

29 JUL 2013

61153
RECEIVED

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Resource
Management Act 1991

BETWEEN

**FEDERATED FARMERS OF
NEW ZEALAND
(INCORPORATED)
ENV-2011-AKL-000221**

AND

**THE DIRECTOR-GENERAL OF
CONSERVATION
ENV-2011-AKL-000231**

AND

**ANNE AND RICHARD HENRY
ENV-2011-AKL-000237**

AND

**FARMERS OF NEW ZEALAND,
KAIPARA CITIZENS AND
RATEPAYERS ASSOCIATION
INCORPORATED AND THE
TRUSTEES OF THE POUTU
TOPU A TRUST
ENV-2011-AKL-000238**

AND

**ADAM BOOTH, SHANE
CULLEN, KEN DUGDALE,
WILLIE HEWITT, CRAIG
JEPSON, CRAIG MATHESON,
OWEN McSHANE, TOM
PETERS AND SUSAN
ROWBOTHAM
ENV-2011-AKL-000240**

AND

**DUCK NOMINEES LIMITED
ENV-2011-AKL-000244**

Appellants

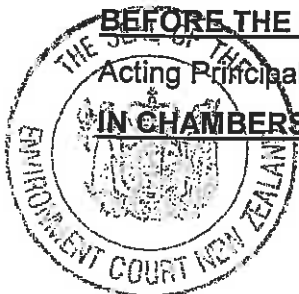
AND

KAIPARA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal Environment Judge L J Newhook sitting alone under section 279 of the Act
IN CHAMBERS at Auckland.



CONSENT ORDER

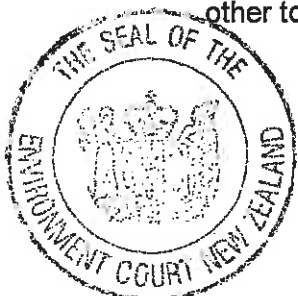
Introduction

1. These appeals relate to the Proposed Kaipara District Plan. This consent order resolves the relief sought in these appeals as it relates to topics ENV-2012-349-000005 bulk and location and ENV-2012-349-000007 engineering standards.
2. In making this consent order the Court has read and considered the appeals and the memorandum of the parties dated 10 July 2013.
3. The Director-General of Conservation, Northpower Limited, Federated Farmers of New Zealand (Incorporated) and Meridian Energy Limited have given notice of an intention to become parties to the appeals under section 274 and have signed the memorandum setting out the relief sought.
4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - (a) All parties with an interest in these proceedings have executed the memorandum requesting this order.
 - (b) All parties with an interest in these proceedings are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore the Court orders, by consent, that the appeals are allowed to the extent that the Kaipara District Council is directed to amend the following sections of the Proposed Kaipara District Plan as shown in Annexure A to this Order, noting that amendments shaded in grey have been made as a result of mediation outcomes on other topics and are included for context and information purposes:

- Performance Standards 12.10.3 to 12.10.11 in Chapter 12 Rural;



- Performance Standards Residential Land Use 13.10.3 to 13.10.8, and 13.10.10 to 13.10.11 in Chapter 13 Residential Zone;
- Performance Standards Business Land Use 14.10.4 to 14.10.7 in Chapter 14 Business: Commercial and Industrial;
- Performance Standards Maori Land 15A.10.3 to 15A.10.11 in Chapter 15A Maori Purposes: Maori Land; and
- Performance Standards Maori Purpose: Treaty Settlement Land Zone 15B.10.3 to 15B.10.11 in Chapter 15B – Maori Purposes: Treaty Settlement Land.

6. This consent order resolves the appeals by the Federated Farmers of New Zealand (Incorporated), The Director-General of Conservation, Henry, Pouto Topu A Trust & Others, Booth & Others, and Duck Nominees Limited on the Bulk and Location topic ENV-2012-349-000005 and the Engineering Standards topic ENV-2012-2012-349-000007 in their entirety.

7. There is no order as to costs in relation to this order.

DATED at Auckland this

25th

day of

July

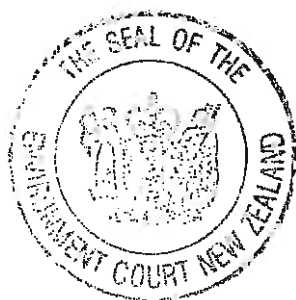
2013



L J Newhook
Acting Principal Environment Judge



ANNEXURE A



Performance Standards	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Rule 12.10.3b Dwellings Paraphrase	(1) Construction of a dwelling is a <u>Permitted Activity</u> if: a) After completion, it will be the only dwelling on the site; or b) It will be an additional dwelling on the site, and there is a minimum of 12ha of net site area associated with each dwelling in the Rural Zone, and 20ha in any Overlay Area; <u>or</u> c) <u>Minimum floor levels are designed in accordance with the following standards:</u> <u>Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and</u> <u>The minimum floor level of any new dwelling shall be 5.0m above mean sea level.</u> d) <u>It will be an additional dwelling on the site, where:</u> i. there is a minimum density of 12 ha of net site area associated with each dwelling in the Rural Zone, and 20 ha in any Overlay Area, which is calculated over more than one site; and ii. the sites used to calculate the minimum density requirement (other than the site on which the additional dwelling is built) are subject to a covenant protected by a registered first ranking encumbrance, in a form that is to the satisfaction of Council. Note 1: The <u>demolition</u> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply. Note 2: Minimum floor levels have been determined using One Tree Point 1984 datum. Note 3: Each dwelling is also required to be assessed against the relevant performance standards contained in the Plan, including within sections 12.10 and 12.15. Note 4: Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1c) of this Rule. Note 5: Clause 1c) is intended to provide for additional dwellings to be clustered on a farm (to support the primary activities on the site), where that farm is held in more than one title. Note 6: An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause c) above is available from Council.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: x) <u>Building location, including alternatives considered;</u> xi) <u>Size and shape of the site;</u> xii) <u>Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines;</u> xiii) <u>The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and dwellings and is in accordance with any adopted Design Guidelines;</u> xiv) <u>Effects on the locality, particularly the rural character and amenity values; and</u> xv) <u>If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas;</u> xvi) <u>Effects on landscape ecological and heritage values; any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010);</u> xvii) <u>Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and</u> xviii) <u>Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</u> ix) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits.
12.10.3b Dwelling Floor Levels	(1) Construction of a dwelling is a <u>Permitted Activity</u> if: a) Minimum floor levels are designed in accordance with the following standards: - Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and b) In addition to the minimum floor level any new dwelling shall be: - 5.0m above mean sea level in the West Coast and East Coast Overlays; or - 3.0m above mean sea level in the Mangawhai Harbour Overlay; or - 3.5m above mean sea level in the Kaipara Harbour Overlay; or - 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. Note 1: Minimum floor levels have been determined using One Tree Point 1984 datum. Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1984 datum.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) <u>Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.</u>
12.10.4 Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in a Rural Zone <u>Any building is a Permitted Activity</u> if: a) The gross floor area of the building does not exceed 5,000m² or 10% of the net site area, whichever is the lesser; and	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) <u>Building location, including alternatives considered;</u> ii) <u>Size and shape of the site;</u>

Rule	Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status If the Activity does not meet the Performance Standard	Assessment Criteria
		b) The building is able to comply with the relevant Performance Standards of Rule 12.10; c) Where no Council wastewater system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards"; d) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 12.15.6(1)(a)-(d) inclusive; e) Where no Council wastewater system is available the development shall comply with the requirements of Rule 12.15.6(c)-(d) inclusive. f) Where a Council reticulated wastewater disposal system is available the development shall comply with Rule 12.15.5(1)(a) and 12.15.1(3)(a)-(f) inclusive; and g) Where no Council reticulated wastewater disposal system is available the development shall comply with Rule 12.15.5(2)(a) and Rule 12.15.5(3)(a)-(f) inclusive. Note 1: Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The <i>Regional Water and Soil Plan for Northland</i> contains minimum standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and structures in the <i>Coastal Marine Area</i>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.		iii) Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the <i>Coastal Marine Area</i> and the effect on skylines and ridgelines; iv) Proposed landscaping in accordance with any Council adopted Design Guidelines; v) Effects on the locality, particularly the rural character and amenity values; and vi) <u>If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> vii) <u>Effects on landscape ecological and heritage values—any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2019)</u> viii) <u>Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and</u> ix) <u>Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</u> ix) <u>The extent to which the development complies with the requirements of the relevant performance standards of the Kaipara District Council Engineering Standards 2011;</u> x) <u>The extent to which the stormwater generated from impermeable surfaces associated with the building may contribute to erosion or a reduction in the water quality of the receiving environment;</u> xii) <u>Whether a sustainable potable water supply is able to be provided to service the development;</u> xiii) <u>Effects on natural character; and</u> xiv) <u>The functional requirements of the building and activity.</u> Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the building in relation to the site; ii) The functional requirements of the building; iii) The extent to which the effects of the height infringement can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and amenity values; and v) <u>If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> vi) <u>Effects on availability of sunlight to other properties.</u> Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the building in relation to the site; ii) The functional requirements of the building; iii) The extent to which the effects of the height in relation to boundary infringement can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and amenity; and v) <u>If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> and vi) <u>Effects on availability of sunlight to other properties.</u>
12.10.5	Maximum Height	Any building is a Permitted Activity if: a) The building does not exceed 10m in height, where it is not within an Overlay Area; or b) The building does not exceed 8m in height, where it is within an Overlay Area.	Restricted Discretionary Activity	
12.10.6	Height in Relation to Boundary	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary. Note 1: Refer to Chapter 24 - Definitions for the definition of <i>Recession Plane</i>.	Restricted Discretionary Activity	
12.10.7	Setbacks	(1) Rural Zone <u>(including Overlays except those specified in (3) below)</u> Any building is a Permitted Activity if it is located outside the following setback distances (yards):	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The outlook and privacy of adjacent and adjoining neighbours;

