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IN THE MATTER

of the Resource Management Act
1991.

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Act

BETWEEN

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

AND

ANNE AND RICHARD HENRY
ENV-2011-AKL-000237

AND

TRUSTEES OF THE POUTU
TOPU A TRUST, FARMERS OF
NEW ZEALAND, KAIPARA
CITIZENS AND RATEPAYERS
ASSOCIATION
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

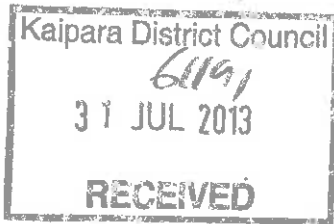
AND

DUCK NOMINEES LIMITED
ENV-2011-AKL-000244

AND

MERIDIAN ENERGY LIMITED
ENV-2011-AKL-000250

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 topic ENV-2012-304-000014 overlays.
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. Meridian Energy Limited, Director-General Of Conservation, Horticulture New Zealand, Northpower Limited and Federated Farmers of New Zealand (Incorporated) have given notice of an intention to become parties to the appeals under section 274 and have signed the memorandum setting out the requested relief.
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 to the proceedings have executed the memorandum requesting this order.
 - (b) All parties 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 provisions of the Proposed Kaipara District Plan shown in tracked text in the following annexures to this Order:
- Annexure A – Amendments to Chapter 4 Overlays;
 - Annexure B – Amendments to Chapter 10 Network Utilities;
 - Annexure C – Amendments to Excavation and Fill (Earthworks) provisions in Chapters 12, 13, 14, 15A and 15B of the Proposed Plan;
 - Annexure D – Amendments to Vegetation Clearance provisions in Chapters 12, 13, 14, 15A and 15B of the Proposed Plan;
 - Annexure E – Amendments to Bulk and Location provisions in Chapters 12, 13, 14, 15A and 15B of the Proposed Plan; and
 - Annexure F – Amendments to the Subdivision provisions in Chapters 12, 13, 14 and 15B of the Proposed Plan.
 - Annexure G – Amendments to maps from Map Series 1 to show the removal of the valued natural environments of Mangawhai Overlay.
6. It should be noted that the amendments in the annexures which are shaded grey and/or footnoted have formed the subject of other consent orders in these proceedings, and are included for context purposes only.
7. This Order resolves the appeals by Federated Farmers of New Zealand (Incorporated), Henry, Trustees of Poutu Topu A Trust & Others, Booth & Others, Duck Nominees Limited and Meridian Energy Limited on the Overlays topic (ENV-2012-349-000014) in their entirety.
7. There is no order as to costs in relation to this consent order.

DATED at Auckland this

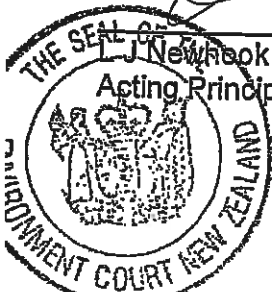
25th

day of

July

2013

[Signature]



J. Newhook
Acting Principal Environment Judge

ANNEXURE A
Chapter 4 Overlays



values of the coastal environment and the sensitivity of receiving environments, the existing information on the natural values of the West Coast have been used to define the Overlay area.

East Coast

The Plan therefore recognises and gives specific management direction to sensitive environments that are valued in the District

In preparing this District Plan, Kaipara District Council is seeking to provide a framework for the management of land uses to enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. In providing for this, Kaipara District Council is seeking to recognise the importance of natural and physical resources, the life supporting processes they contribute to the people, the mauri or life force that binds these environments together, and the values placed by the District's residents on this environment.

In *Kaipara's Future - Working Together* (Council's Long Term Plan) a number of environments are recognised as significant and valued. These environments are identified as key elements that define the communities of the District and provide the unique or special value.



