

## 14 Business: Commercial and Industrial Chapter

### 14.1 Introduction / Resource Description

This Chapter contains Rules for land identified for business purposes within the Kaipara District. The Chapter has two separate subzones – the Commercial Zone and the Industrial Zone.

The Commercial Zone incorporates the existing commercial areas of the District and provides for businesses designed to serve the business and retail needs of the community. Commercial activities are generally comprised of shops, offices and retail which are of a scale and design compatible with pedestrian streetscapes and the surrounding community and residential areas. This District Plan seeks to manage the effects of new activities in these areas, so that they are compatible with these existing activities.

Many of the commercial centres in the District have developed as business strips along main roads (the state highways) such as Kaiwaka, Maungaturoto, Paparoa and Ruawai. In addition, Victoria Street and Normanby Street are key commercial areas in Dargaville. Mangawhai has developed with two commercial centres, one at the Mangawhai Village and one at Wood Street, Mangawhai Heads. A new third centre for Mangawhai is planned at Estuary Estates, adjacent to Molesworth Road.



Business: Commercial - Mangawhai



Business: Industrial - Maungaturoto

The Kaipara District has a strong dairy farming, agricultural and horticultural economic base. Industrial activities support this wider rural activity and are important for the community's social and economic wellbeing. These activities, generally dominate the Industrial Zone. These activities are likely to generate higher noise, odour, ground and water discharges, heavy vehicle movements and dust than other activities in the District (e.g. processing operations). Key industries in the District include the Fonterra milk processing plant at Maungaturoto, and the Silver Fern Farms meat processing plant at Dargaville.

Other growing industries include manufacturing and fabrication activity in Kaipara, particularly at Dargaville, Maungaturoto and Kaiwaka. In Mangawhai industrial activity generally supports the surrounding residential community as well as boutique primary production operations like chocolates, olives and wines.

### 14.2 How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in these Zones. Instead it sets 'Standards' to make sure that the effects of activities are within an acceptable level for the Business Zones (and where appropriate for the Overlay environments).

As long as the standards specified in this District Plan are met, landowners have flexibility on what they do on their property. However, if someone wants to exceed-proposes development or activities that do not meet-or-infringe the standards, they will need to apply to Council for approval to do the work (i.e. they need to lodge a Resource Consent application). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

Before you use this Chapter of the District Plan, check:

- That the property for development / subdivision is located in this Zone (Map Series 1).
- If the property has an environmental overlay on it (Map Series 1).
- If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 14-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Business Zone. Figure 14-2 below sets out the steps you need to take, if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules).

*In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 14.10 in this Chapter. If you don't meet these standards your proposal, will*

*This Chapter contains Rules for land identified for commercial and industrial purposes*

*Chapters 3 and 4 identify the outcomes being sought in the Zones and overlays*

*Figure 1-2 in Chapter 1 provides a summary of how to use this District Plan*

*need Resource Consent to allow you to do it.*

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 14.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity large or complex, you might also will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant for the overall District and for those Part 42 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

Reference should also be made to other relevant Chapters of the Plan, particularly their objectives and policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

### 14.3 Business Growth Outside the Business Zones

Chapter 3 Land Use and Development Strategy provides a mechanism to allow for additional business development opportunities outside of the current Business Zoning (e.g. areas currently in the Rural Zone). Twelve-Four Growth Areas or communities have been identified across the District as suitable for further growth opportunities.

These areas will be subject to the development of Structure Plans which are anticipated to be progressively implemented through the current (and future) District Plan, as the demand for growth arises. As part of this process, Council anticipates a 'catchment wide' structure planning process, will be undertaken. This will address both the areas of growth and consideration of those elements of the surrounding rural environment that need to be managed, protected and enhanced to deliver the Plan's outcomes for these areas (e.g. identification and protection of Waterways).

Chapter 3A also provides the opportunity for individuals to initiate private plan changes or Integrated Development subdivision applications if land owners wish to see growth commence in these identified areas before council has progressed the Structure Plans. Each individual Growth Area outlines a clear process for proposed plan changes, outlines where/why council might adopt a private plan change as a Council Plan Change and gives specific information on matters which applicants will need to provide for Council consideration. Any private plan change initiated in advance of a Structure Plan being prepared for a Growth Area will be tested against whether it will achieve the outcomes of the Growth Area and the wider catchment as identified in Chapter 3A.

It is also noted that business development and growth can occur in residential areas through the Resource Consent process so long as effects are able to be appropriately managed.

*Start at Section 14.10*

*Sections 14.5 and 14.6*

*Part A of the District Plan*

*Growth areas outside Business Zone identified in Chapter 3A*

*Any private plan change initiated in advance of a Structure Plan will be tested against whether they will achieve the outcomes for the Growth Areas*

*Chapter 3A*

Figure 14-1: How to Use this Chapter: Activity

[This figure has been replaced in its entirety and the changes are not specifically identified]

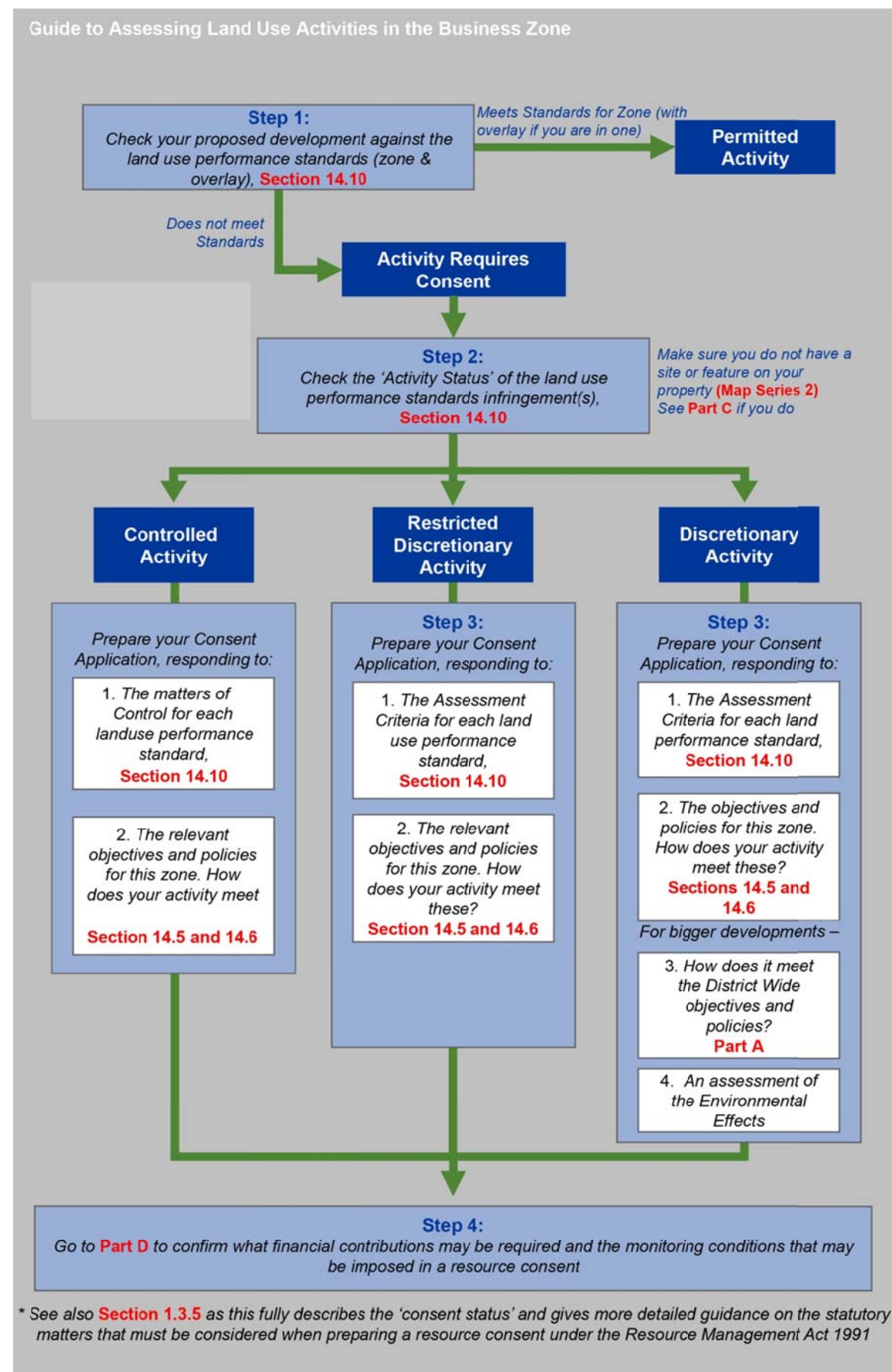
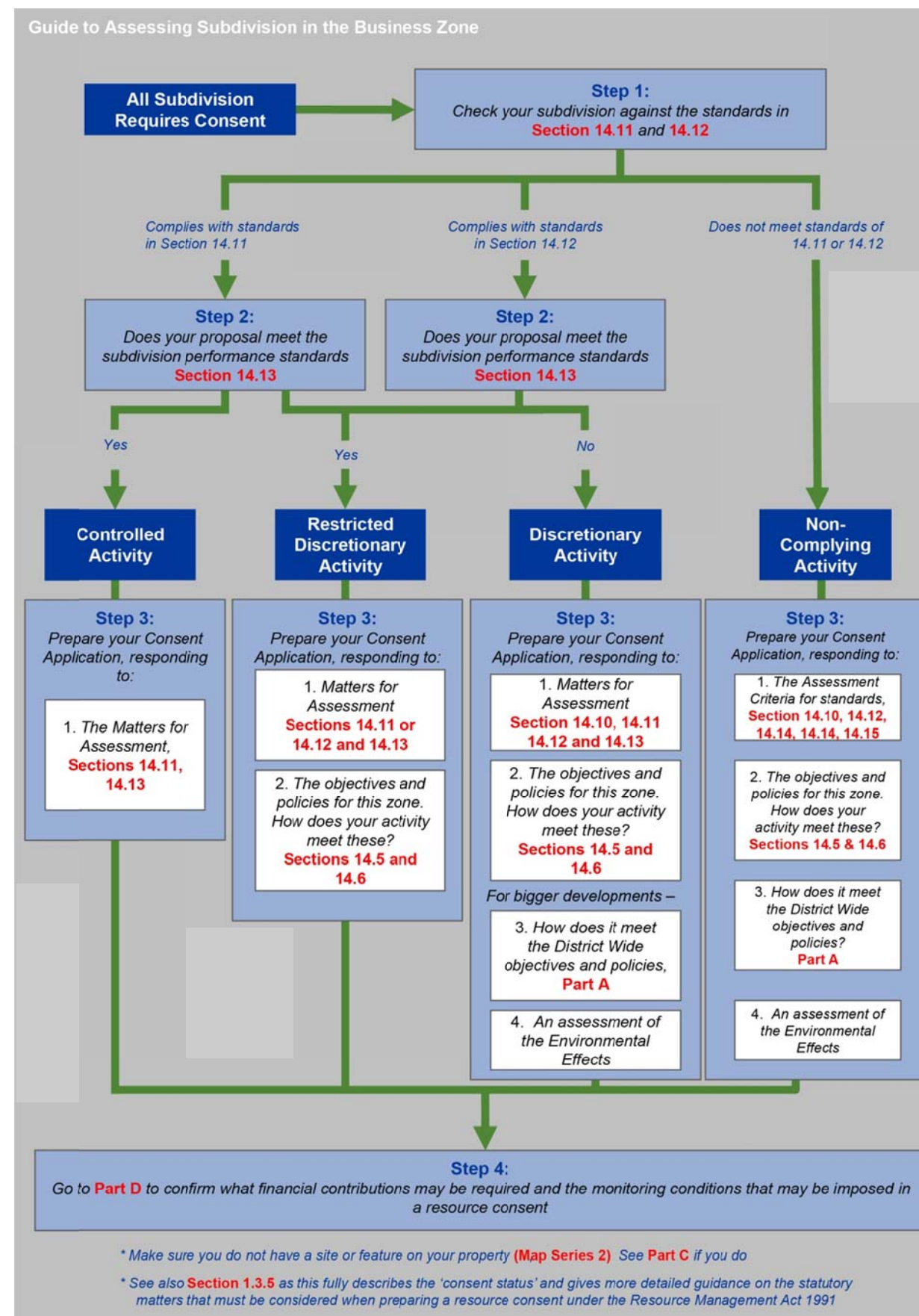


Figure 14-2: How to Use this Chapter: Subdivision

[This figure has been replaced in its entirety and the changes are not specifically identified]