Rule	Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		a) Front yard - 10m, except where the building is for industrial or commercial purposes, where the setback shall be 20m; and b) Side and Rear yards - 3m; and c) Coast - 30m from the Coastal Marine Area; and d) Lake / River - 30m from the banks of any dune lake, any other lake whose bed has an area of 5ha or more, the bank of any river or including a perennial stream whose bed has an average width of 3m or more; and e) Any building is set back 30m from a railway line where there is an intersection of road and rail (level crossing controlled by give-way signage) within 300m; and f) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road); and g) Wetland - 30m from the banks of any indigenous wetland. (2) In addition to the setbacks above, in the Valued Natural Environments of Mangawhai Harbour and Kai Iwi Lakes Overlays: Any building is a Permitted Activity if it is located outside the following additional setback distances (yards): a) Waterway River - 30-5m from the banks of any mapped waterway or wetland river with an average bed width of between 1 to 3m within these Overlays. Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 12.10.7(1)(d) above applies. (3) Except that, Setback Standards of 12.10.7.1(a) and b) do not apply to those approved building platforms on Lots 1-16 and Lots 19-25 DP 328845 (in accordance with Consent notice dated 24 August 2004) related to Land Transfer Plan No. 328845. Setback for Lots 1-16 and Lots 19-25 DP 328845 are to be governed by the Consent notice (dated 24 August 2004) related to Land Transfer Plan No. 328845. a) Setback Standards of 12.10.7.1(a) and b) do not apply to those approved building platforms on Lots 1-16 and Lots 19-25 DP 328845 (in accordance with Consent notice dated 24 August 2004) related to Land Transfer Plan No. 328845. Setback for Lots 1-16 and Lots 19-25 DP 328845 are to be governed by the Consent notice (dated 24 August 2004) related to Land Transfer Plan No. 328845. b) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water take or discharge structure or consented pump shed/station. c) Setback standard 12.10.7 does not apply for the approved and identified 'building sites' (note: coloured orange) and 'additional building sites' (note: coloured yellow) referred to in the Hawthorne Geddes Report 2004 for the 'Sanctuary subdivision' located in Robert Hasle Drive, Lake View Lane and Woodleigh Lane, Mangawhai. Note 1: The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required. Note 2: The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway Note 3: Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadways Powers Act 1989. Note 4: The 'Sanctuary subdivision' contains a number of 'approved' building sites close to man-made lakes, rivers and wetlands. These sites were consented before the District Plan was notified and clause (3)(c) above recognises this. The clause exempts buildings on the recorded building sites from setback rule 12.10.7(1) and 12.10.7(2).		i) Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; iii) Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines; iv) Whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three; v) Effects on the locality, particularly the rural character, and amenity; and vi) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas vii) Effects on landscape, ecological and heritage values, in particular any site identified in the District Plan or an outstanding or amenity landscape identified in Councils Landscape Technical Report (2014); viii) Effects on ecological values and in particular any Sites of Ecological significance or-by reference to the as defined by the criteria listed in Appendix 25G; ix) Effects on public access; x) Effects on natural hazards, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes; xi) Protection of the conservation, ecological, recreation, access and hazard mitigation values of Explained Reserves or snags; xii) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective road or rail control authority has been provided and the extent to which the placement of the building affects traffic and/or rail safety; and xiii) 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 the NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; xiv) 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 xv) The functional requirements of the building and activity.

Rule	Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.8	Permeable Surfaces	(1) Any For any site of 5ha or less, an activity is a Permitted Activity if: a) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 15% in the Rural Zone where it is not within an Overlay, and b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Rural Zone where it is within an Overlay. (2) For any site over 5ha in size, an activity is a Permitted Activity if: a) <u>Water collected from impermeable surfaces is disposed of on-site or discharged to an existing watercourse.</u> Note 1: The intention of this Rule is to avoid large areas of continuous seal / hardstand. Note 2: Discharge consents may be required from the Northland Regional Council.	Restricted Discretionary	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Control of stormwater run-off; - The effects of increased stormwater flows downstream; - Methods of attenuating stormwater flows to pre-development rates; - Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2017; - Effects on water quality; and - The extent to which low impact design principles are utilised.
12.10.9	Separation Distance for Noise Sensitive Activities in the Rural Zone	Any Noise Sensitive Activity (as defined in Chapter 24: Definitions) is permitted if: (1) A 300m separation is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership⁶: - Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems); - Building used for an industrial activity; - Intensive feed lot or feed storage area; - Intensive farming; - Dairying shed; - Mining or quarrying; and - Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting standards, or an Air Discharge Consent (odour) granted by the Northland Regional Council; and (2) The Activity is setback outside the Noise Contour Boundary surrounding the Maungaturoto Dairy Factory site as shown on Planning Maps 20 and 50 (Map Series 2)¹⁰ Note 1: This Rule is intended to protect the opportunity for rural activities in the Rural Zone. As such, if there is an existing lawfully established activity as listed in a) to g) above, then a Noise Sensitive Activity wishing to develop would be required to maintain the appropriate separation from this to avoid future land use conflicts. Note 2: For clarity, any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory site will require Resource Consent¹⁰.	Restricted Discretionary	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The extent to which alternative locations have been considered; - Mechanisms in place to avoid future reverse sensitivity conflicts (including covenants on titles) or other physical mitigation works; - Effects on health and safety of communities; - Any consultation with relevant property owners or occupiers; and - How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 12; and In the case of any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory, the following additional assessment criteria will apply: - The potential reverse sensitivity effects on the operation of the Maungaturoto Dairy Factory; - Whether and the extent to which habitable rooms have been designed such that the internal noise levels of any habitable room does not exceed 35dB_A on 24 hours, while at the same time providing ventilation requirements (for example, as required by clause G4 of the New Zealand Building Code 2010) Note 1: The operators of the Maungaturoto Dairy Factory will be considered an affected party in relation to any resource consent applications, in respect of Rule 12.10.9(2)¹¹.
12.10.11	Separation Distance between Activities	Any of the activities listed as follows, are permitted if a separation distance of at least 30m is maintained between any site zoned Residential, Business - Commercial or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity (as defined in Chapter 24: Definitions) located in these Zones, whichever is the greater: - Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land disposal effluent application); - Building used for an industrial activity; - Intensive feed lot or feed storage area; - Intensive farming; - Dairying shed; - Mining or quarrying; and - Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or an Air Discharge Consent relating to (odour) granted by the Northland Regional Council. Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Rural Zone. As such, if any of the activities	Restricted Discretionary	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Protection of the character and amenity of the relevant adjoining activity, zone or Reserve Management Unit; - The extent to which alternative locations have been considered; - The likelihood of the activity causing adverse environmental effects regarding noise, odour, dust, nuisance or other amenity effects, considering factors such as wind direction and opportunities to mitigate the potential for such effects by screening, bunding or similar; - Effects on health and safety of communities; - Any relevant industry codes of practice; - Any consultation with relevant property owners or occupiers; and - How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 12.

Rule	Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		listed in a) to d) above seek to establish within the Rural 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, Business – Commercial Zone, or the values of a Reserve Management Unit.		

- 1 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 2 [Amended by Consent Order (between KDC & Meridian) signed 7 August 2012]
- 3 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 4 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 5 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 6 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 7 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 8 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 9 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 10 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 11 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]

Performance Standards Residential Land Use

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.3a	Dwellings	(1) Construction of a dwelling is a Permitted Activity if: - After completion, it will be the only dwelling on the site; or - It will be an additional dwelling on the site, and the minimum net site area associated with each additional dwelling is: 600m² for a serviced site not in an Overlay Area; or 1,000m² for a serviced site in an Overlay Area; or 3,000m² for an un-serviced site. - There is a separation distance of at least 3m from any other detached dwelling; and - There is a separation distance of at least 6m where there is a private open space area located between two residential dwellings; and <u>e) Minimum floor levels are designed in accordance with the following Standards:</u> <u>Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100-year Average Recurrence Interval flood level; and</u> <u>The minimum floor level of any new dwelling shall be 5.0m above mean sea level.</u> Note 1: The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply. Note 2: Minimum floor levels have been determined using One Tree Point 1964 datum. Note 3: Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the Coastal Marine Area, and the effects on skylines and ridgelines; - The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and dwellings and is in accordance with any Council adopted Design Guidelines; - Effects on the locality, particularly the rural character and amenity values; and <u>vi) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values associated with Overlay Areas;</u> <u>vii) Effects on landscape ecological and heritage values—any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010);</u> <u>viii) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways;</u> <u>ix) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; and</u>
13.10.3b	Dwelling Floor Levels	(1) Construction of a dwelling is a Permitted Activity if: - Minimum floor levels are designed in accordance with the following Standards: - Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and - In addition to the minimum floor level any new dwelling shall be: 5.0m above mean sea level in the West Coast and East Coast Overlays; or 3.0m above mean sea level in the Mangawhai Harbour Overlay; or 3.5m above mean sea level in the Kaipara Harbour Overlay; or 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. Note 1: Minimum floor levels have been determined using One Tree Point 1964 datum. Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.
13.10.4	Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in a Residential Zone Any building is a Permitted Activity if: - The building is able to comply with the relevant Performance Standards of Rule 13.10; - Where no Council reticulated wastewater system is available the on-site treatment and disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards"; - Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 13.13.6(1)(a)-(d) inclusive;	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; - Proposed landscaping in accordance with any Council adopted Design Guidelines; - Effects on the locality, particularly the rural character and amenity values; and

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status If the Activity does not meet the Performance Standard	Assessment Criteria
		d) Where no Council wastewater system is available the development shall comply with the requirements of Rule 13.10.6(c)-(d) inclusive; e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(1)(e) and 13.13.1(3)(a)-(f) inclusive; and f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(a) and Rule 13.13.5(3)(a)-(f) inclusive. Note 1: Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and structures in the Coastal Marine Area. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.		v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values: those values associated with Overlay Areas vii) Effects on landscape ecological and heritage values; any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010); viii) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and ix) Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; x) The extent to which the development complies with the requirements of the relevant performance standards or the Kaipara District Council Engineering Standards 2011; xi) The extent to which the stormwater generated from impermeable surfaces associated with the building may contribute to erosion or a reduction in the water quality of the receiving environment; and xii) Whether a sustainable potable water supply is able to be provided to service the development and Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The scale and bulk of the building in relation to the site; - The functional requirements of the building; - The extent to which the effects of the height infringement can be mitigated by setbacks, planting, design or the topography of the site; - Effects on the locality, particularly residential character and amenity values, and those values associated with Overlay Areas as identified in the Objectives and Policies for Overlays (Chapter 4); and - Effects on the locality, particularly the rural character and amenity values; and v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values: those values associated with Overlay Areas vi) Effects on availability of sunlight to other properties. Whether and the extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B. Note 1: A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010). Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The scale and bulk of the building in relation to the site; - The functional requirements of the building; - The extent to which the effects of the height in relation to boundary infringement can be mitigated by setbacks, planting, design or the topography of the site; - Effects on the locality, particularly the rural character and amenity; and v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values: those values associated with Overlay Areas and vi) Effects on availability of sunlight to other properties. Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:
13.10.5	Maximum Height	Any building is a Permitted Activity if: - The building does not exceed 10m in height, where it is not within an Overlay area; or - The building does not exceed 8m in height, where it is within an Overlay area. Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3b shall also apply.³	Restricted Discretionary Activity	
13.10.6	Height in Relation to Boundary	Any building is a Permitted Activity if: The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a residential zone or reserve. Note 1: Refer to Chapter 24 – Definitions for the definition of Recession Plane.	Restricted Discretionary Activity	
13.10.7	Setbacks	(1) Residential Zone Any building is a Permitted Activity if it is located outside the following setback distances	Restricted Discretionary Activity	

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		(yards): a) <u>Front yard</u> – 5m; b) <u>Side yards</u> – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas; c) <u>Rear yards</u> – 3m except on rear sites where one yard of 1.5m may be provided; d) <u>Coast</u> – 30m from the <u>Coastal Marine Area</u>; and e) <u>Lake / River</u> – 30m from the banks of any <u>dune lake</u>, <u>any other lake whose bed</u> has an area of 8ha or more, <u>the bank of any river or including a perennial stream</u> whose bed has an average width of 3m or more; f) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by gateway signage) within 300m; and g) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road). Provided that an accessory building may be erected in any side or rear yard where: h) Vehicle access is retained to the rear of the site; and i) It is located at least 3m from any <u>habitable room</u> on an adjoining site; and j) It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less. In addition to the above <u>Performance Standards</u> (2) <u>Valued Natural Environments of Mangawhai Harbour and Kai Iwi Lakes Overlay</u> Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) <u>River – Waterway</u> – 300m from the banks of any <u>mapped – perennial – waterway – or wetland river with an average bed width of between 1 to 3m – within these Overlay</u>. <u>Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(1)(e) above applies.</u> <u>Note 1:</u> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required. <u>Note 2:</u> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway. <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 Roadway Powers Act 1988.		i) The outlook and privacy of adjacent and adjoining neighbours; ii) Extent of visual intrusion and dominance of any <u>buildings</u> from beyond the <u>site</u>, particularly from the <u>road</u> and public places including the <u>Coastal Marine Area</u>, and the <u>effect</u> on skylines and ridgelines; iii) If in the <u>Mangawhai Structure Plan Area</u>, whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three; iv) Effects on the locality, particularly the rural character and <u>amenity</u>; <u>and</u> <u>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values. These values are associated with Overlay Areas</u> vi) Whether and the extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B³. vii) <u>Effects on ecological values and in particular any sites of ecological significance or by-reference to the as defined by the criteria listed in Appendix 25G;</u> viii) <u>Effects on public access;</u> ix) <u>Effects on natural hazards, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes;</u> x) <u>Protection of the conservation, ecological, recreation, access and hazard mitigation values of esplanade reserves or strips;</u> xi) <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; and</u> <u>xii) In Overlay, 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</u> xiii) The functional requirements of the building and activity. <u>Note 1:</u> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010)⁴.
13.10.8	Separation Distance	Any activity is permitted if a 300m separation distance is maintained between the following activities: a) <u>Building</u> or enclosure intended for housing livestock; b) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems <u>and land disposal effluent application</u>); c) Building used for an industrial or commercial activity; d) Intensive feed lot or feed storage area; e) <u>Intensive farming</u>; f) <u>Dairying shed</u>; g) <u>Mining or quarrying</u>; and h) Any other activity that has <u>existing use rights</u> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or <u>as per</u> Discharge Consent <u>relating to (odour) granted by from the Northland Regional Council.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The extent to which alternative locations have been considered; ii) Mechanisms in place to avoid future <u>reverse sensitivity</u> conflicts (including covenants on titles) or other physical mitigation works; iii) <u>Effects</u> on health and safety of communities; iv) Any consultation with relevant property owners or occupiers; v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 13; and vi) The extent to which the internal noise level in any <u>habitable room</u> does not exceed 35dB L_{Aeq} 24 hours while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code.

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		Note 1: This Rule is intended to protect existing, lawfully established activities in adjoining Zones. If a noise sensitive activity develops then it would be required to maintain the appropriate separation distance to avoid future land use conflicts. Note 2: Maungaturoto Dairy Factory has existing use rights for its current operations on its site Development located within this Zone will therefore be subject to this Rule in relation to the Maungaturoto Dairy Factory's existing operations. Note 3: For the purposes of this Rule, the term 'noise sensitive activities' is used to describe the types of activities that may be affected by sensitivity issues.		
13.10.9	Buildings and Vegetation near Airfields	(1) Any building, structure or aerial is a <i>Permitted Activity</i>, unless part of it would fall within either: 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 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%). (2) All trees and other natural projections shall be maintained so that no part shall fall within either: c) 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 d) 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%). Note 1: This Rule currently applies to the airfields at Dargaville and Naumai shown in Appendix H to the District Plan Maps.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will restrict its discretion to the following matters when considering an application for Resource Consent: i) Whether the <i>height</i> of the proposed <i>building</i> or <i>structure</i> will affect airfield safety; ii) The extent to which the proposed <i>development</i> may restrict future development of the airfield/airport; and iii) The health and safety of current and future occupiers of the building.
13.10.10	Relocation of Buildings	Relocated buildings are permitted where the following matters can be satisfied: a) Any relocated building can comply with the relevant Standards for <i>Permitted Activities</i> in the District Plan; and b) Any relocated dwelling must have been previously designed built and used as a dwelling; and c) 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 d) 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 site. Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.3b shall also apply.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Proposed landscaping, including opportunities to screen the <i>building</i> during reinstatement; ii) Visibility from the road, public places and other residential areas; iii) <i>Maintenance</i> of the <i>site</i> and surroundings during reinstatement; and iv) Application of a bond to ensure reinstatement within a 12 month time limit.
13.10.11	Private Open Space	A dwelling is a <i>Permitted Activity</i> if the private open space meets the following: a) Is equivalent to 50% of the gross floor area of the dwelling; b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter; c) Is located on the east, north or west side of the dwelling; d) Has direct access from the main living area of the dwelling; e) Is unobstructed by vehicle access or parking areas; and f) Is adequately screened from adjoining dwellings and adjacent sites, except in the case of reserves.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The on-site privacy and amenity of the occupants; ii) The open space nature of the surrounding neighbourhood; and iii) Whether and the extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B. Note 1: A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.12	Permeable Surfaces	Any activity is a <i>Permitted Activity</i> if: a) The area of any site covered by <i>buildings</i> and other <i>impermeable</i> surfaces is less than 40% of the <i>net site area</i>. Note 1: For the purposes of this Rule, any area regularly used by vehicles whether metalled, sealed or concreted shall be considered an impermeable surface.	Resitcled Discretionary Activity	Where an activity is not permitted by this Rule, <i>Council</i> has resitcled its discretion over the following matters when considering and determining an application for Resource Consent: i) Control of stormwater run-off; ii) The effects of increased stormwater flows downstream; iii) Methods of attenuating stormwater flows to pre-development rates; iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011; v) Effects on water quality; and w) The extent to which low impact design principles are utilised.

- 1 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 2 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 3 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 4 [This amendment is part of Variation 1 and not the subject of District Plan Appeals. It is provided here for context purposes.]
- 5 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 6 [This amendment is part of Variation 1 and not the subject of District Plan Appeals. It is provided here for context purposes.]
- 7 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 8 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 9 [This amendment is part of Variation 1 and not the subject of District Plan Appeals. It is provided here for context purposes.]
- 10 [This amendment is part of Variation 1 and not the subject of District Plan Appeals. It is provided here for context purposes.]
- 11 [This amendment is part of Variation 1 and not the subject of District Plan Appeals. It is provided here for context purposes.]

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
14.10.3	Sensitive Activities	(1) Industrial Zone Only Any activity is a <i>Permitted Activity</i> if it complies with all of the Performance Standards of the Industrial Zone except the following 'sensitive' activities: - Places of Assembly; - Communal dwellings or places of habitation (e.g. retirement facilities); and - Dwellings (public or private).	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: - The extent to which adequate measures have been undertaken to separate the activity from the actual or potential effects of the surrounding industry; - The extent to which alternative sites or locations have been considered; - The impact of the scale and intensity of the use and its compatibility with surrounding activities; - 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; - 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; - The extent to which the internal noise level in any <i>habitable room</i> does not exceed 35 dB ^{Leq 24 hours} while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code; and - Whether the activity is of a nature that is not unduly sensitive to potential impacts from neighbouring industrial activities.
14.10.4	Dwellings	(1) Commercial Zone Only A dwelling is a <i>Permitted Activity</i> if: - The private open space meets the following: - Is capable of accommodating one circle of no less than 5m in diameter when the dwelling is at ground floor level; and - Is located on the east, north or west side of the dwelling when the dwelling is at ground floor; and - Has direct access from the main living area of the dwelling; and - Is unobstructed by vehicle access or parking areas; and - Is adequately screened from adjoining dwellings and adjacent sites, except in the case of reserves; or - When the dwelling is not located on ground floor, a balcony must be provided instead of a court, with a minimum area of 10m² and a minimum dimension of 2m; and - Has direct access from the main living area of the dwelling; and - Is adequately screened from adjoining dwellings and adjacent sites; and The minimum floor levels are in accordance with the following standards: Floor levels for habitable buildings are designed with a minimum finished height to floor level of 500mm above the 100-year Average Recurrence Interval flood level; The minimum floor level of any new dwelling shall be 5.0m above mean sea level; and ⚠️ The site meets the Performance Standards of Section 14.13 and the Kaipara District Council Engineering Standards 2011. Note 1: For Permitted Activities, approvals required for this Performance Standard can be provided at the time of Building Consent. Note 2: Council will confirm engineering approval 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 approved by Council. Note 3: Engineering drawings for the design, formation and access to parking spaces are outlined in Appendix 25C.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: - The building shall be designed to ensure safe and convenient access to each dwelling; - Size and shape of the site; - Building locations including alternatives considered; - All <i>habitable rooms</i> and outdoor areas are to be designed to provide for adequate sunlight access; - The extent to which the design and layout of the premises will achieve and promote the Objectives of the Zone; - The privacy and amenity of the occupants on-site; - The impact of any dwelling on the ability of existing or future commercial activities to operate or establish within the Zones; - Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and - Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.4a	<u>Dwelling Levels</u> - Floor	Note 4: The demolition 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. Note 5: Minimum floor levels have been determined using One Tree Point 1964 datum. (1) Construction of a dwelling is a Permitted Activity if: a) Minimum floor levels are designed in accordance with the following Standards: - Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and b) In addition to the minimum floor level any new dwelling shall be: 5.0m above mean sea level in the West Coast and East Coast Overlays; or 3.0m above mean sea level in the Mangawhai Harbour Overlay; or 3.5m above mean sea level in the Kaipara Harbour Overlay; or 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. Note 1: Minimum floor levels have been determined using One Tree Point 1964 datum. Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.	<u>Restricted Discretionary Activity</u>	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) <u>Safety of the dwelling and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation.</u>
14.10.5	Maximum Height	(1) Commercial Zone Only Any building is a Permitted Activity if: a) The building does not exceed 12m in height.	<u>Restricted Discretionary Activity</u>	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The form and location of the building and associated site development layout relative to neighbouring buildings and streetscape; ii) Whether the design of the building compromises any significant vistas; iii) The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on landscape values; v) Effects on availability of daylight to other properties; vi) Effects on amenity values of adjoining properties; and, vii) The functional requirements of the building.
14.10.6	Height in Relation to Boundary	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a Residential Zone, Treaty Settlement Land Zone or reserve. Note 1: Refer to Chapter 24: Definitions for the definition of Recession Plane.	<u>Restricted Discretionary Activity</u>	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The form and location of the building and associated site development layout relative to neighbouring buildings and streetscape; ii) Whether the design of the building compromises any significant vistas; iii) The functional requirements of the building; iv) The extent to which the effects of the height in relation to boundary can be mitigated by setbacks, planting, design or the topography of the site; and v) Effects on availability of daylight.
14.10.7	Setbacks	(1) Any building is a Permitted Activity if the building is located outside of the following setback distances (yards): a) Side and Rear yards - 5m where the site adjoins a reserve or Residential Zoned site; b) Coast / Lake / River - 30m from the Coastal Marine Area, or the banks of any dune lake, any other like whose bed has an area of 8ha or more, the bank of any river or	<u>Restricted Discretionary Activity</u>	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Extent to which landscaping prevents visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including reserves and the Coastal Marine Area, Residential Zoned sites; ii) Effects on public access;

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<u>Including a perennial stream</u> whose bed has an average width of 3m or more; and c) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by gateway signage) within 300m; AND (2) Industrial Zone Only: Any building is a Permitted Activity if the building is located outside of the following setback distances (yards): a) <u>Front yards</u> - 10m; <u>Except that in the Overlay areas the following additional setbacks are required:</u> (3) <u>Valued Natural Environments—Except that in the Mangawhai Harbour Overlay the following additional setbacks are required</u> Any building is a Permitted Activity if the building is located outside of the following setback distances (yards): a) <u>River—Waterway – 305m</u> from the banks of any mapped perennial waterway or wetland, river with an average bed width of between 1 to 3m within these Overlays. <u>Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 14.10.7(1)(b) above applies.</u> (4) <u>Except that:</u> a) <u>Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water lake or discharge structure or consented pump shed/station.</u> <u>Note 1: The setbacks applying in the Mangawhai Harbour Overlay are additional to the general setbacks of the Business Zones.</u> <u>Note 2: The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</u> <u>Note 3: 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 Roadway Powers Act 1989.</u>		iii) Effects on natural hazards; iv) The functional requirements of the building and the activity; v) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <u>explained reserves or Slips;</u> <u>vi) 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> In addition, Council will restrict its discretion the following matters when considering an application for Resource Consent under this Rule in <u>the Valued Natural Environments of Mangawhai Harbour Overlay area:</u> i) The management of stormwater run-off and discharges from any storage areas to reduce potential direct discharges to waterways, lakes and the Coastal Marine Area; ii) Whether the proposed landscaping is in accordance with design principles of the Mangawhai <u>Structure Plan</u> (pages 60-61) for Policy Area Five; iii) <u>The extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values 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</u> <u>iv) 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>
14.10.8	Screening Storage Areas	Any activity is permitted if all storage areas are screened from public places and Residential Zoned sites by appropriate planning, fencing or other suitable screen being of at least 1.8m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: iv) Potential effects of odour, visual and dust nuisance; v) Effects on amenity values of adjoining properties; and vi) Effects on the health and safety of site occupiers, as well as the occupiers of adjoining sites.
14.10.9	Verandahs	Commercial Zone Only Any building fronting a street is permitted if, upon its erection, substantial reconstruction or alteration, the building is provided with a verandah. a) Each verandah shall have a minimum height 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 a point 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 Council.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The health and safety of pedestrians; ii) Effects on traffic safety; and iii) Visual effects of the proposed structure in relation to verandahs on adjoining sites.
14.10.10	Separation Distance	Any of the activities listed as follows, are permitted if it complies with all Performance Standards:	Restricted	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		In Section 14.10. and a 30m separation distance is maintained between any site Zoned Residential or Rural or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity located in these Zones, whichever is the greater: a) Panel beating; b) Motor vehicle manufacturing; c) Animal boarding; d) Service stations; e) <i>Intensive farming</i>; 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 quarrying; and j) Any other activity that has <i>existing use rights</i> 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. 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 <i>noise sensitive activities</i> that are reasonably expected to establish within the Residential Zone, the Rural Zone or the values of a Reserve Management Unit.	Discretionary Activity	matters when considering and determining an application for Resource Consent: i) The extent to which alternative locations have been considered; ii) Mechanisms in place to avoid future <i>reverse sensitivity</i> conflicts (including covenants on titles) or other physical mitigation works; iii) Effects on health and safety of communities; iv) Any consultation with relevant property owners or occupiers; and v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 14.
14.10.11	Buildings and Vegetation Airfields	(1) Any <i>building, structure or aerial</i> is a Permitted Activity, unless part of it would fall within either: 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 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%). (2) All trees and other natural projections shall be maintained so that no part shall fall within either: 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 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%).	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: i) Whether the <i>height</i> of the proposed <i>building or structure</i> will affect airfield safety; ii) The extent to which the proposed <i>development</i> may restrict future development of the airfield/airport; and iii) The health and safety of current and future occupiers of the building.
14.10.12	Permeable Surfaces	Any activity is permitted if a site which relies on on-site wastewater and/or stormwater disposal has an area of permeable surface: a) Of at least 400m² available for wastewater disposal; and/or b) Of at least 100m² available for stormwater disposal. Note 1: There is no maximum <i>building coverage</i> in the Business Zones.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The availability of land for the disposal of effluent on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites; ii) Whether the site can be managed such that the concentrations of <i>contaminants</i> in stormwater leaving the site do not pose an immediate or long-term hazard to human health or the <i>environment</i>; iii) Whether and the extent to which the activity meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011; iv) Effects on water quality; and v) The extent to which low impact design principles are utilised.
14.10.13	Relocation of	Relocated buildings are permitted where the following matters can be satisfied:	Restricted	If the <i>building</i> infringes another Performance Standard then a Consent will be required.

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Buildings	a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan; 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 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 site.	Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Proposed opportunities to screen the building during reinstatement; ii) Visibility from the road and public places; iii) Maintenance of the site and surrounds during reinstatement; and iv) Application of a bond to ensure reinstatement within a 24 month time limit.

¹ [This amendment is mediated change to the Plan in response to the Fonterra Appeal and is included here for reference purposes only]

² [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]

Performance Standards Maori Land

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.3 ¹	Dwellings (excluding Papakāinga)	(1) Construction of a dwelling is a Permitted Activity if: a) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation is less than 10 years old; b) After completion, it will be the only dwelling on the site; or c) It will be an additional dwelling on the site, and there is a minimum of 4ha of net site area associated with each dwelling in the Maori Purposes Zone; or d) It will be an additional dwelling on the site, where: i. there is a minimum density of 4 ha of net site area associated with each dwelling in the Maori Purposes Zone, which is calculated over more than one site; and ii. the sites used to calculate the minimum density requirement (other than the site on which the additional dwelling is built) are subject to a covenant protected by a registered first ranking encumbrance, in a form that is to the satisfaction of Council; e) Minimum floor levels are designed in accordance with the following Standards: — Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and — The minimum floor level of any new dwelling shall be 5.0m above mean sea level. f) Where a Council water supply is available: — The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling; — All dwellings are provided, within their net site area, with a connection to the Council water supply; and — The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and — All water pipelines vested with Council shall be protected by an Easement in favour of Council. g) Where a public supply is not available, water supplies to all dwellings shall: — Meet the requirements of the Building Act 2004; and — Be adequate for firefighting purposes in accordance with the New Zealand Fire Services Code of Practice SNZ-PAS 4609:2008; h) All dwellings are provided with the means for the collection and disposal of collected stormwater from the roof of all associated impervious surfaces including ancillary structures and paved areas in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, in accordance with the Kaipara District Council Engineering Standards 2014; and i) Where no Council wastewater system is available, all dwellings are provided with: — A wastewater system for individual properties designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"; or — A 1,500m² area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas. Note 1: This Rule also applies to buildings relocated on to site. Note 2: Stormwater and Effluent discharge 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.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: i) Building location, including alternatives considered; ii) Size and shape of the site; iii) Extent of visual intrusion of the building from beyond the Maori Land Zone, particularly from the road and public places including the Coastal Marine Area and the effect on skyines and ridgelines; iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and dwellings in the Maori Purposes Zone and is in accordance with any adopted Design Guidelines; v) Effects on the locality, particularly the rural character and amenity values; and vi) <u>If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas;</u> vii) <u>Effects on landscape ecological and heritage values, any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010);</u> viii) <u>Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways</u> ix) <u>Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</u> x) <u>Whether there is sufficient control of water borne contaminants, litter and sediment;</u> xi) <u>Whether there is sufficient land available for disposal of stormwater;</u> xii) <u>Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotment;</u> xiii) <u>Whether and the extent to which measures are necessary in order to give effect to any drainage or Catchment Management Plan that has been prepared for the area;</u> xiv) <u>Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</u> xv) <u>Whether and the extent to which the stormwater infrastructure within the site, is able to link with existing disposal systems outside the site;</u> xvi) <u>Whether and the extent to which the development meets the relevant Performance Standards of the Kaipara District Council Engineering Standards 2014;</u> xvii) <u>Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater;</u> xviii) <u>In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels;</u> xix) <u>Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site;</u> xx) <u>Whether and the extent to which the application includes the installation of all new reticulation, and that it complies with the Performance Standards in Rule 15A.10.4 or Kaipara District Council Engineering Standards 2014 or has been confirmed as appropriate by Council's engineer;</u> xxi) <u>Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to serve the subdivision;</u> xxii) <u>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</u>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		Note 3: Where parallel Resource Consent for stormwater or 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. Note 4: The demolition 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. Note 5: Minimum floor levels have been determined using One Tree Point 1964 datum. Note 6: Each dwelling is also required to be assessed against the relevant Performance Standards contained in the Plan, including within Section 15A.10. Note 7: The discharge of stormwater into the rail corridor is an offence under the Railways Act 2003 unless the written consent of the New Zealand Railways Corporation has been provided. Note 8: Clause 1b) above will not apply if there is an encumbrance on the property in accordance with (d) of this Rule. Note 9: Clause 1d) is intended to provide for additional dwellings to be clustered on a farm (to support the primary activities on the site) where that farm is held in more than one title. Note 10: An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause 8b) above is available from Council.		pumping stations, complete pressure or vacuum systems. Note: Council consent to install private rising mains within legal roads will be required under the Local Government Act. xxii) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal system 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. xxiii) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any consent notices to ensure compliance; xxiv) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of wastewater; xxv) Applicants shall demonstrate that any stormwater discharge complies 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; xxvi) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits; xxvii) The effects of any new activity or development on the State Highway Network; xxviii) Whether and to the extent that the human drinking water supplied meets the requirements under clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. Note 1: General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the 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.
15A.10.3b	Dwelling Infrastructure	(1) Construction of a dwelling is a Permitted Activity if: a) Minimum floor levels are designed in accordance with the following Standards: - Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and - In addition to the minimum floor level any new dwelling shall be: 5.0m above mean sea level in the West Coast and East Coast Overlays; or 3.0m above mean sea level in the Manawhāi Harbour Overlay; or 3.5m above mean sea level in the Kaipara Harbour Overlay; or 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. b) Where a Council water supply is available: - The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling; - All dwellings are provided within their net site area with a connection to the Council water supply; and - The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and - All water pipelines vested with Council shall be protected by an Easement in favour of Council. c) Where a public supply is not available, water supplies to all dwellings shall: - Meet the requirements of the Building Act 2004; and - Be adequate for firefighting purposes in accordance with the New Zealand Fire Service's Code of Practice SNZ PAS 4509/2008;	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: i) Whether there is sufficient control of water-borne contaminants, litter and sediment; ii) Whether there is sufficient land available for disposal of stormwater; iii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotments; iv) Whether and the extent to which measures are necessary in order to give effect to any drainage or Catchment Management Plan that has been prepared for the area; 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; vi) Whether and the extent to which the stormwater infrastructure within the site is able to link with existing disposal systems outside the site; vii) Whether and the extent to which the development meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011; viii) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater; ix) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; x) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site; xi) Whether and the extent to which the application includes the installation of all new reticulation and that it complies with the Performance Standards in Rule 15A.10.4 or Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer; xii) Whether the existing wastewater treatment and disposal system to which the outfall will be connected, has sufficient capacity to service the subdivision; xiii) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		d) All dwellings are provided with the means for the collection and disposal of collected stormwater from the roof of all associated impervious surfaces including ancillary structures and paved areas, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, in accordance with the Kaipara District Council Engineering Standards 2011; and e) Where no Council wastewater system is available, all dwellings are provided with: - A wastewater system for individual properties designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"; or - A 1,500m² area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas. Note 1: This Rule also applies to buildings relocated on to site. Note 2: Stormwater and 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. Note 3: Where parallel Resource Consent for stormwater or 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. Note 4: The demolition 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. Note 5: Minimum floor levels have been determined using One Tree Point 1964 datum. Note 6: Each dwelling is also required to be assessed against the relevant Performance Standards contained in the Plan, including within Section 15A.10. Note 7: 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. Note 8: There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.		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 roads will be required under the Local Government Act. xiv) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal system 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; xv) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any Consent notices to ensure compliance; xvi) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of wastewater; xvii) 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; xviii) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits; xix) The effects of any new activity or development on the State Highway Network; xx) Whether and to the extent that the human drinking water supplied meets the requirements under clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. Note 1: General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the 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.
15A.10.4	Papakaitiā	Construction of papakaitiā is a Permitted Activity if: - The papakaitiā comprises no more than 10 individual units per site; - Each papakaitiā unit meets the Performance Standards of Section 15A.10; and - The standards of 15A.10.3b are met. e) Minimum floor levels are in accordance with the following Standards: - Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 400-year Average Recurrence Interval flood level; and - The minimum floor level of any new dwelling shall be 5.0m above mean sea level; f) Where a Council water supply is available: - The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the papakaitiā; - All papakaitiā are provided within their site area with a connection to the Council water supply; and - The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and - All water pipelines vested with Council shall be protected by an Easement in favour of Council. g) Where a public supply is not available, water supplies to all papakaitiā shall: - Meet the requirements of the Building Act 2004; and	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the Maori Purposes Zone, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines when viewed from outside Maori Purposes Zoned land; - Effects on the locality of the adjoining rural land, particularly the rural character and amenity values and those values associated with Overlay Areas (as identified in the Objectives and Policies for Overlays Chapter 4); - Effects on landscape, ecological and heritage values – in particular any site identified in the District Plan or an outstanding or amenity landscape identified in Council's Landscape Technical Report (2019); 4) Whether and the extent to which the development is able to comply with the Performance Standards in Rule 15A.10.5 or Kaipara District Council's Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer; 5) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; 6) Safety of the dwelling or papakaitiā and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; 7) The extent to which the buildings are clustered appropriately with regard to efficient servicing and the rural character of the adjoining Rural Zoned Land;

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.5	Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in the Maori Land Zone Any building is a <i>Permitted Activity</i> if: - The gross floor area of the building does not exceed 1000m²; and - The building is able to comply with the relevant Performance Standards of Rule 15A.10; - Where no Council wastewater system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards"; - Where no Council wastewater system is available 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).		x) Whether there is sufficient control of water-borne contaminants, litter and sediment; xi) Whether there is sufficient land available for disposal of stormwater; xii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotment; xiii) Whether and the extent to which measures are necessary in order to give effect to any drainage or Catchment Management Plan that has been prepared for the area; xiv) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective; xv) Whether and the extent to which the stormwater infrastructure within the site, is able to link with existing disposal systems outside the site; xvi) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater; xvii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; xviii) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site; xix) Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision; xx) 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 septic tanks) or new pumping stations, complete pressure or vacuum systems. Notes: Council consent to install private septic tanks within legal roads will be required under the Local Government Act; xxi) Where a reticulated system is not available or a connection is impracticable, whether a suitable wastewater treatment or other disposal system is provided in accordance with regional Rules or a discharge system in accordance with regional Rules of a Discharge Permit issued by the Northland Regional Council; xxii) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any Consent notices to ensure compliance; xxiii) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of wastewater; and xxiv) The effects of any new activity or development on the State Highway Network. Note 1: General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the 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.
			Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the Maori Land Zone, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; - Proposed landscaping in accordance with any Council adopted Design Guidelines; - Effects on the locality, particularly the rural character and amenity values; and <u>vi) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values associated with Overlay Areas</u>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		e) Where no Council <u>reticulated</u> stormwater disposal system is available the development shall comply with Rule 15A.10.3(f). <u>Note 1:</u> Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and structures in the <u>Coastal Marine Area</u>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required. <u>Note 2:</u> This Rule also applies to buildings relocated on to site.		<u>vii) v)</u> Effects on landscape <u>ecological and heritage values – any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010);</u> <u>viii) v)</u> Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and <u>ix) viii) v)</u> Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; <u>x) vi) v)</u> The extent to which the development complies with the requirements of the relevant performance standards or the <u>Kaipara District Council Engineering Standards 2011;</u> <u>xi) v)</u> The extent to which the stormwater generated from impermeable surfaces associated with the building may contribute to erosion or a reduction in the water quality of the receiving environment; <u>xii) v)</u> Whether a sustainable potable water supply is able to be provided to service the development. Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the building in relation to the site; ii) The functional requirements of the building; iii) The extent to which the effects of the height infringement beyond the <u>Maori Land Zone</u> can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and <u>amenity values</u>; and <u>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> <u>vi) v)</u> Effects on availability of sunlight to other properties.
15A.10.6	Maximum Height	Any building is a <u>Permitted Activity</u> if: a) The building does not exceed 10m in height, where it is not within an Overlay Area; or b) The building does not exceed 8m in height, where it is within an Overlay Area.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the building in relation to the site; ii) The functional requirements of the building; iii) The extent to which the effects of the height infringement beyond the <u>Maori Land Zone</u> can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and <u>amenity values</u>; and <u>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> <u>vi) v)</u> Effects on availability of sunlight to other properties.
15A.10.7	Height in Relation to Boundary	Any building is a <u>Permitted Activity</u> if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjoining the Rural Zone. <u>Note 1:</u> Refer to Chapter 24: Definitions for the definition of <u>Recession Plane</u>.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the building in relation to the site; ii) The functional requirements of the building; iii) The extent to which the effects beyond the <u>Maori Land Zone</u> of the height in relation to boundary infringement can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and <u>amenity values</u>; and <u>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> and <u>vi) v)</u> Effects on availability of sunlight to other properties.
15A.10.8	Setbacks	(1) <u>Maori Land Zone (including Overlays except as provided for in (3) below)</u> Any building is a <u>Permitted Activity</u> if it is located outside the following setback distances (yards): a) <u>Front yard</u> - 3m, except where the building is for industrial purposes, where the setback shall be 20m; and b) <u>Side and Rear yards</u> - 3m; and c) <u>Coast</u> - 30m from the <u>Coastal Marine Area</u>; and d) <u>Lake / River</u> - 30m from the banks of any <u>dune lake</u>, <u>any other of lake whose bed has an area of 8ha or more</u>, <u>or the bank of any river including a or perennial stream</u> whose bed has an average width of 3m or more; and e) Any building is set back 30m from a railway line where there is an intersection of road and rail (level crossing controlled by give-way signage) within 300m; and	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The outlook and privacy of adjacent and adjoining neighbours in the Rural Zone; ii) Extent of visual intrusion and dominance of any buildings from beyond the <u>Maori Land Zone</u>, particularly from the road and public places including the <u>Coastal Marine Area</u> and the effect on skylines and ridgelines; iii) Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines; iv) Effects on the locality, particularly the rural character and <u>amenity values</u>; and <u>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas</u> <u>vi) v)</u> Effects on landscape, <u>ecological and heritage values – in particular any site identified in the District</u>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		f) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road); and g) Wetland - 30m from the banks of any indigenous wetland. (2) In addition to the setbacks above, in the Valued-Natural-Environments-of-Mangawhai-Harbour and Kai Iwi Lakes Overlay. Any building is a Permitted Activity if it is located outside the following additional setback distances (yards): a) Waterway-River – 30m 6m from the banks of any river with an average bed width of between 1 to 3m, mapped-waterway-or-wetland-within-the-Overlay. Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 15A.10.8(f)(d) above applies. (3) Except that: Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water take or discharge structure or consented pump shed/station. Note 1: The Regional Water and Soil Plan for Northland also require setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required. Note 2: The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway. Note 3: Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.		Plan-of-an-outstanding-or-amenity-landscape-identified-in-Council's-Landscape-Technical-Report (2010); vii) v4) Effects on ecological values and in particular any Sites of Ecological significance or-by reference-to-the-as-defined-by-the-criteria-listed-in-Appendix-25G; viii) v4) Effects on public access; ix) v4) Effects on natural hazards, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes; x) v4) Effects on the conservation, ecological, recreation, access and hazard mitigation values of Espenarde Reserves or strips; xi) v4) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective road or rail control authority has been provided and the extent to which the placement of the building affects traffic and/or rail safety; and xii) v4) 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 the NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; xiii) v4) In Overlay, 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 xiv) v4) The functional requirements of the building and activity.
15A.10.9	Permeable Surfaces	(1) For any site of 5ha or less, an Any activity is a Permitted Activity if: a) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 15% in the Maori Land Zone where it is not within an Overlay; and b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Maori Land Zone where it is within an Overlay. (2) For any site over 5ha in size, an activity is a Permitted Activity if: a) Water collected from impermeable surfaces is disposed of on-site or discharged to an existing watercourse. Note 1: The intention of this Rule is to avoid large areas of continuous seal / hardstand. Note 2: Discharge consents may be required from the Northland Regional Council.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over to the following matters when considering and determining an application for Resource Consent: - Control of stormwater run-off; - The effects of increased stormwater flows downstream; - Methods of attenuating stormwater flows to pre-development rates; - Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011; - Effects on water quality; and - The extent to which low impact design principles are utilised.
15A.10.10	Separation Distance for Noise Sensitive Activities in the Maori Purposes: Maori Land Zone	Any noise sensitive activity including marae or papakāinga (as defined in Chapter 24; Definitions) is permitted if a 300m separation is maintained between the noise sensitive activity and activities listed as follows on a site under separate ownership: - Sewerage treatment or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems); - Building used for an industrial activity; - Intensive feed lot or feed storage area; - Intensive farming; - Dairying shed; - Mining or quarrying; and - Any other activity that has existing use rights 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. Note 1: This Rule is intended to protect the opportunity for rural activities in the Rural Zone. As such, if there is an existing lawfully established activity as listed in a) to g) above, then a noise	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The extent to which alternative locations have been considered; - Mechanisms in place to avoid future reverse sensitivity conflicts (including covenants on titles) or other physical mitigation works; - Effects on the health and safety of the community; - Any consultation with relevant property owners or occupiers; and - How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15A and 2.

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.11	Separation/Distance between Activities in the Maori Purposes: Maori Land Zone and Adjoining Zones	sensitive activity wishing to develop would be required to maintain the appropriate separation from this to avoid future land use conflicts. Any of the activities listed as follows, are permitted if a separation distance of at least 30m is maintained between any site zoned Residential, Business - Commercial or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity (as defined in Chapter 24: Definitions) located in these Zones, whichever is the greater: a) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land disposal effluent application); b) Building used for an industrial activity; c) Intensive feed lot or feed storage area; d) Intensive farming; e) Dairying shed; f) Mining or quarrying; and g) Any other activity that has existing use rights 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. Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Maori Purposes: Maori Land Zone. As such, if any of the activities listed in a) to g) above seek to establish within the Maori Purposes: Maori Land 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, Business - Commercial Zone, or the values of a Reserve Management Unit.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Protection of the character and amenity of the relevant adjoining activity Zone or Reserve Management Unit; ii) The extent to which alternative locations have been considered; iii) The likelihood of the activity causing adverse environmental effects regarding noise, odour, dust, nuisance or other amenity effects, considering factors such as wind direction and opportunities to mitigate the potential for such effects by screening, bunding or similar; iv) Effects on health and safety of communities; v) Any relevant Industry Codes of Practice; vi) Any consultation with relevant property owners or occupiers; and vii) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15A and 2.

1 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

2 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

3 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

4 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

5 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

6 [This amendment is mediated change to the Plan in response to the Overlay Topic and is included here for reference purposes only]

Performance Standards Maori Purpose: Treaty Settlement Land Zone

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.3a	Dwellings (excluding Papakāinga)	(1) Construction of a dwelling is a Permitted Activity if: a) After completion, it will be the only dwelling on the site; or b) It will be an additional dwelling on the site, and there is a minimum of 12ha of net site area associated with each dwelling in the Treaty Settlement Zone, and 20ha in any Overlay Area; and/or <u>Minimum floor levels are designed in accordance with the following Standards:</u> — Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100-year Average Recurrence Interval flood level; and — The minimum floor level of any new dwelling shall be 5.0m above mean sea level. c) It will be an additional dwelling on the site, where: i. there is a minimum density of 12 ha of net site area associated with each dwelling in the Rural Zone, and 20 ha in any Overlay Area, which is calculated over more than one site; and ii. the sites used to calculate the minimum density requirement (other than the site on which the additional dwelling is built) are subject to a covenant protected by a registered first ranking encumbrance, in a form that is to the satisfaction of Council. <u>Notes 1:</u> This Rule also applies to buildings relocated on to site. <u>Note 2:</u> The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply. <u>Note 3:</u> Minimum floor levels have been determined using One Tree Point 1964 datum. <u>Note 4:</u> Each dwelling is also required to be assessed against the relevant Performance Standards contained in the Plan, including within Sections 15B.10 and 15B.14. <u>Note 5:</u> Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1c) of this Rule. <u>Note 6:</u> Clause 1c) is intended to provide for additional dwellings to be clustered on a farm (to support the primary activities on the site), where that farm is held in more than one title. <u>Note 7:</u> An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause c)ii) above is available from Council.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: i) Building location, including alternatives considered; ii) Size and shape of the site; iii) Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and dwellings and is in accordance with any adopted Design Guidelines; v) Effects on the locality, particularly the rural character and amenity values; and vi) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas; vii) Effects on landscape ecological and heritage values—any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2019); viii) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways ix) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; x) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits; and x) The effects of any new activity or development on the State Highway Network.
15B.10.3b	Dwelling Floor Levels	(1) Construction of a dwelling is a Permitted Activity if: a) Minimum floor levels are designed in accordance with the following standards: — Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100-year Average Recurrence Interval flood level; and b) In addition to the minimum floor level any new dwelling shall be: — 5.0m above mean sea level in the West Coast and East Coast Overlays; or — 3.0m above mean sea level in the Manawhāi Harbour Overlay; or — 3.5m above mean sea level in the Kaipara Harbour Overlay; or — 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. <u>Note 1:</u> Minimum floor levels have been determined using One Tree Point 1964 datum. <u>Note 2:</u> There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.4	Papakahinga	Construction of <i>papakahinga</i> is a <i>Permitted Activity</i> if: - The <i>papakahinga</i> comprises no more than 10 individual units per site; - Each <i>papakahinga</i> unit meets the Performance Standards of Section 15B.10; and - Meets the standards of 15B.10.3b above; and - Minimum floor levels are in accordance with the following Standards: - Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100-year Average Recurrence Interval flood level; and - The minimum floor level of any new dwelling shall be 5.0m above mean sea level; and - Each site meets the Performance Standards of Section 15B.14. Note 1: This Rule also applies to buildings relocated on to site.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the Maori Purposes Zone, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines when viewed from outside Maori Purposes Zoned land; - Effects on the locality of the adjoining rural land, particularly the rural character and amenity values and those values associated with Overlay Areas (as identified in the Objectives and Policies for Overlay Areas, Chapter 4); - Effects on landscape, ecological and heritage values, in particular any site identified in the Council Plan or an outstanding or amenity landscape identified in Council's Landscape Technical Report (2010); - The extent to which the development is able to comply with the relevant Performance Standards or Kaipara District Council's Engineering Standards 2011 in relation to stormwater, wastewater, water supply and access; - Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; - Safety of the <i>papakahinga</i> and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; - The extent to which the buildings are clustered appropriately with regard to efficient servicing and the rural character of the adjoining Rural Zoned land; and - The effects of any new activity or development on the State Highway Network.
15B.10.5	Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities Any building is a <i>Permitted Activity</i> if: - The gross floor area of the building does not exceed 500m², and 15B.10; - Where no Council wastewater system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards". - Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 15B.14.6(1)(e)-(f) inclusive; - Where no Council wastewater system is available the development shall comply with the requirements of Rule 15B.14.6(c)-(d) inclusive. - Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 15B.14.5(1)(a) and 15B.14.1(3)(a)-(f) inclusive; - Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 15B.14.5(2)(a) and Rule 15B.14.5(3)(a)-(f) inclusive. Note 1: Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum Standards for waste water and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and structures in the Coastal Marine Area. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - Building location, including alternatives considered; - Size and shape of the site; - Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; - Proposed landscaping in accordance with any Council adopted Design Guidelines; - Effects on the locality, particularly the rural character and amenity values; and - If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlay Areas (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; those values associated with Overlay Areas - Effects on landscape, ecological and heritage values, in particular any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010); - Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and - Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; - The extent to which the development complies with the requirements of the relevant performance standards or the Kaipara District Council Engineering Standards 2011; - The extent to which the stormwater generated from impermeable surfaces associated with the building may contribute to erosion or a reduction in the water quality of the receiving environment; - Whether a sustainable potable water supply is able to be provided to service the development.
15B.10.6	Maximum	Any building is a <i>Permitted Activity</i> if:	Restricted	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Height	a) The building does not exceed 10m in height, where it is not within an Overlay Area; or b) The building does not exceed 8m in height, where it is within an Overlay Area.	Discretionary Activity	matters when considering and determining an application for Resource Consent: - The scale and bulk of the building in relation to the site; - The functional requirements of the building; - The extent to which the effects of the height infringement can be mitigated by setbacks, planting, design or the topography of the site; - Effects on the locality, particularly the rural character and amenity values; and v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas vi) Effects on availability of sunlight to other properties.
15B.10.7	Height Relation Boundary	Any building is a Permitted Activity if: The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary. Note 1: Refer to Chapter 24 - Definitions for the definition of Recession Plane.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The scale and bulk of the building in relation to the site; - The functional requirements of the building; - The extent to which the effects of the height in relation to boundary infringement can be mitigated by setbacks, planting, design or the topography of the site; - Effects on the locality, particularly the rural character and amenity; and v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas and vi) Effects on availability of sunlight to other properties.
15B.10.8	Setbacks	(1) Treaty Settlement Land Zone that adjoins the Rural Zone Any building is a Permitted Activity if it is located outside the following setback distances (yards): - Front yard - 10m, except where the building is for industrial or commercial purposes, where the setback shall be 20m; and - Side and Rear yards - 3m; and - Coast - 30m from the Coastal Marine Area; and - Lake / River - 30m from the banks of any dune lake, any other lake whose bed has an area of 8ha or more, or the bank of any river including a perennial stream whose bed has an average width of 3m or more; and - Any building is set back 30m from a railway line where there is an intersection of road and rail (level crossing controlled by give-way signage) within 300m; and - Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road); and - Wetland - 30m from the banks of any indigenous wetland. (2) Treaty Settlement Land Zone that Adjoins the Residential Zone Any building is a Permitted Activity if it is located outside the following setback distances (yards): - Front yard - 5m; and - Side yards - one of 1.5m and one of 3m; and - Rear yards - 3m except on rear sites where one yard of 1.5m may be provided; and - Coast - 30m from the Coastal Marine Area; and - Lake / River - 30m from the banks of any dune lake, any other lake whose bed has an area of 8ha or more, or the bank of any river including a perennial stream whose bed has an average width of 3m or more; and	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The outlook and privacy of adjacent and adjoining neighbours; - Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including the Coastal Marine Area and the effect on skylines and ridgelines; - Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines; - Whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three; - Effects on the locality, particularly the rural character and amenity; and v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; these values associated with Overlay Areas vi) Effects on landscape, ecological and heritage values in particular any site identified in the District Plan or an outstanding or amenity landscape identified in Council's Landscape Technical Report (2014); vii) Effects on ecological values and in particular any Sites of Ecological significance or by reference to the as defined by the criteria listed in Appendix 25G; viii) Effects on public access; ix) Effects on natural hazards, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes; x) Protection of the conservation, ecological, recreation, access and hazard mitigation values of Espionage Reserves or strips; xi) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective road or rail control authority has been provided and the extent to

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		f) Any building is setback 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m. <i>In addition to the setbacks above:</i> (3) In addition to the setbacks above, in the <u>Valued Natural Environments of Mangawhai Harbour and Kai-Iwi Lakes Overlay</u>: Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) <u>Waterway-River – 30m 6m from the banks of any river with an average bed width of between 1 to 3m, mapped waterway or wetland within the Overlay.</u> <i>Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 12.10.7(1)(d) above applies.</i> (4) Except that: a) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water lake or discharge structure or consented pump shed/station. <i>Note 1:</i> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required. <i>Note 2:</i> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway <i>Note 3:</i> Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Road Powers Act 1989.		which the placement of the building affects traffic and/or rail safety; <u>and</u> xii) <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 the NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained;</u> xiii) <u>In Overlay, 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</u> xiii) <u>xxiv) The functional requirements of the building and activity.</u>
15B.10.9	Permeable Surfaces	(1) <u>For any site of 5ha or less, an Any activity is a Permitted Activity if:</u> a) In any one hectare, the area of any site covered by <u>buildings and other impermeable surfaces</u> is less than 15% in the <u>Treaty Settlement Land Zone</u> where it is not within an Overlay; and b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Treaty Settlement Land Zone where it is within an Overlay. (2) <u>For any site over 5ha in size, an activity is a Permitted Activity if:</u> a) <u>Water collected from impermeable surfaces is disposed of on-site or discharged to an existing watercourse.</u> <i>Note 1:</i> The intention of this Rule is to avoid large areas of continuous seal / hardstand. <i>Note 2:</i> <u>Discharge consents may be required from the Northland Regional Council.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Control of stormwater run-off; ii) The effects of increased stormwater flows downstream; iii) Methods of attenuating stormwater flows to pre-development rates; iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011; v) Effects on water quality; and vi) The extent to which low impact design principles are utilised.
15B.10.10	Separation for Noise Sensitive Activities in the Treaty Settlement Zone	Any noise sensitive activity including <u>marae or papakaiti</u> (as defined in <u>Chapter 24: Definitions</u>) is permitted if a 300m separation is maintained between the noise sensitive activity and activities listed as follows on a site under separate ownership: a) Wastewater treatment or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems); b) <u>Building used for an industrial activity;</u> c) Intensive feed lot or feed storage area; d) <u>Intensive farming;</u> e) <u>Dairying shed;</u> f) <u>Mining or quarrying;</u> and g) Any other activity that has <u>existing use rights</u> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a <u>air discharge permit (odour)</u> granted by the Northland Regional Council. <i>Note 1:</i> This Rule is intended to protect the opportunity for rural activities in the Rural Zone. As such, if there is an existing lawfully established activity as listed in a) to g) above, then a noise	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The extent to which alternative locations have been considered; ii) Mechanisms in place to avoid future <u>reverse sensitivity</u> conflicts (including covenants on Titles or other physical mitigation works; iii) Effects on the health and safety of the community; iv) Any consultation with relevant property owners or occupiers; and v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15B and 2.

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		sensitive activity wishing to develop would be required to maintain the appropriate separation from this to avoid future land use conflicts.		
15B.10.11:	Separation Distance between Activities in the Maori Treaty Settlement Land Zone and Adjoining Zones	Any of the activities listed as follows, are permitted if a separation distance of at least 30m is maintained between any site zoned Residential, Business - Commercial or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity (as defined in Chapter 24: Definitions) located in these Zones, whichever is the greater: a) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and <u>land disposal effluent application</u>); b) <u>Building</u> used for an <u>industrial activity</u>; c) Intensive feed lot or feed storage area; d) <u>Intensive farming</u>; e) Dairyling shed; f) Mining or <u>quarrying</u>; and g) Any other activity that has <u>existing use rights</u> 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. Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Maori Purposes Treaty Settlement Zone. As such, if any of the activities listed in a) to g) above seek to establish within the Maori Purposes Treaty Settlement Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future <u>noise sensitive activities</u> that are reasonably expected to establish within the Residential Zone, Business – Commercial Zone, or the values of a Reserve Management Unit.	Restricted Discretionary <u>Activity</u>	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Protection of the character and amenity of the relevant adjoining <u>activity</u>, zone or Reserve Management Unit; ii) The extent to which alternative locations have been considered; iii) The likelihood of the activity causing adverse environmental effects regarding noise, odour, dust, nuisance or other amenity effects, considering factors such as wind direction and opportunities to mitigate the potential for such effects by screening, bunding or similar; iv) Effects on health and safety of communities; v) Any relevant industry codes of practice; vi) Any consultation with relevant property owners or occupiers; and vii) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15B and 2.

- 1 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
- 2 [This amendment is mediated change to the Plan in response to the Overlays Topic and is included here for reference purposes only]
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