Kaipara Harbour

4.1.1

Valued Environments Identified - The Overlays

From the communities and environments identified in *Kaipara's Future - Working Together*, those matters in Part 2 of the Resource Management Act, National Policy Statements and Regional Policy Statement and Plans, and on the basis of issues identified for the District, the following specific environments have been identified for their sensitivity and value:

- Northern Waikato River;
- The West Coast;
- The East Coast;
- The Kaipara Harbours - Kaipara and Mangawhai;
- The Mangawhai Harbour (including its valued natural environments); and
- Kai Iwi Lakes, and
- The Valued Natural Environments of Mangawhai

Given the interaction of processes and activities within the coastal environment and receiving environments (such as waterways), the District Plan has also had particular regard to the Regional Coastal Plan and the District Plans of adjoining territorial authorities (the Auckland, Far North and Whangarei Districts).

The following provides a brief description of the Overlays identified in the District Plan. An overview of the Overlay areas is provided in Appendix B to the Maps (Part E).

Northern Waikato River

It is acknowledged that the catchments of the District's major rivers, particularly the Northern Waikato but also Waipoua, are valued and contribute to the health of the Kaipara Harbour (a key taonga of the District). The Northern Waikato River catchment area corresponds well to the 'Rural Headland' community of the Kaipara District identified in *Kaipara's Future - Working Together*. Council recognises the importance of this river on the Kaipara Harbour and on the rural headland (as a natural resource) as well as the community of this area. However, this environment has not been mapped as an Overlay as the catchment area covers a large part (approx. 60%) of the District and has been considered in the development of management methods across the general zones.

West Coast

The District Plan seeks to recognise the special values of the District's West Coast. In particular, the Council identifies the natural character of the coastal environment in this area as well as the high ecological, historical, environmental and cultural values. This area is also identified for its significant and outstanding landscapes and for the natural character values associated with the relatively low levels of built development. Council also recognises this area as an increasingly attractive destination for the development of tourism and lifestyle activities and seeks to provide for these opportunities. Given the

KAIKARA DISTRICT PLAN

The East Coast of the District is comparatively limited in geographic extent, extending from Bream Tail in the north to the District boundary (just north of Te Anau Point) in the south. In contrast to the wild and comparatively undeveloped natural values of the West Coast, this area is characterised by its distinctive and popular surf and white sandy beaches and the growing township of Mangawhai. The coastal area is recognised as an area of significant and outstanding landscape value and for its ecological values. Council also recognises that this area occupies the urban centre of Mangawhai, which is valued both as a residential and holiday settlement. Given the values of the coastal environment and the sensitivity of receiving environments, existing information on the natural values of the East Coast have been used to define the Overlay area.

Kai Iwi Lakes

The Kai Iwi Lakes are three basin-type dune lakes (the predominant lake type found along the West Coast of the North Island). The largest of the Kai Iwi Lakes is Lake Taharoa, which covers 237 hectares and is the third largest and deepest dune lake in New Zealand. The two smaller lakes are Waikare and Kai Iwi. The Kai Iwi Lakes are within the Taharoa Domain (recreation reserve). The Kai Iwi Lakes have no known natural inlets or outlets and their principal source of water is likely to be rain, which falls directly onto the lake surface and immediately surrounding land catchment. The Lakes are recognised for their historical and cultural importance, their ecological values (habitat for indigenous flora and fauna), landscape value and as habitat for trout. Kaipara District Council also recognises the importance of use of the lakes (with their clear blue waters, sandy beaches, scenic qualities and varied recreation opportunities). Council, Tangata Whenua, local residents and the many visitors to the District regard the Taharoa Domain as one of the 'jewels of the Kaipara'. Given the values of this environment and the sensitivity of the receiving waters, the visual and drainage catchments of the Kai Iwi Lakes have been used to define the Overlay area.

Kaipara Harbour, Mangawhai and Kaipara

To the west, the Kaipara Harbour is the largest enclosed Harbour in the southern hemisphere and is recognised for its cultural, landscape, ecological, heritage and amenity values.

The Kaipara Harbour contributes the melody of juvenile snapper to the entire West Coast North Island adult fishery. The Kaipara Harbour is a nursery for flounder, school shark, rig, great white sharks, Maud dolphin, New Zealand fur seal and Orca. The Kaipara Harbour therefore plays a significant role in the wider West Coast North Island ecosystem.

As a traditional 'food basket' for Ngai Whakau and on-going treasure and resources for the people of the Kaipara District, it is identified by Council as a taonga that should be there for all to enjoy. In particular, Council recognises the importance of balancing the compelling demands of commercial and recreational activities in the Kaipara Harbour and the importance of maintaining and enhancing the quality of this sensitive receiving environment. Council also recognises this area as an increasingly attractive destination for residential and lifestyle settlement and the area is valued and defined by its small coastal settlements and lower density built environment in the Harbour's hinterland. From a resource management perspective, it is important to acknowledge that the Harbour is managed by a number of regional and territorial authorities, including the Northland Regional Council, Auckland Council and Kaipara District Council.

Mangawhai Harbour

In the east, the Mangawhai Harbour is also recognised for its cultural, landscape, ecological and heritage values. The history of the Harbour also signifies its importance to communities that have lived on its shores (both Maori and later European settlement). Activities on the Harbour have included gathering of kaimoana, shipbuilding, kauri milling, gun digging and more recently farming and sand mining (ceased in 2004). Today, Mangawhai is a popular seaside holiday destination as well as becoming an established serviced urban centre surrounded by several areas of 'lifestyle' or rural-residential development. The distinctive built environment of this settlement and surrounding rural area is recognised as contributing to the amenity values and character that the community identifies with this area.

Valued Natural Environments of Mangawhai

As a component of planning for growth, Council is undertaking Structure Planning. At the time of notification of this District Plan, only the Mangawhai area had been through the Structure Plan process. However, Structure Plans are proposed for a number of Growth Areas (as detailed in Chapter 3 of this District Plan).

Through the Mangawhai Structure Plan - a Conservation Policy Area has been defined which included these natural features and values that warrant specific protection. These include:

The Mangawhai Structure Plan was adopted by the Council in 2005. It identified in general terms natural features and values that warrant specific protection. These include:



applications Council will consider how your proposal contributes to achieving the objectives and policies of this Chapter, as well as those of Chapter 2. Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

For clarity, if your property is within or partially within an Overlay, the provisions of this Chapter of the Plan relate only to that part of the property within the Overlay. It does not mean that one Overlay on a property then the Overlay provisions relate to those parts of the property that are not overlaid. The more restrictive of the Overlays applies. For example, the Kai-Iwi-Lakes Overlay has precedence over the West Coast Overlay and the Valued-Natural Environment of Mangawhai-Overlay has precedence over the Harbour Overlay.

Maps of the District showing the location of the Environmental Overlay areas are included in the Appendices to the District Plan Maps in Part E of the Plan.

In summary, if your property or site for development is in an Overlay you start by checking whether your proposed needs the Performance Standards for a Permitted Activity (set out in the Rules for your Zone (Part 8 of the District Plan)). If it does, you don't need a Resource Consent. If your proposal doesn't meet these standards, or it's a subdivision, you will need Resource Consent to allow you to do it. The matters that will be considered in a Resource Consent are set out in the assessment criteria for the Rules. In addition, if the Consent is large or complex, Council will consider how your proposal contributes to achieving the objectives and policies of this Chapter (Sections 4.4 and 4.5).

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

- Coastal dune systems and coastal edge;
- Estuarine wetland and saltmarsh systems;
- Mangrove wetland systems and associated riparian corridors;
- Significant areas of contiguous bush remnants and regenerating bush scrubland areas;
- Extensive-Visually prominent ridges;
- Significant wildlife habitats and corridors; and
- The Brynderwyn Range.

At this stage, only the Mangawhai area has a mapped Valued-Natural-Environment-Overlay, as this has been identified through the Mangawhai Structure Plan. It is anticipated that future structure planning may result in identification of similar Overlays for other Growth Areas of the District. While growth and further subdivision, including rural-residential development, is expected in the Mangawhai Harbour Overlay Council is also seeking that as an outcome of this growth, these natural values are mapped and appropriately protected and/or enhanced.

Since adoption of the Structure Plan a number of rural-residential subdivisions and other developments have been approved, several of which have resulted in significant protection and enhancement of valued natural environments. The Council supports such initiatives.

At the time of preparing the District Plan, Council acknowledged that the Northland Regional Council is also commencing work on mapping natural character and natural features of the coastal environment as part of their work for the Regional Policy Statement review following the policies of the NZCPS (2010). As noted above, the mapping of Overlays in the District Plan is based on existing available information. It is anticipated that as more current or accurate mapping information is available (for example, through the Regional Policy Statement and Regional Plans with respect to the National Policy Statement for Freshwater), Council will review the defined Overlay Areas, particularly for the West and East Coast Overlays.

District Plans must give effect to national and regional policy statements. A revised New Zealand Coastal Policy Statement was made operative in December 2010, after the hearing of submissions on the Proposed Plan. The Council will undertake a scoping exercise to identify any amendments needed to the District Plan to give effect to the New Zealand Coastal Policy Statement 2010 as soon as practicable.

The Northland Regional Council notified their Regional Policy Statement in October 2012. The Proposed Regional Policy Statement includes mapping of natural character and natural features of the coastal environment. As noted above, the mapping of Overlays in the District Plan is based on existing available information and there is still work required to bring more detailed mapping of values into the District Plan (e.g. those features that contribute to natural character of the coastal environment). Once the Regional Policy Statement is operative Council will review the defined Overlay areas, particularly for the West and East Coast Overlays, and other plan provisions to ensure the District Plan gives effect to the Regional Policy Statement.

4.2 How to Use This Chapter of the District Plan

This Chapter is intended to provide an overall direction established by the District Plan for the Environment Overlays and identify how this will be implemented (the methods) through the District Plan. In this respect, this Chapter identifies significant management issues and the Objectives, Policies and Methods employed by Council (through the District Plan and beyond) to address these issues.

The Chapter concludes on the Environmental Outcomes that are intended to be delivered by implementing the District Plan, with respect to values in the Environmental Overlay areas. It is noted that the Rules to give effect to the objectives and policies in this Section are provided in the Zone Chapters of the District Plan.

In summary, before you use this Chapter of the District Plan, check:

- ☒ That the property for development / subdivision is in an Overlay (Map Series 1, Part E).
- ☒ If it isn't, the objectives and policies of this Chapter don't apply.
- ☒ If it is, you need to look at the relevant Rules of the Zone Chapter and where relevant using the relevant performance standards for the Overlay your property is in.
- ☒ If you comply with the Performance Standards for the Zone (including the Overlay you are in), you don't need to look further at this Chapter.

If you don't comply with those Performance Standards, you will need to consider the relevant assessment criteria of the standards. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to identified matters (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the objectives and policies of the Plan. In addition, for Discretionary or Non-Complying Activity Resource Consent

Part E (Maps) - Appendix B

4.3 4.3.1

Significant Issues for Environmental Overlay Areas

There is a need to provide for the appropriate use and development of the natural and physical resources in all Overlays (except Kai Iwi Lakes) in order to provide for the social, economic and cultural wellbeing of people, communities and the region.

Some activities have a functional need to be in a coastal location and have access to the resources of the coastal environment. For example, this would include activities requiring access to the sea, such as wharves and boat haul-out facilities or activities such as renewable energy generation (e.g. wind and wave resources of the coastal environment). These activities can be important for the well-being of the community. It is important they are able to be established in a range of suitable locations, recognising that there is potential for conflict between these activities and other values and activities in the coastal environment.

The Plan seeks to provide for the appropriate use and development of natural and physical resources in the District. However, it is recognised that the environments of the Overlays and their values means that some limitations need to be placed on development in some of these areas, particularly in respect of the coastal environment. The Plan seeks to provide for an appropriate management regime that is designed to recognise and respond to the fact that the environmental values including the natural character of the coastal environment change from place to place. The focus of any management response under the Plan will be to avoid, remedy or mitigate significant environmental effects of appropriate subdivision and development on the values associated with a particular overlay.

West Coast

4.3.1 Activities on the foreshore and adjacent coastal margins have the potential to compromise the natural character and quality of the coastal environment, particularly its wilderness and the low level of built form and development.

The West Coast is valued for its natural character including landscape and ecological values. The current low levels of development in this environment contribute to these values. Whilst seeking to enable compatible land uses, Council recognises that some activities are a potential 'threat' to these natural character values, particularly intensive built development. The natural character of the West Coast includes the natural processes and quality of the receiving environment. It is acknowledged that the quality of this environment has the potential to be adversely impacted by land uses on the adjoining catchment discharging to the West Coast.

Associated with the use of the West Coast is the provision of access. Continuing development including tourism growth has the potential to put additional pressure on access to, and the use of, the Coast which may adversely affect the natural, cultural and amenity values associated with this environment.

The 'wilderness' aspect of the West Coast has been identified by the community as meaning the exceptional values, including its remoteness, scenic and amenity values, and the high energy coast.

4.3.2 The amenity of existing coastal settlements has the potential to be compromised by inappropriate development.

There are a number of small settlements along the West Coast that are recognised and valued for their special sense of place and 'amenity'. While it is anticipated that there will be on-going growth and

4.3.2

You can check if your property is in an Overlay. Look on Map Series 1 of the District Plan Maps.

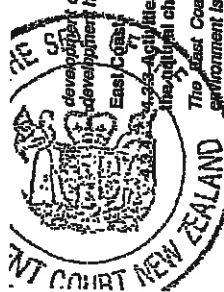
4.3.3

Chapter 3 - Land Use and Development Strategy

Part 8 of the District Plan

Sections 4.4 and 4.5

The Objectives and Policies seek to respond to these issues



development of these settlements, it is recognised that without management direction, this growth and development has the potential to adversely impact on these values.

4.3.5 Activities on the foreshore and adjacent coastal margins have the potential to compromise the natural character, quality and amenity of the coastal environment.

The East Coast has a long history of resource and land use. However, it is recognised that this environment is valued for its natural character, particularly landscape values. Whilst seeking to enable compatible land uses, Council recognises that some activities are a potential 'threat' to these natural character values, particularly intensive built development and some land use activities.

Maintaining the quality of the coastal receiving environment of the East Coast is recognised as a significant factor contributing to the sense of place and value of this environment (e.g. tourism, recreation and residential amenity values). It is recognised that the quality of this environment has the potential to be adversely impacted by land uses on the adjoining catchment discharging to the coast.

4.3.6 Land use and development on the foreshore and adjacent coastal margins has the potential to restrict public access to and along the East Coast.

The East Coast is valued for its recreation use. With on-going subdivision and development pressure in this environment, there is potential for public access to and along the East Coast to be compromised. It is considered that, given the anticipated population growth in this area, there is demand for continued improvements to public access to and along the coast.

Kai Iwi Lakes

4.3.7 Pesticide and limited water supply to the Lakes is potentially compromised by land use activities and activities on the water surface, particularly nutrient input from farming, forestry and development in surrounding areas.

The catchment of the Kai Iwi Lakes has been modified, including significant clearance of indigenous forest for pasture and forestry. Such activities have the potential to generate effects that will impact on the water quality of the lakes. For example, pastoral farming can result in compaction of soils and decreased infiltration, diminished riparian vegetation and increased runoff, which can result in increased nutrients in the water. Activities on the surface of the water, including recreation activities, also have the potential to increase discharge of pollutants to the Lakes' environment.

Reduced water quality has the potential to adversely affect the values of the Lakes, including vegetation and habitats in and along the lake edges. This also adversely affects people's enjoyment of these features and use of the lakes for scenic or landscape and recreational activities.

4.3.8 Human activities can impact on the high levels of amenity (visual and aural) of the Kai Iwi Lakes and surrounds.

The low levels of development and perceptions of 'naturalness' contribute to the visual and aural amenity of the Kai Iwi Lakes. Some activities, for example building development and some recreation activities, have the potential to adversely impact on these amenity values.

Kaipara Harbours (Mangawhai-end-Kaipara)

4.3.9 Land use and development on the catchment of the Mangawhai-end-Kaipara Harbours significantly contributes to the social and economic wellbeing of the community. However, some activities in the catchment have the potential to degrade the values of these sensitive environments, and may result in:

- Loss of public access to and along the Harbour;
- Adverse impacts on ecological values and habitats;
- Changes to landscape;
- Loss of amenity values;
- Loss of cultural and heritage sites; and
- Degradation of water quality.

The land within the Kaipara and Mangawhai Harbour Overlay catchment is under pressure for on-going land use and development. This development is important for the social and economic wellbeing of the community. Council seeks to provide a win-win scenario: protecting and enhancing the identified values of the harbours while providing opportunities for development (e.g. agriculture, tourism, recreation, fishing, marine based industries, aquaculture).

As use and development of land within the Kaipara Harbour Overlay catchment is intensifying, the need for management of these activities to recognise and balance the values associated with these environments is increasing. For example:

- Increased urban-residential development has the potential to impact on the water quality of the harbours, through the cumulative impact of increased discharges. This in turn can have adverse impacts on people's enjoyment and recreational use of these environments and on other economic opportunities for these environments (e.g. aquaculture);
- While intensified development in the harbour catchment will increase pressure for recreation and access to the coast and harbours, without appropriate management, such development has the potential to restrict public access;
- There is limited information available on the location of heritage sites and features in the Kaipara and Mangawhai Harbour Overlay. Unmanaged development has the potential to result in the unintentional loss of such sites and features; and
- Sporadic residential subdivision in the Kaipara Harbours Overlay Waterland has the potential to adversely affect the distinct and unique character of the coastal environment.

Mangawhai Harbour

4.3.10 Unmanaged development and land use has the potential to adversely affect the special residential amenity and built form of the Mangawhai area.

Mangawhai is recognised as having a special sense of place and residential amenity associated with the historic development of the area and the lifestyle opportunities provided. The Mangawhai Structure Plan recognises and provides direction on the protection of these values.

Land use and development in the Mangawhai Harbour Overlay significantly contributes to the social and economic wellbeing of the community. However, some activities in the Overlay have the potential to degrade the values of these sensitive environments, and may result in:

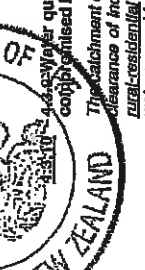
- Loss of public access to and along the Harbour;
- Adverse impacts on ecological values and habitats;
- Changes to landscape;
- Loss of amenity values;
- Loss of cultural and heritage sites; and
- Degradation of water quality.

The land within the Mangawhai Harbour Overlay is under pressure for on-going land use and development. This development is important for the social and economic wellbeing of the community. Council seeks to provide a win-win scenario: protecting and enhancing the identified values of the harbours while providing opportunities for development (e.g. agriculture, tourism, recreation, fishing, marine based industries, aquaculture).

As use and development of land within the Mangawhai Harbour Overlay is intensifying, the need for management of these activities to recognise and balance the values associated with these environments is increasing. For example:

- Increased urban development has the potential to impact on the water quality of the harbour, through the cumulative impact of increased discharges. This in turn can have adverse impacts on people's enjoyment and recreational use of these environments and on other economic opportunities for these environments (e.g. aquaculture). At the same time, subdivisions and developments that result in protection or enhancement of natural environments can reduce sediment and waste discharges to streams and the harbour;
- The Mangawhai harbour is valued for its recreational use. While intensified development in the Mangawhai Harbour Overlay will increase pressure for recreation and access to the coast and harbour, without appropriate management, such development has the potential to restrict public access. At the same time, land subdivision provides a good opportunity to secure long term public access to the harbour and significant natural features, through reserves, esplanade reserves/slopes and access sites. The waterways that feed the harbour are also important for both their water quality and as potential public access ways to the Coastal Marine Area. It is considered that, given the anticipated population growth in the wider Mangawhai harbour area, there is demand for continued improvements to public access to and along waterways that provide access to the harbour and coastal environment;
- There is limited information available on the location of heritage sites and features within the Mangawhai Harbour Overlay. Unmanaged development has the potential to result in the unintentional loss of such sites and features; and
- Sporadic residential subdivision in the Mangawhai Harbour Overlay has the potential to adversely affect the distinct and unique character of the coastal environment.

Valued Natural Environments of Mangawhai



4.3.11 Water quality and natural character of waterways and ultimately the harbours is potentially compromised by land use activities adjacent to these waterways.

The Māori of the Kaipara Mangawhai Harbour has been extensively modified, including significant clearance of indigenous forest and drainage of wetlands for pasture and more recently residential and rural-residential activities. Such activities have the potential to generate adverse effects on the waterways which ultimately flow into the harbour (except for the District). While Council expects ongoing subdivision and development in the Mangawhai Harbour Overlay, this development in the Valued Natural Environment of Mangawhai Overlay needs to be undertaken with care resulting in improved protection of the valued natural environment in this area.

4.3.10A lack of integrated and sustainable management of land adjacent to waterways has the potential to adversely impact on these features and elements which significantly contribute to the landscape and ecological values of the wider area.

Remnant terrestrial and wetland vegetation, shrubland and forest areas, as well as the waterways and wetlands, significantly contribute to the landscape and ecological values of the wider catchments (e.g. the Mangawhai area). Loss or damage to these elements would therefore have adverse effects beyond the immediate site.

4.3.11 Land use and development adjacent to waterways and wetland areas has the potential to adversely affect the public's use of the Coastal Marine Area, including potential restriction to public access to the Coastal Marine Area.

The Harbour is valued for its recreational use. The waterways that feed these harbours are therefore important for both their water quality and potential access to the coastal marine area. It is considered that, given the anticipated population growth in the wider harbour areas, there is demand for continued improvement to public access to and along waterways that provide access to the harbours/coastal environment.

4.4 Objectives

In addition to the District Wide Strategic Objectives the following Objectives apply:

All Overlays

4.4.1 To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.

4.4.2 To enable subdivision, land use and development in the Overlays, where it recognises and provides for:

- The protection of natural character; and
- Maintenance or enhancement of amenity values; and
- Any other specific values identified in an Overlay.

4.4.3 To maintain and enhance public access to and along the Coastal Marine Area in the Overlays.

4.4.4 To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.

West Coast

4.4.1 To enable land use and development in the West Coast Overlay where it is compatible with:

- The protection of natural character
- Maintaining and enhancing the water quality of receiving environments; and
- Maintaining and enhancing amenity values (e.g. wilderness and the built character).

4.4.5 To recognise and provide for the wilderness aspect of the coastal environment (as an amenity value).

4.4.6 To enable land use and development in the West Coast Overlay where it is compatible with the protection of natural character and recognises amenity values.

4.4.7 To recognise wind energy as a significant natural resource in the West Coast Overlay.

East Coast

4.4.2 To enable land use and development in the East Coast Overlay where it is compatible with:

- The protection of natural character;

KAIPARA DISTRICT PLAN

- Maintaining and enhancing the water quality of sensitive receiving environments; and
- Maintaining and enhancing amenity values of this area and its existing land use patterns.

4.4.4 To maintain and enhance public access to and along the Coastal Marine Area of the East Coast.

Kai Iwi Lakes

4.4.5 To enable land use and development in the Kai Iwi Lakes Overlay, only where it is compatible with:

- The protection of natural character and landscapes; and
- Maintaining and enhancing the water quality of the lakes; and
- Maintaining and enhancing the significant social and cultural values associated with the lakes.

Kaipara Harbour

4.4.6 To enable land use and development in the Harbour Overlay where it is compatible with:

- The protection of habitats and ecological values;
- Maintaining and enhancing the water quality of receiving environments; and
- Recognising and protecting cultural, heritage and amenity values, including the special sense of place of the Mangawhai Harbour estuary and the rural character of the Kaipara Harbour Hinterland.

4.4.8 To recognise and provide for the protection of habitats and ecological values.

4.4.10 To recognise and where appropriate protect cultural, heritage and amenity values, including the special rural character of the Kaipara Harbour Hinterland.

4.4.7 To maintain and enhance public access to and along the Coastal Marine Area of the Harbour.

Valued Natural Environment of Mangawhai Harbour

4.4.8 To carefully manage land use and development in the Valued Natural Environment of Mangawhai Overlay while enabling growth in the wider harbour catchments to ensure that use and development is compatible with:

- The protection of significant indigenous vegetation and habitat and landscape elements;
- Maintaining and enhancing the water quality of the waterways and ultimately the harbour; and
- Maintaining and enhancing recreation use of harbours, including public access to them.

4.4.11 To recognise and provide for the protection of habitats and ecological values.

4.4.12 To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay.

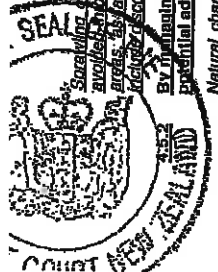
4.4.13 To enable growth in the Mangawhai Harbour Overlay in a manner that protects and enhances the identified valued natural environments which includes:

- Coastal dune systems and coastal edges;
- Estuarine wetland and saltmarsh systems;
- Terrestrial wetland systems and associated riparian corridors;
- Significant areas of contiguous bush remnants and regenerating bush shrubland areas;
- Visually prominent ridgelines;
- Significant wildlife habitats and corridors; and
- The Brundervyn Range.

4.5 Policies

In addition to the District Wide Strategic Policies, the following Policies apply; it is also noted that compliance with Regional Council planning instruments may be relevant for activities in the coastal environment.

4.5.1 By encouraging consolidation of coastal settlements where it contributes to the avoidance of sprawling or sporadic patterns of development in the coastal environment.



- ability for such activities to be undertaken in the East Coast Overlay.
- 4.5.10 4.5.8By identifying areas where public access to and along waterways and the Harbour needs to be improved, cognisant of the on-going development and population pressure in this area. Objective 4.4.3
- Public access to and along the coast is recognised as a matter of national importance. The East Coast is identified as an area of on-going population growth and development. Such growth provides an opportunity for Council, through the taking of planned reserves and strips, access strips and reserve contributions to improve public access to and along the coast.
- Kai Iwi Lakes
- 4.5.11 4.5.8By avoiding, remedying or mitigating the adverse effects of locating those activities which have the potential to discharge contaminants and adversely impact on sensitive receiving environments within the Kai Iwi Lakes Overlay. Objective 4.4.8
- Activities with the potential to generate adverse effects on the District's Kai Iwi Lakes will be directed to establish in areas that are remote from this highly sensitive receiving environment.
- 4.5.12 4.5.10By managing the scale, location, operation and design of activities, particularly with respect to built form and potential aural impacts, to enhance the natural character, landscape and social and cultural values of the Kai Iwi Lakes. Objective 4.4.5
- It is recognised that activities on land within the Kai Iwi Lakes Overlay-scheme have the potential to create adverse visual and amenity (including noise) impacts. The Plan seeks to carefully manage such activities, e.g. through the establishment of performance standards and requirements for buffers and screening or landscaping to provide effective mechanisms to reduce potential adverse effects.
- Kaipara Harbour
- 4.5.13 4.5.13By requiring careful management of land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments in the Kaipara and Mangawhai Harbours. Objectives 4.4.2, 4.4.9 and 4.4.10
- Land uses and discharges from activities located within the catchment of land surrounding the Harbour can find their way into these environments through the stormwater system or watercourses. In conjunction with the Northland Regional Council, the Plan seeks to ensure that such activities provide appropriate management, including wastewater and stormwater systems to ensure that discharges do not result in adverse effects on sensitive receiving environments.
- 4.5.14 4.5.13By managing the scale, location and design of activities in the Kaipara Harbour Overlay. Objectives 4.4.2, 4.4.9 and 4.4.10
- While activities have the potential to create adverse visual and amenity impacts, the Plan seeks to manage such activities, e.g. through the establishment of buffers and screening or landscaping to provide effective mechanisms to reduce potential adverse effects, while not placing undue restrictions on the ability for such activities to be undertaken in the Kaipara Harbour Overlay.
- 4.5.15 4.5.13By identifying areas where public access to and along the Kaipara Harbour needs to be improved, cognisant of the on-going development and population pressure in this area. Objective 4.4.3
- Public access to and along the coast, including harbours, is recognised as a matter of national importance. The land within the Kaipara Harbour Overlay is identified as an area of on-going population growth and development. Such growth provides an opportunity for Council, through the taking of planned reserves and strips, access strips and reserve contributions to improve public access to and along the coast.
- Valued Natural Environments of Mangawhai
- 4.5.16 4.5.14 By avoiding, remedying or mitigating the adverse effects of locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours to maintain the ecological and amenity values of the Valued Natural Environments of Mangawhai. Objective 4.4.8
- