahi tapu areas is available from the N.Z. Historic Places Trust.)

Remote Camp Site shall have the meaning given in the Camping Ground Regulations 1985 being a camping ground in a National Park, State Forest, State Forest Park, or Public Reserve, or on Crown land.

Requiring Authority shall have the meaning given in the Resource Management Act 1991 being:-

- (a) A Minister of the Crown; or
- (b) A local authority; or
- (c) A network utility operator approved as a requiring authority under section 167.

Reserve shall have the meaning given in the Reserves Act 1977 being any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort.

Residential Dwelling means a building or part thereof designed for human habitation but not including a hotel, tourist house premises, visitors accommodation, rest home or welfare home.

Restaurant shall have the meaning given in the Sale of Liquor Act 1989 being means any premises in which meals are regularly supplied for sale to the public for consumption on the premises.

Rest Home means a building and associated facilities intended for housing the elderly and includes an old people's home within the meaning of the Old People's Home Regulations 1980.

Reticulated Wastewater System means a system for collecting, treating and disposing of wastewater which serves all buildable lots in a subdivision.

River Control and Soil Conservation Works means drainage, stopbanking and other works intended to mitigate the effects of natural hazards or promote soil conservation carried out by or under the direction of the Kaipara District Council or Northland Regional Council.

Road shall have the meaning given in the Local Government Act 1974 being the whole of any land which is within a district, and which:-

- (a) Immediately before the commencement of this Part of this Act was a road or street or public highway; or
- (b) Immediately before the inclusion of any area in the district was a public highway within that area; or
- (c) Is laid out by the Council as a road or street after the commencement of this Part of this Act; or
- (d) Is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- (e) Is vested in the Council as a road or street pursuant to any other enactment; and includes:
- (f) Except where elsewhere provided in this Part of this Act, any access way or service lane which before the commencement of this Part of this Act was under the control of any Council or is laid out or constructed by or vested in any Council as an access way or service lane or is declared ... by the Minister of Works and Development as an access way or service lane after the commencement of this Part of this Act or is declared by the Minister of Lands as an access way or service lane on or after the 1st day of April 1988;
- (g) Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;- but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act.

Road, Driveway and Track Maintenance means in relation to existing roads, driveways and tracks the cleaning out of watertables, cut-off drains and culverts, re-establishment and replacement of cut-off drains and culverts, stabilisation of existing batters, grading, metalling and sealing, and shoulder widening along with any emergency works.

Roadside Stall means a building or structure for the sale of arts and crafts, fruit, vegetables, plants or shrubs, all of which are grown or produced on sites owned or occupied by the stall owner.

Sawmill means a building or site used for the sawing, planing and the production of timber products but does not include a timber treatment plant.

Service Lane shall have the meaning given in the Local Government Act (Section 315) being any lane laid out or constructed either by the authority of the Council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Service Station means premises used for the retail sale of vehicle fuels including liquefied petroleum gas (LPG) and motor vehicle accessories and the maintenance, repair and sale of motor vehicles.

Shop means a place where goods are kept, exposed, or offered for sale by retail, but does not include:

- (a) a private dwellinghouse in which the household effects of the owner or occupier are being sold by auction or otherwise; or
- (b) a commercial service, cottage industry, home occupation, plant nursery, restaurant, roadside stall, service station, stock saleyards, tavern, tourist house premises, vehicle sales premises, or visitor accommodation.

Sign means any device intended to attract attention for the purpose of directing, informing or advertising, visible from any public place or nearby sites, and includes those affixed to or incorporated within the design of a building whether by painting or otherwise and any board, hoarding or other structure which supports the sign, but excludes any advertising matter placed on or within a display window of a commercial premises.

Significant Indigenous Vegetation<sup>#</sup> means indigenous flora which provides habitat for plant and animal species rated of at least district (or moderate) significance according to

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<sup>#</sup> Updated August 2005

the criteria adopted by the Department of Conservation Schedule of Sites of Biological Interest (SSBI) (Ref Appendix 8G.)

Site means and includes:

- (a) an area of land which is
  - (i) comprised in a single certificate of title, under the Land Transfer Act 1952 or
  - (ii) contained in a single allotment on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council
- (b) an area of land which is composed of two or more contiguous allotments held together in one certificate of title in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or
- (c) an area of land which is composed of two or more contiguous allotments held in two or more certificates of title where such titles are:
  - (i) subject to a condition imposed under Section 643 of the Local Government Act 1974; or
  - (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council;

except that in respect of any company or cross lease form of title issued under the Land Transfer Act 1952 a site shall be deemed to be the flat and areas over which associated restrictive covenants exist along with a proportionate share of any common areas, and except that in respect of any unit titles issued under the Unit Titles Act 1972, a site shall be deemed to be the principal unit and associated accessory units along with a proportionate share of any common areas.