- 14.4 Business Issues**
- 14.4.1 Environments, particularly sensitive receiving environments (e.g. harbour, coast and lake environs) need to be protected from the potential adverse effects of business activities (such as discharges and visual pollution).** *See also the issues for Overlays in Chapter 4*
- Industry can generate a specific range of environmental effects. In particular the effects of noise, odour, ground and water discharges, and dust are common to many of the District's industrial processing operations. The impacts of these activities are potentially more adverse in sensitive receiving environments such as adjacent to the Mangawhai and Kaipara harbours, coastal environments and the Kai Iwi Lake areas.*
- 14.4.2 The importance of diverse and appropriate business activities to support the social and economic wellbeing of the community.**
- Business activities are vital to support the economic and social wellbeing of the community. If the District Plan does not provide for these activities, the social and economic wellbeing of the community could be adversely affected.*
- 14.4.3 Business activities support the economic and social wellbeing of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential).**
- A number of key business operations in the District are located adjacent to residential areas. The potential exists for generated effects of business activity (noise, glare, traffic movements, vibration and air discharges) to adversely affect residential amenity. However, a number of these business activities were established prior to the residential activity and their ability to operate needs to be protected.*
- 14.5 Business Objectives**
- 14.5.1 To manage the effects of business activities (e.g. industrial activities) that pose the greatest threat to the natural environment, particularly sensitive receiving environments.** *Issue 14.4.1*
- 14.5.2 To continue to provide for a mix of business activities around and within existing settlements, while avoiding adverse environmental effects on natural and physical resources and adverse effects impacts on existing surrounding land uses.** *Issue 14.4.2*
- 14.5.3 To provide for a range of business activities which are located, designed and operated in such a way as to avoid potential reverse sensitivity effects and protect these from reverse sensitivity impacts.** *Issue 14.4.3*
- 14.6 Business Policies**
- 14.6.1 By encouraging new business developments, which have potential discharge impacts, to avoid areas adjacent to sensitive receiving environments (unless this location is integral to the business activity).** *Objective 14.5.1  
Chapter 4 – Overlays  
Objectives 4.4.1, 4.4.3, 4.4.5, 4.4.6 and 4.4.8*
- Business activities with the potential to generate adverse effects on the District's harbour, coast and lake environments will be directed to establish in areas that are remote from sensitive adjacent sites, unless this is inappropriate to the business activity.*
- 14.6.2 By requiring new business developments to be developed, sited, designed and operated so as to avoid discharges which could adversely affect the natural environment, particularly sensitive receiving environments.** *Objective 14.5.1  
Chapter 4 – Overlays  
Objectives 4.4.1, 4.4.3, 4.4.5, 4.4.6 and 4.4.8*
- Discharges from land uses located a significant distance from the coast, lakes or rivers can find their way into these environments through the stormwater system or watercourses. In conjunction with the Northland Regional Council, the Council will seek to ensure that new business developments provide appropriate wastewater and stormwater systems to ensure that discharges from business land uses do not result in adverse effects on sensitive receiving environments.*
- 14.6.3 By providing clear direction on the appropriate scale and location of business activities across the District.** *Objective 14.5.2*
- The Council will seek to manage the effects of activities and provide direction on where they are most appropriately located by establishing thresholds for types of effects that are considered acceptable in certain areas of the District.*
- 14.6.4 By requiring business activities to avoid adverse effects beyond the boundaries of the Zone (such as noise, dust, odour and other emissions) that are not compatible with surrounding and / or adjacent environments / Zones.** *Objective 14.5.2*
- The establishment of buffers and screening or landscaping provide effective mechanisms to reduce the potential interface conflicts between incompatible activities. Buffering may take the form of strip planting or solid fencing and may also involve the restriction of adjoining uses to low impact ancillary activities such as car parking or office/administration activities.*
- 14.6.5 By ensuring that appropriate protection (from reverse sensitivity issues) is provided to major business activities that make a significant contribution to the District's economy, while encouraging them to reduce the effects they generate beyond the boundaries of their site.** *Objective 14.5.3*
- The District Plan seeks to continue to provide for existing industrial and commercial land uses in the District which allow the Kaipara community to provide for their social and economic wellbeing, while encouraging them to achieve a steady reduction in the effects that they generate, particularly on sensitive receiving environments.*
- 14.6.6 By maintaining opportunities for the diversity of business land use, without significant interference from adjacent residential and other sensitive activities for business activities.** *Objective 14.5.3*
- Performance Standards will be developed which allow sensitive activities to establish in Business Zones within the District provided that they can be located at sufficient distance from existing business activities, so that noise, dust, vibration, building dominance or overshadowing effects can be mitigated to an acceptable level, which provides for the health and safety of residents. This includes consideration for residential uses. However, some activities, particularly places of assembly and habitation are recognised as potentially incompatible with industrial land use activities.*
- 14.6.7 By promoting self-regulation through the adoption of industry codes of practice relating to production processes, buffer requirements, emission controls and mitigation.** *Objectives 14.5.1, 14.5.2, 14.5.3*
- The promotion of self-regulation via the voluntary adoption of codes of practice is an effective means of encouraging improved environmental management in industrial areas without the need for direct Council intervention. Codes of Practice can be utilised by industry in a pro-active manner and encourage industry to plan for and monitor their own effects and those of their peers in terms of practical Standards formulated by the industry itself.*
- 14.6.8 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.** *Objective 14.5.2*
- Where a method, or other connection to a public reticulated system will be used to provide new sites with a water supply, or a means of disposing of wastewater or stormwater from sites, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.*
- 14.6.9 By requiring the provision of safe and practicable vehicular access from a public road to each site.** *Objective 14.5.2  
Objective 11.5.1*
- Vehicular access to sites must be practicable, safe and convenient for vehicles to use, and should avoid adverse effects on the environment. This may require the upgrading of existing roads or the provision of new roads within the subdivision to connect the subdivision to the District roading network.*
- ~~**14.6.10 By ensuring that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District roading network to which the site is required to be connected to.** *Objective 7.5.2  
Objective 11.5.1*~~
- ~~*Where new roads are required to connect a subdivision site to the District roading network, it is important that they are designed and constructed to be compatible with the roads that they are connecting to. This is to ensure that the roading network is sustained at a level which provides safe, practicable and convenient travel for those using it, to mitigate any potential adverse effects of the road and its use on the environment, including effects on adjoining activities. Subdividers will generally be required to provide roads within the subdivision site. Standards for the design and construction of different types of roads in the roading hierarchy are provided in the Kaipara District Council Engineering Standards 2009. Subdividers will be required to comply with these standards when constructing roads within the subdivision site.*~~
- 14.6.10 Subdividers and developers shall be required to accommodate within the design and layout of any subdivision or development any road or utilities that have been identified on an approved Structure Plan within any proposed new urban development area.** *Objective 14.5.2, see also the outcomes for the Growth Areas Chapter 3A*
- In order to ensure the orderly and efficient development of the proposed new Growth Areas the Council will identify, where necessary, key roads and utilities. The general route and construction standards will be identified on an approved Structure Plan and subdivisions or development shall be required to make provision for them.*
- ~~**14.6.11 By requiring the establishment of esplanade reserves and strips when land is subdivided in the Residential and Business Zones of the District.** *Objective 14.5.2, see also the Objectives for Overlays Chapter 4*~~
- ~~*An esplanade reserve or strip with a width of 20m will be taken on the creation of any site less than 4ha and will consider a take an acquisition will be considered on any site more than 4ha which is created when land is subdivided in the Residential or Business Zones, and where it abuts the margin of any lake*~~

over 8ha, any river greater than 3m in width, or the sea. This will ensure that where intensive subdivision occurs, a continuous reserve alongside waterbodies or the coast can be provided which will give effect to the New Zealand Coastal Policy Statement. As set out in Rule 14.13.9 consideration will be given in certain circumstances to waivers and reductions of esplanade reserves or strips for lots both under and over 4ha.

**14.6.13 14.6.12** By facilitating the provision of public access to existing esplanade reserves and strips in the District which are currently land locked or isolated from other public access areas.

Objective 14.5.2, see also the Objectives of Section 11.5.1

There are a number of existing esplanade reserves in the District that are landlocked and have no legal access. The Council will identify these esplanade reserves and will endeavour to facilitate access to them, where appropriate. This may include the addition of a condition on some Subdivision Consents for the provision of access strips in order to provide access to existing esplanade reserves.

## 14.7 Methods

The above Policies will be implemented through the following Methods.

### 14.7.1 District Plan Methods

14.7.1.1 The use of Rules which allow for a range of activities within the Business Zone, subject to compliance with relevant Performance Standards and Assessment Criteria.

14.7.1.2 The use of Subdivision Rules, including Performance Standards and Assessment Criteria, relating to site sizes and dimensions, property access and the provision of services to the site etc.

14.7.1.3 Conditions imposed on approved Resource Consents.

14.7.1.4 Section 108 Covenants and Consent Notices issued under Section 221 of the Resource Management Act 1991 and registered on Certificates of Title.

14.7.1.5 Completion certificates, issued under Section 222 of the Resource Management Act 1991 for the completion of works (e.g. works to provide or upgrade service facilities).

14.7.1.6 On-going monitoring of approved Resource Consent requirements.

### 14.7.2 Other Methods

- Liaison with NZ Transport Agency regarding subdivision and development fronting state highways.

14.7.2.1 Liaison with the Northland Regional Council

14.7.2.2 Provide information on values associated with properties e.g. landscapes, ecological sites etc.

14.7.2.3 Promotion of voluntary protection mechanisms regarding heritage, ecological and landscape areas/items (e.g. Biodiversity fund and Heritage Assistance Fund) as identified in the Kaipara District Council's Annual Plan and Long Term ~~Council Community Plan (LTCCP)~~.

14.7.2.4 Providing incentives to landowners who adopt voluntary measures to protect items of heritage, ecological, cultural and landscape value.

14.7.2.5 Educational material/guidelines that demonstrate methods for avoiding, remedying or mitigating potential adverse effects of subdivision and development.

14.7.2.6 The Kaipara District Council Engineering Standards ~~2011 2009~~.

14.7.2.7 Industry Codes of Practice or Environmental Manuals relevant in the Rural Zone, which can be used as guidelines for setting conditions on Resource Consents.

14.7.2.8 Requirements under other legislation, including:

- Building Consents under the Building Act 2004;
- National Environmental Standards; and
- Kaipara District Council Bylaws.

### 14.7.2.9 Other relevant documents:

- Local Government Act 2002;
- Historic Places Act 1993;
- Regional Plans / Policy Statements; and
- Kaipara District Council Reserves and Open Space Strategy.

### 14.7.2.10 Promoting economic development through wider Council initiatives in the Long Term Plan and Annual Plan.

### 14.7.2.11 Providing access to geological databases:

- [Inventory and Maps of Important Geological Sites and Landforms in the Northland Region shown on the NZ Land Inventory NZMS 290 \(1996\)](#);
- [Use of Climate, Soil and Crop Information for Identifying Potential Land-Use Change in the Hokianga and Western Kaipara Region \(2003\)](#).

## 14.8 Business Outcomes

14.8.1 A range of business activities will continue to be provided for in and around existing settlements in order to meet the social and economic needs of the District's communities. [Issues 14.4.2 and 14.4.3](#)

14.8.2 A range of new business activities will be established across the District while avoiding, remedying or mitigating any adverse effects on the environment, particularly harbours, lakes and coastal environments. [Issues 14.4.1 and 14.4.2](#)

14.8.3 A means of wastewater disposal will be available which is of satisfactory capacity and design to protect the health and safety of the community and to avoid significant adverse effects on the sensitive receiving environments (e.g. water quality in the harbours). [Issue 14.4.1](#)

14.8.4 The collection and disposal of stormwater from each lot will be provided for in a manner that avoids significant adverse effects on the environment, including the inundation of the land being subdivided and adjoining land, as well as the contamination of water resources. [Issue 14.4.1](#)

14.8.5 Safe, efficient and convenient vehicular access will be provided to each site. [Issue 14.4.3](#)

## 14.9 Business Rules

- In any instance where your property is subject to any site feature or unit (Map Series 2), and the Rules in the relevant Part C Chapter overlap with (or duplicate) a Rule in this Zone Chapter, the Rules in the Part C Chapter will take precedence; and /or
- In any instance where works in the road (road reserve) or network utility activities are proposed and the Rules in Chapter 10 and 11 (respectively) overlap with (or duplicate) a Rule in this Zone Chapter, the Rules in Chapters 10 and 11 (respectively) will take precedence.

Note 1: Unless otherwise stated the Performance Standards of these Rules apply to both the Industrial and Commercial Zones.

### 14.9.1 Permitted Activities

The following shall be Permitted Activities in the Business Zones:

- Any activity complying with the Performance Standards listed in 14.10 of this Chapter; and
- Any activity which is not identified elsewhere in this District Plan as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity.

Note 1: Regardless of matter (b) above, no proposal to subdivide land in the Business Zones can be considered as a Permitted Activity.

### 14.9.2 Controlled Activities

The following shall be Controlled Activities in the Business Zones:

- Any subdivision complying with the Terms for Subdivision listed in Section 14.11 and the Performance Standards listed in Section 14.13 of this Chapter.

Note 1: Any identified site feature or management unit mapped shall comply with the relevant Subdivision Standards of that Chapter of the District Plan.

~~Note 2: Applications for Controlled Activities will be considered without public notification or the need to obtain the written approval of affected parties. Conditions may be imposed in relation to the matters over which control will be exercised, listed in Section 14.11 of this Chapter.~~

**14.9.3 Restricted Discretionary Activities**

The following shall be Restricted Discretionary Activities in the Business Zones:

- a) Any activity which does not meet any Performance Standard listed in Section 14.10 of this Chapter and whose Activity Status is listed as a Restricted Discretionary Activity; and
- b) Any subdivision complying with the Restricted Discretionary Activity Terms for Subdivision listed in Section 14.12 and the Performance Standards listed in Section 14.13.

~~Note 1: Applications for Restricted Discretionary Activities may be considered without public notification or the need to obtain the written approval of affected parties. Those prescribed will be considered on a non-notified basis.~~

Note 24: Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Section 14.10 of this Chapter and the relevant Objectives and Policies that relate to the matters for which discretion has been restricted.

**14.9.4 Discretionary Activities**

The following shall be Discretionary Activities in the Business Zones:

- a) Any activity which does not meet any Performance Standard listed in Section 14.10 and 14.13 of this Chapter and is listed as a Discretionary Activity.

Note 1: Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 14.10, 14.12 and 14.13 of this Chapter, the Objectives and Policies of this Chapter and Part A of the District Plan.

**14.9.5 Non-Complying Activities**

The following shall be Non-Complying Activities in the Business Zones:

- a) Any subdivision not in accordance with Controlled or Restricted Discretionary Terms for Subdivision listed in Sections 14.11 and 14.12.

Note 1: Applications for Non-Complying Activities will be assessed against, the Assessment Criteria listed in Sections 14.10, 14.11, 14.12, and 14.13 of this Chapter, the Objectives and Policies of this District Plan and the effects of the activity on the environment.

14.10 Performance Standards Business Land Use

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.1	Excavation and Fill	<p><b>(1) All Overlay Areas Only</b>  <i>Excavation and fill is a Permitted Activity if:</i></p> <ul style="list-style-type: none"> <li>a) It is part of an approved <b>Building</b> Consent issued under the Building Act 2004; or</li> <li>b) The <b>site</b> is not within any area known to be <u>erosion prone</u>, subject to instability or flood hazard; and</li> <li>c) The volume is less than 300m<sup>3</sup> <u>within a site</u> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>d) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or <b>height</b>; and</li> <li>e) All bare earth areas including excavation and fill batter faces <u>within a site</u>, are revegetated or <u>stabilised</u> within six months of the earthworks being completed; and</li> <li>f) Revegetated areas <u>within a site</u> are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed.</li> </ul> <p><b>(2) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays and are excluded from the Standards of 14.10.1(1):</b></p> <ul style="list-style-type: none"> <li>a) <u>Network utilities, except where a site or feature is identified in Part C of the Plan;</u></li> <li>b) <u>Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></li> </ul> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> <u>The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Whether <b>Building</b> Consent has been issued and has already assessed the proposed earthworks (<u>in such cases the matters considered under the Building Act 2004 will not be recognised here</u>);</li> <li>ii) <del>Whether Resource Consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</del></li> <li>iii) <del>Compliance with relevant Regional Council guidelines, publications or plans;</del></li> <li>iv)ii) Machinery to be used and hours of operation;</li> <li>v)iii) <b>Effects</b> on the locality, particularly the character and <u>amenity values</u> of adjoining <b>sites</b>/land uses;</li> <li>vi)iv) Effects on landforms;</li> <li>vii)v) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> <del>identified by the Department of Conservation or by reference to the criteria listed in Appendix 25G;</del></li> <li>viii)vi) Effects of <b>excavation</b> related traffic on the safety and efficiency of the <b>road</b> network and on the amenity of <b>dwelling</b>s on adjoining land;</li> <li>ix)vii) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's <del>Draft Kaipara District Plan Review</del> Landscape Technical Report (20112006);</li> <li>x) <del>Effects on water bodies, including wetlands. In particular, whether and the extent to which the following are avoided:</del> <ul style="list-style-type: none"> <li><del>Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater; and</del></li> <li><del>Redirection of flood water onto, or increasing the impact of a flood event on, another property;</del></li> </ul> </li> <li>x)viii) <del>Whether and the extent to which the works meet the requirements of the performance standards in Rule 14.10.1 of excavation and fill provisions of land stability and earthworks provisions the Kaipara District Council Engineering Standards 2011_2009;</del></li> <li>xi)ix) Effects of dust and noise on sensitive receivers; <ul style="list-style-type: none"> <li>xiii) <del>Ability to create or exacerbate a natural hazard;</del></li> <li>xiv) <del>Whether the work is in a Flood Susceptibility Area identified in Part E: Appendix C, and if so:</del> <ul style="list-style-type: none"> <li><del>Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</del></li> <li><del>Ability to create or exacerbate a natural hazard; and</del></li> <li><del>Effects on water bodies, including wetlands.</del></li> </ul> </li> </ul> </li> <li>xv)x) Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed; and</li> <li>xvi)xi) In Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7).</li> <li>xii) <u>Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with Tangata Whenua as appropriate; and</u></li> <li>xiii) <u>The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</u></li> </ul> <p>In addition to the above, any application for Consent to undertake excavation and <b>fill</b> will require an Excavation and Fill Management Plan, which is to contain the following information:</p> <ul style="list-style-type: none"> <li>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and <b>height</b> of any excavation or fill;</li> <li>ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub</li> </ul>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>land and wetland areas, water bodies and the <b>Coastal Marine Area</b>;</p> <p>iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded <b>archaeological sites</b> and registered <b>historic places</b>, historic areas and <b>waahi tapu</b>, and the need for an archaeological-historic places site survey of the area to be developed;</p> <p>iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p> <p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>vi) A record of any consultation with any property owners or occupiers whose property is within 200m of the proposed activity;</p> <p>vii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>viii) Details of methods proposed to manage construction traffic.</p> <p><u>For the purposes of this rule an Excavation and Fill Management Plan shall include:</u></p> <p>i) <u>A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retailing, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site;</u></p> <p>ii) <u>The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site;</u></p> <p>iii) <u>The estimated number of people, including employees, on site and services and buildings for them;</u></p> <p>iv) <u>The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis;</u></p> <p>v) <u>The methods for controlling erosion and sedimentation on site;</u></p> <p>vi) <u>The staging of the mine or quarry;</u></p> <p><u>The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing;</u></p> <p>vii) <u>The methods to be employed to control the effects of dust and debris on site;</u></p> <p>viii) <u>The methods to be employed to control the effects of noise and vibration on site;</u></p> <p>ix) <u>A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners;</u></p> <p>x) <u>Method of containing tailings.</u></p> <p><u>Except that this rule does not apply to a quarry or mine defined by "normal rural practice"</u></p> <p><u>Note 1:</u> A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding.</p> <p><u>Note 2:</u> Refer to Chapter 9 Definitions for a definition of "Sites of Significance identified by the Department of Conservation" and Appendix 2425G for assessment of ecological significance.</p>
14.10.2	Vegetation Clearance	<p><del>(1) All Overlay Areas (excluding Kai Iwi Lakes and Waterways</del></p> <p><u>Subject to the exceptions provided in (3) below the destruction or clearance or removal of indigenous vegetation within all Overlay Areas (excluding Kai Iwi Lakes and Waterways Valued Natural Environments of Mangawhai) areas is a Permitted Activity provided that:</u></p> <p><u>(1) All Overlay Areas (excluding Kai Iwi Lakes and Valued Natural Environments of Mangawhai)</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Extent of <b>vegetation clearance</b> proposed relative to total vegetated area;</p> <p>ii) <u>Whether and the extent to which revegetation using eco-sourced native plants is proposed as part of the development;</u></p> <p>iii) <u>Effects</u> on the locality, particularly the character and <b>amenity values</b> of adjoining <b>sites</b> / land uses,</p>

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		<p>a) It is not located within an <b>indigenous wetland</b>; and</p> <p>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in <b>height</b> and 200m<sup>2</sup> in area and is not located within 100m of the <b>Coastal Marine Area</b>.</p> <p><del>Unless, with respect to a) or b) above, one of the following conditions is met:</del></p> <ul style="list-style-type: none"> <li><del>• The removal is in accordance with an existing use right; or</del></li> <li><del>• The removal is of trees that are a danger to human life or existing structures (including network utilities); or</del></li> <li><del>• The removal is for the construction of a fire break by a fire authority; or</del></li> <li><del>• The removal is necessary for maintenance of any existing building, structure, road or track including any telecommunication work or utility service.</del></li> </ul> <p><b>(2) Kai Iwi Lakes and Waterways-Valued Natural Environments of Mangawhai Overlay Areas</b></p> <p><del>The destruction or clearance of indigenous vegetation within the Kai Iwi Lakes and Waterways Valued Natural Environments of Mangawhai Overlay Areas is a Permitted Activity provided that:</del></p> <p>a) It is not located within an indigenous wetland; and</p> <p>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and 50m<sup>2</sup> in area, and is not located within 100m of the Coastal Marine Area;</p> <p><del>Unless, with respect to a) or b) above, one of the following conditions is met:</del></p> <p><b>(3) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays, and are excluded from the Standards of 14.10.2(1) and 14.10.2(2);</b></p> <p>a) The removal is in accordance with an existing use right (note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or</p> <p>b) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>c) The removal is for the construction of a fire break by a fire authority; or</p> <p>d) <del>The removal is necessary for maintenance of any existing building, structure, road or track including any telecommunication work or utility service. The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</del></p> <p>e) <del>It is part of the operation and maintenance of network utilities or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2003.</del></p> <p><b>Note 1:</b> The Northland Regional Councils Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from land disturbance. <b>Vegetation clearance</b> activities may require a Resource Consent from the Northland Regional Council under those provisions.</p>		<p>and those values associated with Overlay areas;</p> <p><del>iii)iv) Effects on ecological values, in particular any <b>Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 24G;</b></del></p> <p><del>iv)v) Effects on landscape and heritage values, in particular any site identified in the District Plan, or an amenity landscape identified in Council's <b>Draft Kaipara District Plan Review</b> Landscape Technical Report (20112006);</del></p> <p><del>v)vi) Effects on water bodies, including <b>wetlands</b>, and particularly sensitive <b>receiving environments</b> of the harbours and <b>lakes</b>;</del></p> <p><del>vi)vii) The ecological significance of the <b>indigenous vegetation</b> or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps;</del></p> <p><del>vii)viii) The extent to which the activity may adversely affect cultural and spiritual values;</del></p> <p><del>viii)ix) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform;</del></p> <p><del>ix)x) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area or establishment of new plantings / ecological areas;</del></p> <p><del>x)xi) The relevant provisions of the Kaipara District Council <b>Reserves and Open Space Strategy</b>;</del></p> <p><del>xii)xii) In Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7); and</del></p> <p><del>xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor;</del></p> <p><del>xiv) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District, including but not limited to Chapters 2, 3, 6, 7, 8 and 17.</del></p> <p>In addition, Council will have regard to the following matters when considering an application for Resource Consent in the <b>Waterways-Valued Natural Environments of Mangawhai</b> Overlay: and</p> <p>i) The extent to which the vegetation contributes to the values of the <b>Waterways-Valued Natural Environments of Mangawhai</b> Overlay, as defined in Chapter 4 and the Conservation Policy Area of the Mangawhai <b>Structure Plan</b>.</p>
14.10.3	Sensitive Activities	<p><b>(1) Industrial Zone Only</b></p> <p>Any activity is a <b>Permitted Activity</b> if it complies with all of the Performance Standards of the Industrial Zone except the following 'sensitive' activities:</p> <p>a) <b>Places of Assembly</b>;</p> <p>b) Communal <b>dwellings</b> or places of habitation (e.g. <b>retirement facilities</b>); and</p> <p>c) Dwellings (public or private).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The extent to which adequate measures have been undertaken to separate the activity from the actual or potential <b>effects</b> of the surrounding industry;</p> <p>ii) The extent to which alternative <b>sites</b> or locations have been considered;</p> <p>iii) The impact of the scale and intensity of the use and its compatibility with surrounding activities;</p> <p>iv) If the establishment of the activity would adversely affect the efficient functioning of the Industrial Zone or other Zones or result in significant social or economic impacts;</p>

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				<p>v) The extent to which the activity serves the needs of an industrial area, or is more appropriate to an industrial location than to other areas;</p> <p>vi) The extent to which the internal noise <u>level in any of any habitable room</u> does not exceed <u>35 dB LAeq 24 hours 35 dbA L10, with the doors and windows shut, while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code; and</u></p> <p>vii) Whether the activity is of a nature that is not unduly sensitive to potential impacts from neighbouring industrial activities.</p>
14.10.4	Dwellings	<p><b>(1) Commercial Zone Only</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <p>a) The private open space meets the following:</p> <ul style="list-style-type: none"> <li>- Is capable of accommodating one circle of no less than 5m in diameter when the dwelling is at ground floor level; and</li> <li>- Is located on the east, north or west side of the dwelling when the dwelling is at ground floor; and</li> <li>- Has direct access from the main living area of the dwelling; and</li> <li>- Is unobstructed by vehicle access or <b>parking areas</b>; and</li> <li>- Is adequately screened from adjoining dwellings and adjacent <b>sites</b>, except in the case of reserves; or</li> </ul> <p>b) When the dwelling is not located on ground floor, a balcony must be provided instead of a court, with a minimum area of 10m<sup>2</sup> and a minimum dimension of 2m; and</p> <ul style="list-style-type: none"> <li>- Has direct access from the main living area of the dwelling; and</li> <li>- Is adequately screened from adjoining dwellings and adjacent sites; and</li> </ul> <p>c) The minimum floor levels are in accordance with <u>the following standards: <del>Clauses 6.2.2, 6.2.3 and 6.2.4 of the Kaipara District Council's Engineering Standards 2009</del></u></p> <ul style="list-style-type: none"> <li>- <u>Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500m above the 100 year ARI flood level;</u></li> <li>- <u>The minimum floor level of any new dwelling shall be 5.0m above mean sea level; and</u></li> </ul> <p><del>d) Vehicle crossings and driveways to the dwelling comply with Clauses 5.2.18 and 5.2.19 of the Kaipara District Council Engineering Standards 2009</del></p> <p><del>e) Parking and manoeuvring areas comply with Clauses 5.2.10 of the Kaipara District Council Engineering Standards 2009; and</del></p> <p><del>f) The site meets the Performance Standards of Section 14.13 and the Kaipara District Council Engineering Standards 2011.</del></p> <p><u>Note 1: For Permitted Activities, approvals required for this Performance Standard can be provided at the time of Building Consent.</u></p> <p><u>Note 2: Council will confirm engineering approval of the vehicle access and driveways by compliance with the <b>Kaipara District Council Engineering Standards 2011</b> or by review from an independent appropriately qualified engineer approved by Council.</u></p> <p><u>Note 3: Engineering drawings for the design, formation and access to parking spaces are outlined in Appendix 25C.</u></p> <p><u>Note 4: The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply and subject to the Building Act.</u></p> <p><u>Note 5: Minimum floor levels have been determined using One Tree Point 1964 datum.</u></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The <b>building</b> shall be designed to ensure safe and convenient access to each <b>dwelling</b>;</p> <p>ii) Size and shape of the <b>site</b>;</p> <p>iii) Building locations including alternatives considered;</p> <p>iv) All <b>habitable rooms</b> and outdoor areas <u>are</u> to be designed to provide for adequate sunlight access;</p> <p>v) The extent to which the design and layout of the premises will achieve and promote the Objectives of the Zone;</p> <p>vi) The privacy and amenity of the occupants on-site;</p> <p>vii) The impact of any dwelling on the ability of existing or future commercial activities to operate or establish within the Zones;</p> <p>viii) <b>Effects</b> on the safety and efficiency of vehicles and pedestrians using the <b>site</b> and affected <b>roads</b> and <b>private ways</b>; and</p> <p>ix) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.</p>

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14.10.5	Maximum Height	<p><b>(1) Commercial Zone Only</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 12m in <b>height</b>.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The form and location of the <b>building</b> and associated <b>site development</b> layout relative to neighbouring buildings and streetscape;</p> <p>ii) Whether the design of the building compromises any significant vistas;</p> <p>iii) The extent to which the <b>effects</b> of the <b>height</b> can be mitigated by setbacks, planting, design or the topography of the site;</p> <p>iv) Effects on landscape values;</p> <p>v) Effects on availability of daylight to other properties; <del>and</del></p> <p>vi) Effects on <b>amenity values</b> of adjoining properties; <del>and</del>.</p> <p>vii) <u>The functional requirements of the building.</u></p>
14.10.6	Height in Relation to Boundary	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 3m in <b>height</b> plus the shortest horizontal distance between that part of the building and any <b>site boundary</b> adjacent to a Residential Zone, <b>Treaty Settlement Land</b> Zone or reserve.</p> <p><u>Note 1: Refer to Chapter 24: Definitions for the definition of Recession Plane.</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The form and location of the <b>building</b> and associated <b>site development</b> layout relative to neighbouring buildings and streetscape;</p> <p>ii) Whether the design of the building compromises any significant vistas;</p> <p>iii) <u>The functional requirements of the building;</u></p> <p>iii)iv) The extent to which the <b>effects</b> of the <b>height</b> in relation to <b>boundary</b> can be mitigated by setbacks, planting, design or the topography of the site; and</p> <p>iv)v) Effects on availability of daylight.</p>
14.10.7	Setbacks	<p><b>(1) Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</b></p> <p>a) Side and <b>Rear yards</b> - 5m where the <b>site</b> adjoins a reserve or Residential Zoned site;</p> <p>b) Coast / <b>Lake / River yards</b> - 30m from the <b>Coastal Marine Area</b>, or the banks of any lake whose <b>bed</b> has an area of 8ha or more, or the bank of any river or <b>perennial stream</b> whose bed has an average width of 3m or more; and</p> <p><u>c) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by giveway signage) within 300m;</u></p> <p>AND</p> <p><b>(2) Industrial Zone Only</b></p> <p>Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) <b>Front yards</b> - 10m;</p> <p>Except that in the Overlay areas the following <b>additional</b> setbacks are required: <del>AND</del></p> <p><b>(3) Waterways-Valued Natural Environments of Mangawhai Overlay</b></p> <p>Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) Waterway – 30m from the bank of any mapped perennial waterway or <b>wetland</b> within this Overlay.</p> <p><u>Note 1:</u> The setbacks applying in the Overlays are additional to the general setbacks of the Business Zones.</p> <p><u>Note 2:</u> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><u>Note 3:</u> Any changes in land use on sites that have access onto Limited Access Road's require approval from the NZ Transport Agency under the Government Rounding Powers Act 1989.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Extent to which landscaping prevents visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including reserves and the <b>Coastal Marine Area</b>, Residential Zoned sites;</p> <p>ii) <b>Effects</b> on public access;</p> <p>iii) Effects on <b>natural hazards</b>;</p> <p>iv) <del>The design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes; and</del></p> <p>v) <u>The functional requirements of the building and the activity;</u></p> <p>v)v) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or Strips;</p> <p>In addition, Council will have regard to the following matters when considering an application for Resource Consent under this Rule in <del>Waterways-Valued Natural Environments of Mangawhai</del> Overlay areas:</p> <p>i) The management of stormwater run-off and discharges from any storage areas to reduce potential direct discharges to waterways, <b>lakes</b> and the Coastal Marine Area;</p> <p>ii) Whether the proposed landscaping is in accordance with design principles of the Mangawhai <b>Structure Plan</b> (pages 60-61) for Policy Area Five;</p> <p>iii) In Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (<b>Sections 4.4 and 4.7</b>); and</p> <p>iv) <u>Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained.</u></p>

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14.10.8	Screening of Storage Areas	Any activity is permitted if all storage areas are screened from public places and Residential Zoned <b>sites</b> by <u>appropriate planting, fencing a close boarded fence, solid wall</u> or other suitable screen being <u>of</u> at least <del>2m</del> <b>1.8m</b> in <b>height</b> . <u>Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: i) Potential <b>effects</b> of odour, visual and dust nuisance; ii) Effects on <b>amenity values</b> of adjoining properties; and iii) Effects on the health and safety of <b>site</b> occupiers, as well as the occupiers of adjoining sites.
14.10.9	Verandahs	Commercial Zone Only Any <b>building</b> fronting a street is permitted if, upon its erection, substantial reconstruction or <b>alteration</b> , the building is provided with a <b>verandah</b> . a) Each verandah shall have a minimum <b>height</b> of 2.9m measured from the average finished floor level of the footpath to the underside of the verandah, and be so related to adjacent verandahs as to provide continuity of height and cover. b) It shall extend from the supporting building to appoint of 0.45m behind the face of the kerb. c) The fascia shall have a minimum depth of 0.3m and a maximum depth of 0.45m and be of a uniform level unless otherwise approved by <b>Council</b> .	Restricted Discretionary Activity <del>(assessed on a non-notified basis)</del>	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: i) The health and safety of pedestrians; ii) <b>Effects</b> on traffic safety; and iii) Visual effects of the proposed <b>structure</b> in relation to <b>verandahs</b> on adjoining <b>sites</b> .
14.10.10	Separation Distance	Any <del>of the activities listed as follows, are permitted activity is Permitted</del> if it complies with all Performance Standards in Section 14.10. and a 30m separation distance is maintained between <del>any site Zoned the following activities when adjoining a</del> Residential or Rural <del>or any site boundary to a mapped Reserve Management Unit, Zone</del> or a 300m distance to any existing <del>noise sensitive activity located in these Zones, dwelling used for residential purposes,</del> whichever is the greater: a) Panel beating; b) Motor vehicle manufacturing; c) Animal boarding; d) Service stations; e) <b>Intensive farming</b> ; f) Stock saleyards; g) Refuse recycling facilities and transfer stations; h) Sewerage treatment site or other site of plant or animal effluent storage or disposal; i) Mining or <b>quarrying</b> ; and j) Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting standards, or a Discharge Consent relating to odour from the Regional Council.  <u>Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Business: Commercial and Industrial Zone. As such, if any of the activities listed in a) to j) above seek to establish in the Business – Commercial and Industrial Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future noise sensitive activities that are reasonably expected to establish within the Residential Zone, the Rural Zone or the values of a Reserve Management Unit. be implemented on a “first in, first served” basis. In assessing activities against this Rule, primacy will be afforded to those activities already lawfully established.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: <del>i) Protection of surrounding character and amenity;</del> <del>ii) The extent to which alternative locations have been considered;</del> <del>iii) Mechanisms in place to avoid future reverse sensitivity conflicts (including covenants on titles) or other physical mitigation works;</del> <del>iv) Effects on health and safety of communities;</del> <del>v) Any consultation with relevant property owners or occupiers; and</del> <del>vi) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 14.</del> <del>vii) The likelihood of the activity causing environmental effects, especially regarding noise, odour, prevailing wind direction, dust generation and amenity values that would adversely impact on occupiers of the residential dwelling;</del> <del>viii) Effects on the health and safety of the community;</del> <del>ix) Any relevant industry codes of practice;</del> <del>x) Any consultation with relevant property owners or occupiers.</del> <del>xi) Mechanisms to avoid potential future reverse sensitivity conflicts (including covenants on titles).</del>

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14.10.11	Buildings <del>Vegetation</del> <b>and</b> near Airfields	<p>(1) Any <b>building, structure or aerial</b> is a Permitted Activity, unless part of it would fall within either:</p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p> <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Whether the <b>height</b> of the proposed <b>building</b> or <b>structure</b> will affect airfield safety;</p> <p>ii) The extent to which the proposed <b>development</b> may restrict future development of the airfield/airport; and</p> <p>iii) The health and safety of current and future occupiers of the building.</p>
14.10.12	Permeable Surfaces	<p>Any activity is permitted if a <b>site</b> which relies on on-<del>site</del> <b>sewage wastewater</b> and/or stormwater disposal has an area of <b>permeable</b> surface:</p> <p>a) Of at least 400m<sup>2</sup> available for <del>sewage wastewater</del> disposal; and/or</p> <p>b) Of at least 100m<sup>2</sup> available for stormwater disposal.</p> <p><b>Note 1:</b> There is no maximum <b>building coverage</b> in the Business Zones.</p>	Restricted Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The availability of land for the disposal of effluent on the <b>site</b> without adverse <b>effects</b> on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;</p> <p>ii) Whether the site can <del>me</del> <b>be</b> managed such that the concentrations of <b>contaminants</b> in stormwater leaving the site do not pose an immediate or long-term hazard to human health or the <b>environment</b>;</p> <p>iii) <del>Whether and the extent to which the activity meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011;</del></p> <p>iv) <del>Effects on water quality; and</del></p> <p>v) <del>The extent to which low impact design principles are utilised.</del></p>
14.10.13	Relocation of Buildings	<p>Relocated <b>buildings</b> are permitted where the following matters can be satisfied:</p> <p>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan; <del>and</del></p> <p><del>b) Any relocated dwelling must have been previously designed built and used as a dwelling;</del></p> <p>e)b) A building inspection report shall accompany the Building Consent. The report is to identify all reinstatement work required to the exterior of the building; and</p> <p>d)c) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the <b>site</b>.</p>	Restricted Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p>If the <b>building</b> infringes another Performance Standard then a Consent will be required.</p> <p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Proposed opportunities to screen the building during reinstatement;</p> <p>ii) Visibility from the <b>road</b> and public places;</p> <p>iii) <b>Maintenance</b> of the <b>site</b> and surrounds during reinstatement; and</p> <p>iv) Application of a bond to ensure reinstatement within a 24 month time limit.</p>
14.10.14	General Noise	<p>(1) <b>Commercial Zone Only</b></p> <p>Any activity is permitted if noise from the <b>site</b> does not exceed the following limits:</p> <p>a) <del>60dB LAeq A as measured either at or within the boundary of any other adjoining site in the same Zone: of 60 dBA L10</del></p> <p><del>i. 7:00am – 7:00pm: 50dB LAeq;</del></p> <p><del>ii. 7:00pm – 10:00pm: 45dB LAeq; and</del></p> <p><del>iii. 10:00pm – 7:00am: 40dB LAeq and 70dB LAFmax.</del></p> <p><del>as measured within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Maori Purpose Zoned site.</del></p> <p><del>a) As measured either at or within any other site zoned Residential, or within the notional</del></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Maximum level of noise likely to be generated;</p> <p>ii) The noise <b>environment</b> of the locality in which the activity is proposed;</p> <p>iii) <b>Effect</b> on sensitive activities in adjoining Residential Zones;</p> <p>iv) Length of time for which the specified noise standard will be exceeded;</p> <p>v) Likely adverse effects beyond the <b>site</b>;</p> <p>vi) Alternative methods to avoid noise generation; and</p> <p>vii) Mitigation measures to reduce noise generation.</p>

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		<p><del>boundary of a Rural or Maori Purpose Zoned site of:</del></p> <p><del>b) 7am – 7pm (Mon to Fri): 50 dBA L10</del></p> <p><del>c) 10pm – 7am (any day): 65 dBA Lmax</del></p> <p><del>d) All other times: 40 dBA L10</del></p> <p><b>(2) Industrial Zone Only</b></p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <p>a) <del>75dB LA<sub>Fmax</sub> as A<sub>s</sub> measured either at or within the boundary of any other adjoining site in the same Zone: of 75 dBA L10</del></p> <p><del>i. 7:00am – 7:00pm (Mon-Sat): 55dB LA<sub>eq</sub>;</del></p> <p><del>ii. 7:00pm – 10:00pm (Mon-Sat), and 7:00am to 10:00pm (Sunday and Public Holidays): 50dB LA<sub>eq</sub>; and</del></p> <p><del>iii. 10:00pm – 7:00am (any day): 45dB LA<sub>eq</sub> and 75dB LA<sub>Fmax</sub>.</del></p> <p><del>A<sub>as</sub> measured either at or within any other site Zoned Residential, or within the notional boundary of a residential activity in a Rural or Maori Purpose Zoned site, of:</del></p> <p><del>— 7am – 7pm (Mon to Fri): 55 dBA L10</del></p> <p><del>— 10pm – 7am (any day): 75 dBA Lmax</del></p> <p><del>— All other times: 45 dBA L10</del></p> <p><b>(3) Commercial and Industrial Zone</b></p> <p>Any dwelling is permitted if the internal noise level in any of a <b>habitable room</b> does not exceed 35 dB LA<sub>eq 24 hours</sub> dBA L10 with the doors and windows shut, while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code.</p> <p><u>Note 1:</u> Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802: 2008 Acoustics – Environmental Noise.</p>																									
14.10.15	<p><del>Temporary Noise Activities (including construction) Construction Noise and Temporary Activities</del></p>	<p><del>Any temporary activities are permitted if noise from the site does not exceed the following limits, as measured either at or within any other site zoned Residential or within the notional boundary of a Rural or Maori Purpose zoned site (excluding those in the Business Zone):</del></p> <p><del>a) Construction, maintenance and demolition activities meet the limits set out in NZS 6803:1999 Acoustics – Construction Noise</del></p> <p><del>b) Other temporary activities meet the following:</del></p> <table border="1" data-bbox="638 1438 1113 1669"> <thead> <tr> <th rowspan="2">Time</th> <th colspan="3">Limits (dBA)</th> </tr> <tr> <th>L10</th> <th>L95</th> <th>Lmax</th> </tr> </thead> <tbody> <tr> <td>0630am – 0730am</td> <td>60</td> <td>45</td> <td>70</td> </tr> <tr> <td>0730am – 1800pm</td> <td>75</td> <td>60</td> <td>90</td> </tr> <tr> <td>1800pm – 2000pm</td> <td>70</td> <td>55</td> <td>85</td> </tr> <tr> <td>2000pm – 0630am</td> <td>40</td> <td></td> <td></td> </tr> </tbody> </table> <p><del>a) Explosives and blasting, explosive simulators or small arms shall not exceed 122 dBC peak and shall be limited to daylight hours (0730 – 1800).</del></p> <p><del>Construction noise and other temporary activities as defined in Chapter 24: Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise".</del></p>	Time	Limits (dBA)			L10	L95	Lmax	0630am – 0730am	60	45	70	0730am – 1800pm	75	60	90	1800pm – 2000pm	70	55	85	2000pm – 0630am	40			Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Maximum level of noise likely to be generated;</li> <li>ii) The noise <b>environment</b> of the locality in which the activity is proposed;</li> <li>iii) <b>Effect on adjoining or the occupiers of adjacent residential dwellings and other buildings affected by construction noise;</b></li> <li>iv) Length of time for which the specified noise standard will be exceeded;</li> <li>v) Likely adverse effects beyond the <b>site</b>;</li> <li>vi) Alternative methods to avoid noise generation; and</li> <li>vii) Mitigation measures to reduce noise generation.</li> </ul>
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14.10.16	Wind Noise Generation	<p>Wind turbines, <del>wind mills and other similar devices</del> are permitted if <del>measured at the notional boundary of any site</del> noise generated by the wind turbines does not exceed the recommended limits in NZS 6808:2010 when</p> <p>a) <del>It does not exceed L95-40 dBA; and</del></p> <p>is measured and assessed in accordance with, NZS 6808:<del>1998</del> 2010 Acoustics – <del>The Assessment and Measurement of Sound from Wind Turbine Generators-Wind Farm Noise.</del></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Maximum level of noise likely to be generated;</li> <li>ii) The <u>existing background</u> noise <b>environment</b> of the locality in which the activity is proposed;</li> <li>iii) <u>Noise Effect</u> on adjoining or adjacent residential <b>dwelling</b>s;</li> <li>iv) Length of time for which the specified noise standard will be exceeded;</li> <li>v) Likely adverse effects <u>of noise</u> beyond the site;</li> <li>vi) Effects <u>of noise generation</u> on character and amenity beyond the site;</li> <li>vii) Alternative methods to avoid noise generation; and</li> <li>viii) Mitigation measures to reduce noise generation.</li> </ul>																																																																																																											

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14.10.17	Vibration	<p>Any activity is permitted if vibration from the activity does not exceed the following average levels:</p> <p>a) <del>At or within a dwelling on the boundary of</del> any adjacent <b>site</b> zoned Residential, <del>or</del> Maori Purpose <u>or Rural Zone:</u></p> <table border="1" data-bbox="587 491 1412 695"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7:00am - 6:00pm</td> <td>0.045m/s<sup>2</sup></td> <td>1.0 m/s<sup>2</sup></td> </tr> <tr> <td>All other times</td> <td>0.015 m/s<sup>2</sup></td> <td>0.05 m/s<sup>2</sup></td> </tr> </tbody> </table> <p>b) <del>At or within the boundary of a building on</del> any adjacent site Zoned Business:</p> <table border="1" data-bbox="587 774 1412 911"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>At All times</td> <td>0.06 m/s<sup>2</sup></td> <td>2.0 m/s<sup>2</sup></td> </tr> </tbody> </table> <p>Note 1: <del>The weighted vibration levels Wb and Wd shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site, except where potential damage to buildings is the primary concern. In this case the vibration shall be measured on the ground at the notional boundary.</del></p>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7:00am - 6:00pm	0.045m/s <sup>2</sup>	1.0 m/s <sup>2</sup>	All other times	0.015 m/s <sup>2</sup>	0.05 m/s <sup>2</sup>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s <sup>2</sup>	2.0 m/s <sup>2</sup>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Maximum level of vibration likely to be generated;</li> <li>ii) The <b>effects</b> on sensitive receptors or adjacent land uses;</li> <li>iii) Effect on adjoining or adjacent residential <b>dwelling</b>s;</li> <li>iv) Length of time for which the specified vibration standard will be exceeded;</li> <li>v) Likely adverse effects beyond the <b>site</b>;</li> <li>vi) Effects on character and amenity beyond the site;</li> <li>vii) Alternative methods to avoid vibration generation; and</li> <li>viii) Mitigation measures to reduce vibration generation.</li> </ul>
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14.10.18	Traffic Intensity	<p>Any activity is permitted if the cumulative traffic <del>generation generated on any road</del> from all activities on <b>site</b> does not exceed <del>200</del> <b>60</b> daily one way movements <u>based on the Traffic Intensity Factor Guidelines in Appendix 25F. Except that single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</u></p> <p><u>Note 1:</u> Traffic Intensity Factor guidelines are included in Appendix <del>2425</del> <b>25F</b> of this <del>District</del> Plan and can be used to calculate the likely traffic generation of particular activities. <u>The Traffic Intensity Factor is based on the average daily one way traffic movements for a particular activity and therefore allows for seasonal variations.</u> Applicants may be required to apply to <u>the Council</u> for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one way movements.</p> <p><u>Note 2:</u> As part of an application for Certificate of Compliance or Resource Consent under this Rule Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p><u>Note 3:</u> This calculation only applies when establishing a new activity on a <b>site</b>. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative <b>effects</b>.</p> <p><del>Note 4: Single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</del></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The time of day when any extra vehicle movements will occur;</li> <li>ii) The distance between the location of vehicle movements and adjacent Residential Zones;</li> <li>iii) The width and capacity of any <b>road</b> to be able to cope safely with vehicle movements;</li> <li>iv) The nature of the surface (sealed or otherwise) on the adjoining road network;</li> <li>v) The potential for dust nuisance to be generated from the <b>site</b> and its <b>effects</b> on adjoining properties;</li> <li>vi) The safety and efficiency of the vehicle access onto the road;</li> <li>vii) The volume and speed of traffic on the roads affected;</li> <li>viii) The hierarchy of roads affected;</li> <li>ix) Any congestion or safety issues on roads affected;</li> <li>x) Proximity to sensitive <b>receiving environments</b>;</li> <li>xi) Whether the level of traffic generated is consistent with that generated by surrounding business activities;</li> <li>xii) The type and number of vehicles expected to access the site;</li> <li>xiii) The <b>vehicle crossing</b> layout;</li> <li>xiv) Financial contributions for road upgrading; and</li> <li>xv) The requirements of <del>section 5.0 of</del> the <b>Kaipara District Council Engineering Standards 2011 2009</b>.</li> </ul>															

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14.10.19	<b>Potentially Contaminated Land Change of use</b>	<p>Any activity on land on which an activity identified in Appendix 2425E (Potentially Contaminating Activities) has occurred is a <b>Permitted Activity</b> if:</p> <p>a) It is not:</p> <ul style="list-style-type: none"> <li>- A <b>dwelling</b>; or</li> <li>- An <a href="#">education facility or child care facility school or early childhood centre</a>; or</li> <li>- A sports field; and</li> </ul> <p>b) The <b>site</b> has been:</p> <ul style="list-style-type: none"> <li>- Remediated to a standard suitable for the proposed use; or</li> <li>- Investigated and certified to be of a standard suitable for the proposed use; and</li> </ul> <p>c) Any <b>containment</b> works are not damaged or destroyed.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i) The extent and nature of any contamination of land or ground water and the potential sources of contamination;</li> <li>ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of <b>contaminants</b> into the <b>environment</b> (e.g. sediment control, <b>site</b> covering and dust control);</li> <li>iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of;</li> <li>iv) The degree to which the health and safety of the community and workers during site works will be provided for including, if necessary, the presence of public exclusion zones, site security and location of worker amenity facilities;</li> <li>v) The degree to which measures will be employed to avoid, remedy or mitigate any adverse <b>effects</b> on human health, water quality, or the <b>receiving environment</b>; and</li> <li>vi) Whether the land is suitable for its intended end use.</li> </ol> <p><b>Note 1:</b> Reference to the Ministry for the Environment's <b>Contaminated Land</b> Management Guidelines No.'s 1-5 will assist applicants in achieving compliance with the criteria set out above.</p>
14.10.20	<b>Contaminated Land Remediation</b>	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) Remediation of contaminated land</p> <ul style="list-style-type: none"> <li>• Does not cause a greater risk to human health or the <b>environment</b> than if the work was not done; and</li> <li>• Disposes of removed material in a location approved for the receipt of such material; and</li> <li>• Is reported to the <b>Council</b> by the landowner at the completion of the work detailing: <ul style="list-style-type: none"> <li>- The work done and the results obtained; and</li> <li>- The nature and location of remaining contaminated material on-<b>site</b>; and</li> <li>- As-built plans and specifications of any permanent <b>containment structure</b>.</li> </ul> </li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ol style="list-style-type: none"> <li>i) The extent and nature of any contamination of land or ground water and the potential sources of contamination;</li> <li>ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of contaminants into the environment (e.g. sediment control, <b>site</b> covering and dust control);</li> <li>iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of;</li> <li>iv) The degree to which the health and safety of the community and workers during site works will be provided for including, if necessary, the presence of public exclusion zones, site security and location of worker amenity facilities;</li> <li>v) The degree to which measures will be employed to avoid remedy or mitigate any adverse <b>effects</b> on human health, water quality, or the <b>receiving environment</b>;</li> <li>vi) Whether the land is suitable for its intended end use;</li> <li>vii) Whether the methodology by which the land will be remediated will avoid, adverse effects on the natural environment, during and after the remediation process, giving special consideration to the nature of the downstream receiving environment including marine protected areas;</li> <li>viii) The extent to which the effects of remediation are acceptable; and</li> <li>ix) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land.</li> </ol> <p><b>Note 1:</b> Reference to the Ministry for the Environment's <b>Contaminated Land</b> Management Guidelines No.'s 1-5 will assist applicants in achieving compliance with the criteria set out above.</p>
14.10.21	<b>Hazardous Substances</b>	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The aggregate quantity of <b>hazardous substances</b> of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 2425D (Hazardous Substances – Permitted Quantities Table 1); or</p> <p>b) The hazardous substances stored or used on the <b>site</b> are:</p> <ol style="list-style-type: none"> <li>i. <b>Trade waste</b> in a wastewater or waste treatment facility; or</li> <li>ii. <b>Road</b> materials within a road reserve; or</li> </ol>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ol style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility</li> </ol>

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		<ul style="list-style-type: none"> <li>iii. Domestic storage and use of consumer products for domestic purposes; or</li> <li>iv. Consumer products, held for resale to the public and stored in the manufacturers' packaging; or</li> <li>v. Gas or oil pipelines and ancillary equipment; or</li> <li>vi. Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or</li> <li>vii. Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or</li> <li>viii. Fire-fighting substances on emergency vehicles; or</li> <li>ix. <u>Electricity transformers, capacitors and switches up to 600 litres; or</u></li> </ul> <ul style="list-style-type: none"> <li>c) The activity is a service station with a maximum storage for retail sale of any or all of: 100,000 litres of petrol in underground storage tanks; 50,000 litres of diesel in underground storage tanks; 6 tonnes of LPG (single vessel storage); and</li> <li>d) Storage or use of hazardous substances complies with Appendix 2425D (Hazardous Substances – Permitted Conditions Table 2).</li> </ul>		<ul style="list-style-type: none"> <li>including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. child care, <u>schools-education facilities</u>, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) The presence or otherwise of <b>natural hazards</b> which could adversely influence the inherent risks from a hazardous facility to the environment;</li> <li>x) The extent to which alternative locations and methods have been considered;</li> <li>xi) Hazard and risk analysis;</li> <li>xii) Management of wastes containing hazardous substances;</li> <li>xiii) Proposed contingency measures and emergency plans;</li> <li>xiv) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xv) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>
14.10.22	Radioactive materials	<p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</li> <li>b) Radioactive materials are confined to domestic appliances.</li> </ul>	<p>Controlled Activity if:</p> <ul style="list-style-type: none"> <li>a) Radioactivity does not exceed 100 terabecquerels.</li> </ul> <p>Discretionary Activity if:</p> <ul style="list-style-type: none"> <li>b) Radioactivity exceeds 100 terabecquerels.</li> </ul>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. child care, <u>education facilities</u>, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) Hazard and risk analysis;</li> <li>x) Management of wastes containing hazardous substances;</li> <li>xi) Proposed contingency measures and emergency plans;</li> <li>xii) Proposed monitoring and <b>maintenance</b> schedules;</li> <li>xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; and</li> <li>xiv) Proposed methods to achieve <u>HSNO Hazardous Substances and New Organisms</u> compliance.</li> </ul>
14.10.23	<del>Plant or animal effluent storage/disposal</del>	<p><del>Any activity is a permitted activity if:</del></p> <ul style="list-style-type: none"> <li><del>a) Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation):</del> <ul style="list-style-type: none"> <li><del>— is set back at least 300m from a habitable building, educational facility, marae or community hall; and</del></li> <li><del>— is operated at times and in wind conditions so as to avoid nuisance to adjoining</del></li> </ul> </li> </ul>	Discretionary Activity	<p><del>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</del></p> <ul style="list-style-type: none"> <li><del>i) The proposed site and layout, with a description of the nature and scale of the proposed facility and associated operations;</del></li> <li><del>ii) The siting, design and management of waste management activities.</del></li> <li><del>iii) The extent to which reduction in environmental pollution and land contamination is achieved through</del></li> </ul>

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		<p><del>property.</del></p> <p><del>Note 1: The disposal of contaminants may require Resource Consent under the Regional Water and Soil Plan For Northland. Applicants should contact the Northland Regional Council to determine whether or not Resource Consent is required.</del></p> <p><del>Note 2: Where parallel Resource Consent is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</del></p>		<p><del>better management and disposal of solid waste.</del></p> <p><del>iv) The ability to recover resources that will yield economic and social benefits to the community.</del></p> <p><del>v) The extent to which adverse effects on amenity values are minimised.</del></p> <p><del>vi) Reduction in the volume of solid waste generated.</del></p> <p><del>vii) The ability to reduce consumption and the waste of resources.</del></p> <p><del>viii) Site drainage and off-site infrastructure (e.g. drainage type and capacity);</del></p> <p><del>ix) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</del></p> <p><del>x) Overall separation distances from water bodies, coastal water, neighbouring activities and people, including consideration of the proximity to people-oriented activities (e.g. childcare, rest homes, hospitals);</del></p> <p><del>xi) Proposed contingency measures and emergency plans; and</del></p> <p><del>xii) Proposed monitoring and maintenance schedules.</del></p>
14.10.24 14.10.23	Lighting and Glare	Any activity is permitted if between the hours of 22:00 and 07:00 any artificial lighting does not exceed 10 <i>lux</i> , measured at any point on <i>boundary</i> of any Residential Zoned <i>site</i> or at the <i>notional boundary</i> of any Rural or Maori Purpose Zoned site.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: <ul style="list-style-type: none"> <li>i) The orientation, strength, intensity, colour, or frequency of flashing of the light; and</li> <li>ii) <b>Effects</b> on traffic and pedestrian safety.</li> </ul>
14.10.25 14.10.24	Signage (including signs on and adjacent to roads)	<p><u>The following signs are permitted:</u></p> <ul style="list-style-type: none"> <li>a) Any business <b>sign</b> advertising or providing information on the owner or occupier of any <b>site</b>, or any facilities, goods or services available from it; <u>or</u></li> <li>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or <b>requiring authority</b>. Any sign created by or with the written approval <u>and of</u> the abovementioned authority for the purposes of carrying out its statutory functions; <u>or</u></li> <li>c) Any temporary sign advertising or providing information on central or local government elections, cultural, social or sporting events, sites for <b>development</b> sale or auction; <u>or</u></li> <li>d) Any <b>verandah</b> sign providing information on the owner or occupier of any site, or any facilities, goods or services available from it, provided that: <ul style="list-style-type: none"> <li>• Any 'under verandah' sign shall: <ul style="list-style-type: none"> <li>– Be located at least 2.4m above ground level;</li> <li>– Have a maximum vertical dimension of not more than 450mm;</li> <li>– Extend no closer than a distance of 150mm to the fascia of the verandah; and</li> <li>– Be located not less than 2m from any other such sign or less than 1m from any part of a verandah on an adjoining property.</li> </ul> </li> <li>• Any 'above verandah' sign shall: <ul style="list-style-type: none"> <li>– Be <b>set back</b> at least 300mm from the front of the fascia.</li> </ul> </li> <li>• Any verandah fascia sign shall: <ul style="list-style-type: none"> <li>– Not protrude more than 50mm from the fascia.</li> </ul> </li> </ul> </li> </ul> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>e) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any <b>road</b> reserve unless the consent of <b>Council</b> is obtained <u>or</u></li> <li>f) Where a sign is proposed to be located in a road reserve adjoining the State Highway network <u>or is visible from the State Highway</u> network the approval of the NZ Transport Agency is also required.</li> </ul>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: <ul style="list-style-type: none"> <li>i) The appropriateness of the type, location and size of the <b>sign</b> with regard to the character of the locality and surrounding area;</li> <li>ii) Whether the area of the sign is in scale with the activities or <b>building development</b> with which it is associated;</li> <li>iii) The number and location of other signs in the local vicinity;</li> <li>iv) The extent to which the sign is likely to unduly distract, or restrict motorists vision or interfere with the effective functioning of any traffic sign;</li> <li>v) The extent to which the sign is likely to unduly affect pedestrian safety;</li> <li>vi) The likely cumulative visual <b>effect</b> of allowing the sign to be erected; and</li> <li>vii) Whether the sign is visible from the State Highway and if so, NZ Transport Agency approval has been obtained.</li> </ul>

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		<p>g) No sign shall be displayed or erected on a site in such a manner or position as to adversely affect traffic safety.</p> <p><u>Note 1:</u> Guidelines relating to the design and location of business signs, as well as types of signs considered to affect traffic safety, are contained in Part D - Appendices.</p>		
14.10.26/14.10.25	Vehicle Access and Driveways	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site; <u>and</u></p> <p>b) <del>For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or Each site shall be provided with and maintain a vehicle crossing in accordance with Clause 5.2.18.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009; and For vehicle crossings on to roads controlled by Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</del></p> <p><del>e) The location of vehicle crossings is designed and constructed in accordance with Clause 5.2.18.2(a)-(f) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>d) The design and construction of vehicle crossings is in accordance with Clause 5.2.18.3(a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009; and</del></p> <p><del>e)c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane meet the requirements of Clause 5.2.18.4(a) of the Kaipara District Council Engineering Standards 2009; and</del></p> <p><del>f)d) Each site shall be provided with and maintain a driveway to the following Standard: in accordance with Clause 5.2.19.1 of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>- Formed with an all-weather surface;</del></p> <p><del>- For driveway of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</del></p> <p><del>- For an accessway or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</del></p> <p><del>- The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</del></p> <p><del>- Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standards);</del></p> <p><del>- Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010);</del></p> <p><del>- Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens towards the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);</del></p> <p><del>- All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road; and</del></p> <p><del>- Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse effects to adjoining properties or roads.</del></p> <p><del>i. Driveways shall be designed and constructed in accordance with Clause 5.2.19(a)-(f) inclusive of the Kaipara District Council Engineering Standards 2009; and</del></p> <p><del>ii. Any gate on a driveway or private access shall comply with the requirements of</del></p>	Restricted Discretionary Activity <del>(assessed on a non-notified basis, unless access is onto the State Highway network, and the approval of the NZ Transport Agency is not obtained)</del>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Whether and the extent to which the vehicle access and <b>driveway</b> meets the requirements of <u>Performance Standards in Rule 14.10.25 or Section 5.0 of the Kaipara District Council Engineering Standards 2011, 2009;</u></p> <p>ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled, vehicular;</p> <p>iii) The expected vehicle operating speeds and methods of controlling speeds;</p> <p>iv) The adequacy of the Engineering Standards proposed and the ease of access to and from, and within, the site;</p> <p>v) Adequacy of sight distances at the <b>vehicle crossing</b> and along the access;</p> <p>vi) Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>vii) Possible adverse <b>effects</b> on Council <b>infrastructure</b> or adjoining properties;</p> <p>viii) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;</p> <p>ix) Any traffic safety or congestion problems in the area;</p> <p>x) If a new access is being provided or modification of an existing access onto a State Highway, <u>or on sites that have access over a railway line</u>, whether the consent of the NZ Transport Agency <u>or New Zealand Railways Corporation</u> is obtained;</p> <p>xi) Any foreseeable future changes in traffic patterns in the area; and</p> <p>xii) <u>Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010).</u></p>

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		<p><del>Clause 5.2.20(a) - (b) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>Note 1: Where land adjoins a limited access road under the Government Roding Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</del></p> <p><del>Note 2: Any changes in land use on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</del></p> <p><del>Note 3: Council will confirm engineering approval, as per Clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer.</del></p>		
14.10.27	Fire Safety	<p>Any <b>building</b> is permitted if:</p> <p>a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes;</p> <p>b) <u>Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008;</u></p> <p><del>b)c)</del> The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9231:1971 'Model Bylaw for Fire Prevention';</p> <p><del>e)d)</del> <u>The building is located at least 20m away from naturally occurring or deliberately planted areas of woodlot or forest.</u></p> <p><del>Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the <b>drip line</b> of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</del></p>	Restricted Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The extent of consultation that has been undertaken with the NZ Fire Service and their response (or whether their written approval has been obtained);</p> <p>ii) <u>Whether and the extent to which the building is assessed as a low fire hazard and risk;</u></p> <p>iii) <u>The degree of fire risk to <b>dwelling</b>s arising from the proximity of the woodlot or forest ;</u></p> <p>iv) <u>Any mitigation measures proposed to reduce the fire risk;</u></p> <p>v) <u>The adequacy of the water supply; and</u></p> <p>vi) <u>The accessibility of the water supply to fire service vehicles.</u></p>
14.10.28	Parking	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site;</p> <p>b) The number of on-site parking spaces to be provided shall meet the minimum requirements outlined in <u>Appendix 25C: Parking, Loading and Manoeuvring Standards Part D – Appendices;</u></p> <p>c) Each parking space shall <del>be of a useable size and shape and</del> be formed and maintained <del>in accordance with</del> so that the maximum gradient on any area used for parking and manoeuvring shall be 6% <del>Clause 6.2.10 (a) - (j) inclusive and drawing s20 of the Kaipara District Council Engineering Standards 2009 ; and</del></p> <p>d) Parking spaces may be situated within a building provided the <b>Council</b> is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the <b>gross floor area</b> of that building for the purposes of assessing the total number of spaces required;</p> <p>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, <u>any lake with an area greater than 8ha or the Coastal Marine Area or any mapped waterway or wetland in the Valued Natural Environments of Mangawhai,</u> except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet;</p> <p>f) Each parking space shall have adequate physical access to a <b>road</b>, street, or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site <u>in accordance with the Figures in Appendix 25: Parking, Loading and Manoeuvring The Kaipara District Council Engineering Standards 2009 drawing S48 and S19 illustrate tracking curves that provide adequate access and manoeuvring space for vehicles;</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The nature of street or service land access available to the proposed parking and/or loading facilities;</p> <p>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</p> <p>iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</p> <p>v) The hours of operation of the proposed use and number of staff employees on shift work;</p> <p>vi) The size and number of vehicles expected to use the site; and</p> <p>vii) Whether and the extent to which the proposed <b>parking area</b> is designed, constructed and adequately drained in accordance with the <u>Performance Standards in Rule 14.10.27 or the requirements of the Kaipara District Council Engineering Standards 2011, 2009.</u></p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <p>i) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>ii) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>g) <u>Control of Access</u> - Any <b>parking area</b> which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's <b>frontage</b> not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided;</p> <p>h) <u>Control of Reversing</u> - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street;</p> <p>i) <u>Screening of Parking Areas</u> - Any parking associated with a Commercial or <b>Industrial Activity</b> shall be <b>effectively</b> screened from residential sites by <del>a close boarded fence, solid wall landscaping, fencing</del> or other suitable screening at least <del>2.1m high in height</del>. <u>Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity; and</u></p> <p>j) <u>Formation of Parking Areas</u> - Each parking area shall be formed and maintained with an all-weather surface which does not create a dust nuisance or permit vehicles to carry gravel, mud, stone or other deleterious material onto the road or street provided that any parking area within or adjoining a Residential Zone or Reserve shall be formed and maintained with a concrete or sealed surface;</p> <p>k) <u>Control of Stormwater</u> - Each parking area shall be provided with a stormwater drainage system that is designed <u>for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge does not result in adverse effects to adjoining properties or roads in accordance with Clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009</u> and shall discharge into the Council's stormwater system or other approved outlets.</p> <p><del>Note 1: Engineering drawings for the design, formation and access to parking spaces are outlined in the Kaipara District Council Engineering Standards 2009 Appendices.</del></p> <p><del>Note 2: This Rule only applies when establishing a new activity on a site. However, the parking for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects.</del></p>		
<p><del>14.10.29</del> <u>14.10.28</u></p>	<p><b>Loading</b></p>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> provides and maintain spaces for the loading and unloading of all goods generally associated with activities on the site;</p> <p>b) The number of on-site loading spaces to be provided shall meet the minimum requirements outlined in <del>Appendix 24C: Parking, Loading and Manoeuvring Standards Part D—Appendices;</del></p> <p>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile <del>three-two</del> axled truck illustrated in <u>Figures of Appendix 25C: Parking, Loading and Manoeuvring Standards drawing S19 of Kaipara District Council's Engineering Standards 2009;</u></p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum <b>height</b> of 4.25m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m;</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the <b>building</b> which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile <del>three-two</del> axle truck curve <del>illustrated in drawing S19 in the Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards Kaipara District Council's Engineering Standards 2009;</del></p> <p><del>f) Each loading space shall comply with Clause 5.2.10(f) of the Kaipara District Council Engineering Standards 2009; and</del></p> <p><del>g) Loading bay pavements shall be designed and constructed in accordance with Clause</del></p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>The nature of street or service lane access available to the proposed parking and/or loading facilities;</li> <li>The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</li> <li>The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</li> <li>The nature of any special landscaping or pedestrian design features to be developed on the site;</li> <li>The hours of operation of the proposed use and number of staff employees on shift work;</li> <li>The size and number of vehicles expected to use the site; and</li> <li>Whether and the extent to which the proposed loading area meets the requirements of <del>section 5.0 of the Kaipara District Council Engineering Standards 2011</del> <u>2009</u>.</li> </ol> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <ul style="list-style-type: none"> <li>The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</li> <li>A cash contribution to is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</li> </ul> <p><u>Note 1:</u> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><del>5.2.10(i)-(j) of the Kaipara District Council Engineering Standards 2009, so that the maximum gradient on any area used for loading and manoeuvring shall be 6%.</del></p> <p><del>Note 1: Engineering drawings of the design, formation and access to loading spaces are outlined in the Kaipara District Council Engineering Standards 2009 Appendices.</del></p> <p><del>Note 2: This Rule only applies when establishing a new activity on a site. However, the loading for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects.</del></p>		
<del>14.10.30</del> 14.10.29	Special Provisions	<p><b>(1) Land Administered by the Te Ture Whenua Maori Act 1993</b></p> <p><del>Land administered under the Te Ture Whenua Maori Act 1993, but not identified as being within the Maori Purposes: Maori Land Zone on the District Plan Maps can be considered under Chapter 15A: Maori Purposes - Maori Land Zone, without the need for a Plan Change to rezone the land.</del></p>		

**14.11 Controlled Business Subdivision**

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision - Serviced	<p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p><b>(1) Commercial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay)</b></p> <p>a) Every proposed <b>allotment</b> has a minimum <b>net site area</b> of 250m<sup>2</sup> (<del>excluding Network Utilities allotments</del>); and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p><b>(2) Industrial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay)</b></p> <p>a) Every proposed allotment has a minimum net site area of 500m<sup>2</sup>(<del>excluding Network Utilities allotments</del>); and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p><b>(3) Industrial and Commercial Zones in an Overlay, where a connection to reticulated wastewater infrastructure is available</b></p> <p>a) Every proposed allotment has a minimum net site area of 1,000m<sup>2</sup>; and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p><del>Note 1: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed <a href="#">here</a></del></p>	<p>In assessing a Resource Consent for a <b>Controlled Activity</b> under this Rule, <b>Council</b> can impose conditions on the following matters:</p> <p>Council will reserve control over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this rule:-</p> <p><del>General</del> Subdivision</p> <p>i) Compliance with the Performance Standards for all subdivision contained in Section 14.13;</p> <p>ii) Whether and the extent to which the subdivision complies with the requirements of the relevant Performance Standards in the <del><b>Kaipara District Council Engineering Standards 2011 2009</b></del> <del>or has been confirmed as appropriate by Council's engineer;</del> <del>including the following sections:</del></p> <p><del>— Sections 1.0-3.0 inclusive (general, general design and quality assurance provisions)</del></p> <p><del>— Section 4.0 — Land Stability and Earthworks</del></p> <p><del>— Section 5.0 — Roads and Access</del></p> <p><del>— Section 6.0 — Stormwater Drainage</del></p> <p><del>— Section 7.0 — Wastewater Reticulation and Treatment</del></p> <p><del>— Section 8.0 — Water Supply and Reticulation</del></p> <p><del>— Section 9.0 — Landscape Design and Practice</del></p> <p><del>— Section 10.0 — Network Utilities</del></p> <p><del>— Appendices — Engineering Drawings;</del></p> <p>iii) The ability of the proposed lots to be able to comply with the Land Use Performance Standards in Section 14.10;</p> <p>iv) Whether all <b>reticulated</b> services, including telephone are able to be placed underground with minimal disturbance to vegetation and landform. Where possible, this will include electricity. However, where the Council or supply authority deem it not practicable, overhead reticulation is placed as unobtrusively as possible, <del>and additional measures are taken as necessary to avoid any potential adverse visual effects.</del></p> <p>v) Whether the subdivision will initiate or exacerbate <b>natural hazards</b>, through earthworks or access provision, or result in <b>building</b> areas being subject to natural hazards;</p> <p>vi) Whether and the extent to which the location of proposed <b>allotment</b> boundaries, building areas and <del>access ways driveways</del> or right of ways avoids potential conflicts between incompatible land use activities, including the avoidance of <b>reverse sensitivity effects</b>;</p> <p>vii) Whether and the extent to which the location of proposed allotment boundaries, building areas and <del>access ways driveways</del> or</p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<p>right of ways avoids Maori heritage <b>sites</b> and features;</p> <p>viii) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3A or a Council adopted <b>Structure Plan</b>;</p> <p>ix) Whether the site or sites are located so that the number of entrance ways along a public <b>road</b> does not result in adverse effects on the safe and efficient operation of the roading network;</p> <p>x) Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road by using alternative access to a lower order road where such access exists or can be readily obtained;</p> <p>xi) Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to <a href="#">Part D: Chapter 22: Financial Contributions</a>);</p> <p>xii) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</p> <p>xiii) Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991;</p> <p>xiv) Whether and the extent to which it is necessary to extend the duration of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991;</p> <p>xv) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: <b>esplanade reserves</b> and strips, amalgamation of land, holding parcels in same ownership, design of <b>structures</b>, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements;</p> <p><del>xvi) Whether and the extent to which the subdivision meets the outcomes of Chapter 3 or a Council adopted Plan or the outcomes of Chapter 14 or where the subdivision is in an Overlay Area, the outcomes of Chapter 4: Overlays. If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay;</del></p> <p>xvii) The extent to which vegetated areas and <b>riparian margins</b> are protected from buildings and storage areas in the <a href="#">Waterways Valued Natural Environments of Mangawhai</a> Overlay; and</p> <p><a href="#">xviii) Whether and to what extent provision has been made for the exercise of <b>matauranga maori</b> and tikanga.</a></p> <p><b>Note 1:</b> Where activities do not comply with the Performance Standards in Section 14.13, the specific assessment criteria for the Standard infringed contained within Section 14.13 need to be considered. This will result in the activity being assessed as a <b>Discretionary Activity</b>.</p> <p><b>Note 2:</b> Where activities do not comply with the Performance Standards in Section 14.10 the specific assessment criteria and activity status contained within Section 14.10 will need to be considered.</p> <p><b>Note 3:</b> It is anticipated that <b>Council</b> Engineer's sign-off will be required for all subdivision design to ensure that the engineering design and construction is undertaken in accordance with the Kaipara District Council Engineering Standards <a href="#">2011-2009</a>. Conditions will be placed on the Consent to this effect.</p>
14.11.2	Boundary Adjustment	<p><b>Subdivision</b> is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>a) The minimum <b>net site area</b> of any proposed <b>allotments</b> created by the <b>boundary</b> adjustment is 250m<sup>2</sup> in the Commercial Zone or 500m<sup>2</sup> in the Industrial Zone, where <b>sites</b> can be connected to <b>reticulated</b> wastewater <b>infrastructure</b>; or</p> <p>b) The minimum net site area of any proposed allotments created by the boundary adjustment is 2,000m<sup>2</sup> where sites are not connected to reticulated wastewater infrastructure; and</p> <p>c) No additional allotments will be created; and</p> <p>d) The boundaries of two or more adjacent allotments are adjusted; and</p> <p>e) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and</p> <p>f) The proposed boundary adjustment can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. Any existing <b>buildings</b> or activities on the created lots comply with the Performance Standards of Section 14.10 of this Chapter.</p>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 14.11.1; and</p> <p>ii) The extent to which a proposed <b>boundary</b> will provide for compliance with the Performance Standards in Section 14.10 in relation to the existing <b>buildings, structures</b> and services on <b>site</b>.</p>

## 14.12 Restricted Discretionary Business Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
14.12.1	Subdivision Unserviced	<p><b>Subdivision</b> within the Business Zones is a <b>Restricted Discretionary Activity</b> if it meets the following terms for subdivision:</p> <p><b>Commercial and Industrial Zone (excluding Overlays)</b></p> <p>a) While there is no minimum <b>site</b> area for sites with no connection to <b>reticulated</b> wastewater <b>infrastructure</b>, Performance Standard 14.13.6 will apply; and</p> <p>b) The proposed subdivision can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p>	<p><b>Council</b> will restrict its discretion over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this rule:</p> <p><u>General</u> Subdivision</p> <p>i) The matters for control listed in Rule 14.11.1;</p> <p>ii) Whether and the extent to which the subdivision is in accordance with adopted Design Guidelines;</p> <p>iii) Whether and the extent to which the subdivision is in accordance with any adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawai Structure Plan and Reserves and Open Space Strategy;</p> <p>iv) Whether and the extent to which the proposal contributes to the Outcomes for Growth Areas identified in Chapter 3A.; and</p> <p><del>v) If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay.</del></p>

## 14.13 Performance Standards for All Business Subdivisions

Where activities that do not comply with the Performance Standards in Section 14.13 the specific assessment criteria for the standard infringed contained within Section 14.13 need to be considered. This will result in the activity being assessed as a Discretionary Activity.

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.1	Suitable Building Area	<p>Every <b>allotment</b> of less than 4ha on a <b>subdivision</b>:</p> <p>a) Contains a geotechnically stable <b>building platform</b> with a practicable access on which a building or <b>structure</b> and associated provision for parking and loading can be built so that there is compliance as a <b>Permitted Activity</b> with the relevant Performance Standards in Section 14.10 of this District Plan.</p> <p><b>Note 1:</b> <b>Council</b> may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which earthworks required for the creation of the suitable <b>building platform</b> can be minimised;</p> <p>ii) Whether and the extent to which sufficient provision for parking, loading, manoeuvring and access can be provided;</p> <p>iii) Whether the <b>subdivision</b> will initiate or exacerbate <b>natural hazards</b>, through earthworks or access provision, or result in building areas being subject to natural hazards;</p> <p>iv) Whether and the extent to which the location of building areas avoids potential conflicts between incompatible land use activities, including the avoidance of <b>reverse sensitivity effects</b>;</p> <p>v) Whether and the extent to which the location of building areas avoids Maori heritage <b>sites</b> and features;</p> <p>vi) If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay; and</p> <p>vii) Where a site is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment.</p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the <b>Kaipara District Council Engineering Standards 2011-2009</b> is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
14.13.2	Road, Private Way Formation and Property Access	<p>The design and layout of the <b>subdivision</b> provides for, and takes into account:</p> <p><b>(1) Property Access</b></p> <p>a) Every <b>allotment</b> within the subdivision is capable of having vehicular access to a <b>road</b>;</p> <p>b) Property access is formed where it is shared by two or more allotments;</p> <p>c) Vehicle access and <b>driveways</b> comply with Rule 14.10.26-5;</p> <p>d) No more than <del>three-seven</del> allotments are served by a private shared access;</p> <p>e) <del>Access ways</del> <b>Driveways</b> onto the road or <b>private ways</b> are located in a manner that will allow for the safe entry and exit from the <b>site</b> based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule</p> <p>i) Whether and the extent to which the <b>road</b> or <b>private way</b> follows the alignment of indicative roads;</p> <p>ii) Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the <b>subdivision</b>;</p> <p>iii) Whether and the extent to which there <b>is</b> a the need for traffic control measures on the roads due to increased traffic from the subdivision;</p> <p>iv) Whether and the extent to which there <b>is</b> a the need for footpaths;</p> <p>v) Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;</p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>f) <del>Access ways Driveways</del> onto the road or private ways are located to provide adequate sight distances for the safe functioning of the <b>vehicle crossing</b> and access; <del>and</del></p> <p>g) The property access is of a suitable width to contain required services; <del>and</del></p> <p><del>h) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</del></p> <p><del>Note 1: Any changes in land use, development or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</del></p> <p><b>(2) Road, Private Way, Cycle Way and Property Access Formation</b></p> <p>a) Road vesting in accordance with <del>the following requirements: Clause 5.1.4(a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>- Driveways serving eight or more allotments shall be by public road ; and</del></p> <p><del>- Design and construction shall be to the satisfaction of Council's Asset Manager (in accordance with the Standards in the Kaipara District Council Engineering Standards 2011); and</del></p> <p><del>- A cul-de-sac shall be provided at the end of any no-exit public road.</del></p> <p><del>b) New Roads or private ways are designed and constructed to comply with Clause 5.2.1(a) and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>c) The legal width of roads, private ways and property access are designed to designed comply with Clause 5.2.4(a) (b) inclusive and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>d) Use and construction of existing unformed legal roads is in accordance with Clause 5.1.2(a) (c) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>e) Carriageway width complies with the requirements in Clause 5.2.5(a) (e) inclusive of the draft Kaipara District Council Engineering Standards 2009;</del></p> <p><del>f) The carriageway surface is designed and constructed to comply with the requirements: of Clause 5.2.6(a) (c) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>Edge treatment is designed and constructed to comply with Clause 5.2.7(a) of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>g) Where pavements are provided the pavement Structural Design complies with Clause 5.1.13(a) (h) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>h) Where footpaths are provided they are designed and constructed to comply with Clause 5.2.8(a) (b) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>i) Where bridges are provided they comply with Clause 5.2.14(a) of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>j) Where culverts are provided the culvert design complies with Clause 5.2.15(a) (b) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>k) Where intersections are required the intersection design complies with Clause 5.2.16(a) (d);</del></p> <p><del>Where cul-de-sacs are required the cul-de-sac complies with Clause 5.2.17(a) (b) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>l) Where a gate is provided as part of the road, private way, cycle way or property access it complies with Rule 5.2.20(a) (b) inclusive;</del></p> <p><del>m) Road drainage complies with Clause 5.2.21(a) (e) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p> <p><del>n) Road signs and markings comply with Clause 5.2.22(a) of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>o) Where a roadway or intersection is provided it complies with Clause 5.2.24(a) (b) inclusive.</del></p>		<p>vi) Whether an adequate alternative access is able to be provided for the anticipated use;</p> <p>vii) Whether the access can contain required services;</p> <p>viii) The expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>ix) Adequacy of sight distances available at the <b>vehicle crossing</b> and along the access;</p> <p>x) Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>xi) Possible adverse <b>effects</b> on Council <b>infrastructure</b> on adjoining properties;</p> <p>xii) Any foreseeable future changes in traffic patterns in the area (including future congestion);</p> <p>xiii) The provision made to mitigate the effects of stormwater runoff and any impact on roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties; <del>and</del></p> <p>xiv) Whether and the extent to which the road, private way or property access complies with <del>section 5.0 of the Kaipara District Council Engineering Standards 2009-2011 or has been confirmed as appropriate by Council's engineer; and</del></p> <p><del>xv) Where a new access is being provided or an existing access onto a State Highway modified whether the consents of the NZ Transport Agency and /or New Zealand Railways Corporation is obtained.</del></p> <p><del>Note 1: General assessment of sections 1.0-10.0 inclusive of the Kaipara District Council Engineering Standards 2009-2011 is undertaken as part of the assessment of the <b>subdivision</b> Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</del></p>

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14.13.3	Provision for the Extension of Services	<p>The design and layout of the <b>subdivision</b> provides for, and takes into account:</p> <p>a) The efficient and effective future extension of water and electricity supply, stormwater, <del>sewerage-wastewater</del>, public access, walking trails, bridal ways and <b>roads</b> to any adjoining land.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which the <b>subdivision</b> is located close to existing settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions;</p> <p>ii) Whether and the extent to which the subdivision and development avoids cumulative <b>effects</b> on the <b>environment</b> and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future;</p> <p>iii) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</p> <p>iv) Whether there is the need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</p> <p>v) Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development;</p> <p>vi) The need for and amount of any financial contributions in accordance with <del>Part D:</del> Chapter 22: Financial Contributions to achieve the above matters; and</p> <p>vii) Whether and the extent to which the extension of services meet the relevant <b>Performance Standards or provisions of sections 4.0, 5.0, 6.0, 7.0, 8.0 and 10.0 of the Kaipara District Council Engineering Standards 2011, 2009.</b></p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the Kaipara District Council Engineering Standards <del>2011, 2009</del> is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.</p>
14.13.4	Water Supply	<p><b>(1) Where a Council water supply is available:</b></p> <p>a) The written approval of <b>Council's</b> Asset Manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p><del>e) The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system;</del></p> <p><del>d)c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</del></p> <p><b>(2) Where a public supply is not available, <u>water supplies to all developments shall:</u></b></p> <p><u>a) Meet the requirements of the Building Act; and</u></p> <p><u>b) Be adequate for fire fighting purposes in accordance with the New Zealand Fire Service's Code of Practice SNZ PAS 4509:2008.</u></p> <p><del>The applicant shall demonstrate that a water supply is able to be provided in accordance with the water supply design requirements of section 8.2(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</del></p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which an adequate supply of water can be provided to every <b>allotment</b> being created on the <b>subdivision</b>, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;</p> <p>ii) Whether and the extent to which there is an adequate standard of water supply installed in the subdivision, and the adequacy of existing supply systems outside the subdivision;</p> <p>iii) Whether and the extent to which the water supply meets the <u>provisions requirements of section 8.0 of the Kaipara District Council Engineering Standards 2009-2011 or has been confirmed as appropriate by Council's engineer;</u></p> <p>iv) Whether and the extent to which the existing water supply systems to which the connection will be made, have sufficient capacity to service the subdivision;</p> <p>v) Whether and the extent to which it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units;</p> <p>vi) Whether and the extent to which the subdivision and <b>development</b> avoids cumulative <b>effects</b> on the <b>environment</b> and on the provision of <b>infrastructure</b> and services to the land being subdivided, and to nearby land that might be subdivided in the future;</p> <p>vii) Whether there is the need for land to be set aside and vested in the Council as a <b>site</b> for any public water supply utility required to be provided;</p> <p>viii) Whether there is the provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for water supply purposes; <del>and</del></p> <p>ix) The need for and amount of any financial contributions in accordance with <del>Part D:</del> Chapter 22: Financial Contributions to achieve the above matters; <del>and</del></p> <p><u>x) Whether and to the extent that the human drinking water supplied meets the requirements under</u></p>

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				<p><a href="#">Clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</a></p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the Kaipara District Council Engineering Standards <del>2009</del> <u>2011</u> is undertaken as part of the assessment of the subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
14.13.5	Stormwater Disposal	<p><b>(1) Where available all allotments are provided, within their net site area, with:</b></p> <p>a) A connection to a <b>Council</b>-maintained stormwater system; or</p> <p><b>(2) Where no Council system is available:</b></p> <p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing <b>buildings</b> and from all impervious surfaces, in such a way as to avoid any adverse <b>effects</b> of stormwater runoff on the <b>receiving environment</b> <u>in accordance with the Kaipara District Council Engineering Standards 2011.</u></p> <p><b>AND</b></p> <p><b>(3) For all sites:</b></p> <p><del>a) The stormwater system is designed and constructed to meet the minimum requirements of Clause 6.1.1(a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009</del></p> <p><del>b) All storm water pipelines, stormwater treatment, detention ponds and overland flow paths that are not contained within Council roads or within the boundaries of the site, shall be within a reserve vested in Council. The minimum width of land to vest shall be 3m; and</del></p> <p><del>c) Drainage Reserves and Easements shall comply with the requirements: Clause 6.2.2(a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>Stormwater drainage shall be designed to comply with Clause 6.2.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>d) Primary and Secondary Flow paths shall be designed to comply with Clause 6.2.2(a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>e) Minimum freeboard heights shall be designed to comply with Clause 6.2.3(a) of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>f) Stormwater systems shall be designed for stormwater events of up to 100 ARI as described in Clause 6.2.5(a) of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>g) Stormwater control shall comply with the specific area requirements in Clause 6.2.6 of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>h) Stormwater discharges shall comply with the requirements: of Clause 6.2.7 of the Kaipara District Council Engineering Standards 2009;</del></p> <p><del>i) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland or have a Discharge Consent from the Northland Regional Council for the activity.</del></p> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> <u>The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</u></p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment;</p> <p>ii) Whether there is sufficient land available for disposal of stormwater;</p> <p>iii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</p> <p>iv) Whether and the extent to which measures are necessary in order to give <b>effect</b> to any drainage or <b>Catchment Integrated Development</b> that has been prepared for the area;</p> <p>v) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</p> <p>vi) Whether and the extent to which the stormwater <b>infrastructure</b> within the <b>subdivision</b>, is able to link with existing disposal systems outside the subdivision;</p> <p>vii) Whether and the extent to which the development meets the relevant <u>Performance Standards or stormwater provisions of section 6.0 of the Kaipara District Council Engineering Standards 2011 2009;</u></p> <p>viii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</p> <p>ix) Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for stormwater purposes;</p> <p>x) The need for and amount of any financial contributions in accordance with <u>Part D: Chapter 22: Financial Contributions</u> to achieve the above matters;</p> <p>xi) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater; and</p> <p>xii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; <u>and</u></p> <p><u>xiii) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland as a Permitted Activity or have a Discharge Permit from the Northland Regional Council for the activity.</u></p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the Kaipara District Council Engineering Standards <del>2011</del> <u>2009</u> is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>

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14.13.6	Wastewater Disposal	<p><b>(1) Where a Council reticulated sewerage system is available:</b></p> <p>a) The written approval of <b>Council's</b> Asset Manager is obtained and provided with the application to confirm that the Council <del>sewerage wastewater</del> system can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council <del>reticulated-sewerage wastewater</del> system;</p> <p>c) The reticulated <del>sewerage wastewater</del> system is designed and constructed in accordance with the specific requirements of the Council <del>sewerage wastewater</del> system; and</p> <p>d) All <del>sewer water</del> pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p><b>(2) Where a private/community reticulated wastewater system is proposed serving two or more sites, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards" <del>and a Resource Consent shall be obtained from the Northland Regional Council for the discharge.</del></b></p> <p><b>(3) Where no Council or private/community reticulated wastewater system is available, all allotments are provided, within their net site area, with:</b></p> <p>a) 1,500m<sup>2</sup> area of land per <del>household commercial activity</del> for wastewater disposal within the boundaries of the site. The area shall be clear of <b>building</b> sites, <b>driveways</b> and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed; and</p> <p>c) Applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or Consent for discharges from the Northland Regional Council has been obtained).</p> <p><b>Note 1:</b> Effluent discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether the capacity, availability and accessibility of the <b>reticulated</b> system is adequate to serve the proposed <b>subdivision</b>;</p> <p>ii) Whether there is sufficient land available for wastewater disposal on <b>site</b>, minimum 2,000m<sup>2</sup> for unserviced sites;</p> <p>iii) Whether <b>and the extent to which</b> the application includes the installation of all new reticulation, and <b>that it</b> complies with the provisions of the <b>Kaipara District Council Engineering Standards 2009 2011 or has been confirmed as appropriate by Council's engineer</b>;</p> <p>iv) Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</p> <p>v) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal <b>roads</b> will be required under the Local Government Act;</p> <p>vi) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal systems is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a discharge permit issued by the Northland Regional Council;</p> <p>vii) Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title pursuant requiring individual <b>allotments</b> to connect with the system when it does become available;</p> <p>viii) Whether provision has been made by the applicant for monitoring mechanisms to ensure <b>contaminants</b> are not discharged to the <b>environment</b> from a suitable wastewater or other disposal system, together with any Consent Notices to ensure compliance;</p> <p>ix) The need for and extent of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters;</p> <p>x) Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</p> <p>xi) The provision of practical vehicular access from a public road to and along any area vested with Council for wastewater purposes; and</p> <p>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the Kaipara District Council Engineering Standards <del>2009 2011</del> is undertaken as part of the assessment of the subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
14.13.7	Energy Supply	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a <b>reticulated</b> electrical supply system at the <b>boundary</b> of the <b>net site area</b>.</p>	Discretionary Activity ( <del>assessed on a non-notified basis</del> )	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether the proposed reticulation system to be installed by the subdivider will have adequate capacity for the likely <b>development</b>;</p> <p>ii) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future <b>maintenance</b>;</p> <p>iii) Whether undergrounding of <b>infrastructure</b> has been undertaken;</p> <p>iv) Whether there is a need for a local purpose reserve to be set aside as a <b>site</b> for any public utility required to be provided;</p> <p>v) Whether the proposed reticulation system will have potential adverse <b>effects on amenity values</b>; and</p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities</p>

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				<p>proposed.</p> <p><b>Note 1:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the <b>Kaipara District Council Engineering Standards 2011 2009</b> is undertaken as part of the assessment of the <b>Subdivision</b> Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
14.13.8	Telecommunications	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a telecommunications system at the <b>boundary</b> of the <b>net site area</b>.</p>	Discretionary Activity ( <del>assessed on a non-notified basis</del> )	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Where the <b>subdivision</b> involves the construction of new <b>roads</b> or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost) having regard to the provisions of the Kaipara District Council's Engineering Standards <b>2011 2009</b>;</p> <p>ii) Whether the proposed reticulation system will have potential adverse <b>effects</b> on <b>amenity values</b>. Where the subdivision is within any Overlay, it is generally expected that all new lines including service leads / lines / connections shall be underground or wireless; and</p> <p>iii) The ability for the <b>allotments</b> to be provided with alternate phone coverage (e.g. mobile phone coverage).</p> <p><b>Note 1:</b> Upgrading or cost sharing will be solely a matter for the <b>network utility operator</b>;</p> <p><b>Note 2:</b> General assessment of <del>sections 1.0-10.0 inclusive of</del> the <b>Kaipara District Council Engineering Standards 2011 2009</b> is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p> <p><b>Note 3:</b> <del>Upgrading or cost sharing will be solely a matter for the network utility operator.</del></p>
14.13.9	Esplanade Management for Lots Less Than 4ha	<p>Where an <b>allotment</b> of less than 4ha is created on <b>subdivision</b> of land which adjoins the sea, <b>rivers</b> over 3m in width or <b>lakes</b> over 8ha in area, an <b>esplanade reserve</b> or strip of <del>a-ef</del> 20m in width shall be set aside, except where:</p> <p>a) The subdivision involves only a minor <b>boundary</b> adjustment and no additional <b>building sites</b> will be created; and</p> <p>b) The proposed subdivision activity arises solely due to land being acquired for any <b>road designation</b> or a site to be created only for a network utility.</p> <p><b>Note 1:</b> No esplanade reserve or strip shall be required where a lot is associated with the provision of a utility service.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or strip:</p> <p>i) The topography of the land concerned including a plan showing contours where appropriate;</p> <p>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</p> <p>iii) The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</p> <p>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</p> <p>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</p> <p>vi) The water quality enhancement values of the land and associated vegetation cover;</p> <p>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</p> <p>viii) Whether a waiver or reduction will ensure the security of private property or the safety of people;</p> <p>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as:</p> <ul style="list-style-type: none"> <li>- A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>- A <b>Conservation Covenant</b> under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody);</li> <li>- A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement;</li> </ul> <p>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and creation of an esplanade reserve or strip and associated public access would be inappropriate; and</p> <p>xi) The nature of any special conditions or restrictions proposed for any <b>esplanade strip</b> including those relating to periodic closure as provided for in the Tenth Schedule of the <a href="#">Resource</a></p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p><a href="#">Management Act 1991</a>.</p> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <ul style="list-style-type: none"> <li>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision; or</li> <li>xiii) Where unrestricted public access could adversely affect conservation management programmes;</li> <li>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</li> <li>xv) Council's ability to maintain a reserve.</li> </ul>
14.13.10	Esplanade Reserves for Lots More Than 4ha	<p>The <b>Council</b> has determined in accordance with the empowering provisions in Section 77 of the <a href="#">Resource Management Act 1991</a> that a 20m wide <b>esplanade reserve</b> or strip is to be set aside where an <b>allotment</b> of 4ha or more is created in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) The lot itself contains land, or adjoins a section of the <b>Coastal Marine Area</b>, a <b>lake</b> or <b>river</b>, which has important recreational values and where: <ul style="list-style-type: none"> <li>– Public access is either currently available to the <b>waterbody</b> and associated margins or where there is reasonable likelihood of such access being available in the future from a <b>road, access strip</b> or reserve including an adjacent esplanade reserve; or</li> <li>– In respect of the Coastal Marine Area public access is currently available to the <b>foreshore</b> from the water and it can be used for the landing of small craft.</li> </ul> </li> <li>b) The lot adjoins a section of the Coastal Marine Area which is subject to serious wave or wind induced erosion or other <b>natural hazard</b> processes and where: <ul style="list-style-type: none"> <li>– Formal reservation of the land is considered appropriate by the Council following consultation with the Northland Regional Council.</li> </ul> </li> <li>c) The lot itself contains land, or adjoins a portion of the Coastal Marine Area, a lake or river which has significant <b>indigenous vegetation</b> and significant habitats of indigenous fauna or supports the habitat of trout, and where: <ul style="list-style-type: none"> <li>– Formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>– Where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act <a href="#">1991</a>.</li> </ul> </li> <li>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where: <ul style="list-style-type: none"> <li>– Formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> <li>– The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> </li> </ul> <p><b>Note 1:</b> For the purpose of this Rule, "significant" refers to either:</p> <ul style="list-style-type: none"> <li>• All those <b>sites</b> containing indigenous vegetation or habitat ranked moderate, moderate-high, high or outstanding on the Sites of Special Biological Interest (<a href="#">SSBI</a>) database or equivalent under the Protected Natural Areas (<a href="#">PNA</a>) programme; or</li> <li>• In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology (Appendix <a href="#">25G24g</a>)</li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or strip:</p> <ul style="list-style-type: none"> <li>i) The topography of the land concerned including a plan showing contours where appropriate;</li> <li>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</li> <li>iii) The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</li> <li>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> <li>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</li> <li>vi) The water quality enhancement values of the land and associated vegetation cover;</li> <li>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</li> <li>viii) Whether a waiver or reduction will ensure the security of private property or the safety of people;</li> <li>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as: <ul style="list-style-type: none"> <li>– A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>– A <b>Conservation Covenant</b> under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody);</li> <li>– A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement;</li> </ul> </li> <li>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and creation of an esplanade reserve or strip and associated public access would be inappropriate; and</li> <li>xi) The nature of any special conditions or restrictions proposed for any <b>esplanade strip</b> including those relating to periodic closure as provided for in the Tenth Schedule of the <a href="#">Resource Management Act 1991</a>.</li> </ul> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <ul style="list-style-type: none"> <li>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision; or</li> <li>xiii) Where unrestricted public access could adversely affect conservation management programmes;</li> <li>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</li> <li>xv) Council's ability to maintain an esplanade reserve.</li> </ul>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.11	Esplanade Areas on Road Stopping	<p>a) Circumstances where an <b>esplanade strip</b> may be used instead of an <b>esplanade reserve</b></p> <ul style="list-style-type: none"> <li>- The requirements in Section 345 of the Local Government Act 1974 relating to the setting aside of an esplanade reserve when a <b>road</b> is stopped may be replaced by a requirement to create an esplanade strip where unrestricted public access could restrict conservation.</li> </ul> <p>b) Circumstances when an esplanade reserve or strip less than 20m wide or where no esplanade reserve or strip may be required</p> <ul style="list-style-type: none"> <li>- The width of any esplanade reserve or strip required under Section 345 of the Local Government Act 1974 or this District Plan when a road is stopped may be reduced from 20m or waived altogether where one or more of the circumstances in Section 14.13.10 exist.</li> </ul> <p>c) Circumstances when an esplanade reserve or strip more than 20m wide may be required</p> <ul style="list-style-type: none"> <li>- The width of any esplanade reserve or strip required when a road is stopped under section 345 of the Local Government Act 1974 or this District Plan may be increased from 20m when one or more of the circumstances in Section 14.13.11 exist.</li> </ul>	Discretionary Activity	Any request to <b>Council</b> to consider the provision of an <b>esplanade reserve</b> or strip greater or less than 20m wide when a <b>road</b> is stopped is to be made taking into account the Assessment Criteria in Sections 14.13.9(i)-(xv) inclusive and 14.13.10 (i)-(xv) inclusive.