Slipway means land, buildings and structures used for the maintenance and repair of boats, ships and other waterborne craft.

Small Craft means a plane, boat or other vessel that is less than 30 metres in length and is on the water

Small Motor Craft means a small craft which is propelled or driven other than solely by oars, paddles or the wind.

Stock Saleyards means any building or site which is used principally for the auction, selling or trading of farm animals and associated equipment or stock.

Street means a road.

Subdivision of Land shall have the meaning given in the Resource Management Act 1991 being:

- (a) The division of an allotment:-
- (i) By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
  - (ii) By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
  - (iii) By a lease of part of the allotment which, including renewals, is or could be for 20 years or longer [; unless that part of the allotment is in the coastal marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan; or]
  - (iv) By the grant of a company lease or cross lease in respect of any part of the allotment; or
  - (v) By [the deposit of a unit plan, or] an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

Tangata Whenua shall have the meaning given in the Resource Management Act 1991 which in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

Taonga means the treasures and sacred possessions of the tangata whenua.

Tavern shall have the meaning given in the Sale of Liquor Act 1989 being any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; but does not include an airport bar.

Telecommunication Works means aerials, antennae, masts, radio stations, satellite dishes, towers and similar apparatus along with associated buildings, plant, equipment and land.

Telephone Exchange means a building or site housing a manual or electronic telephone exchange and equipment associated with fibre optic cables.

Temporary Military Training Activities means training activities involving New Zealand Defence Force regular and territorial force personnel and N.Z. Cadet Force personnel and associated air and road transport, where such activities do not require the construction or erection of any permanent structure.

Timber Treatment Plant means a building or site used for the treatment and storage of timber products.

Tourist House Premises shall have the meaning given in the Sale of Liquor Act 1989 being a hotel in which liquor is sold to members of the public only if they are lodging on the premises, or are on the premises for the purpose of having a meal.

Transfer Station means a site containing relocatable bins used for the collection of waste materials, except of a hazardous nature.

Utility Service means a network utility, a telecommunication work, telephone exchange, electricity transmission line (High voltage), or electricity substation.

Urupa means a burial place of Maori people.

Vehicle shall have the meaning given in the Transport Act 1962 being a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved; but does not include:

- (a) A perambulator or pushchair;
- (b) A shopping or sporting trundler not propelled by mechanical power;
- (c) A wheelbarrow or hand trolley;
- (e) A pedestrian controlled lawnmower;
- (f) Any pedestrian controlled agricultural machinery not propelled by mechanical power;
- (g) Any article of furniture;

(h) Any invalid wheel chairs not propelled by mechanical power.

Vehicle Crossing means the formed and properly constructed vehicle access from the carriageway of any road up to and including that portion of the road boundary of the site across which vehicle access is permitted and includes any culvert, bridge or kerbing.

Vehicle Sales Premises means any building or site in or on which motor vehicles, caravans, boats or trailers are offered for sale lease or hire.

Visitor Accommodation means a building or site used for transient residential accommodation of travellers or visitors along with ancillary conference, restaurant, and shop facilities. It includes motels but not hotels and tourist house premises which are separately defined.

Wahi tapu means a place which is particularly sacred or spiritually meaningful to tangata whenua.

Walkway means a path or track principally for public pedestrian use established under the N.Z. Walkways Act.

Warehouse means premises for the storage of articles, goods or materials pending sale but excludes any premises used for the storage of bulk fuels.

Welfare Home means a building intended for accommodating people with physical, mental or social disabilities and includes a mens or womens refuge.

Whanau means an extended family.

Wharf means any structure used for the berthing of boats and other small craft.

Yard means a part of a site which is to remain unoccupied and unobstructed by buildings from the ground upwards, provided that the eaves of any building may project over any yard but shall not extend more than 600mm over a side yard.

- *Front Yard* means a yard between the street boundary and a line parallel thereto and extending across the full width of the site provided that:
- *Rear Yard* means a yard in any site other than a corner site, between the rear boundary of the site and a line parallel to that boundary extending across the full

width of the site, provided that a rear yard in respect of any rear site means a continuous yard bounded by all the boundaries of the net site area.

- *Side Yard* means a yard which, except for any portion of the site comprised in a front or rear yard, lies between the full-length of a side boundary and a line parallel thereto, provided that in respect of a corner site, every boundary not being a street frontage shall be deemed to be a side boundary.

**APPENDIX 13A: FOURTH SCHEDULE RESOURCE MANAGEMENT ACT – ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**FOURTH SCHEDULE**

s 88(6)(b)

**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(6)(b) should include—

- (a) A description of the proposal;
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
- (c) *Repealed, as from 7 July 1993, by s 225 Resource Management Amendment Act 1993 (1993 No 65).*
- (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) An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those 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.

**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;
- (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.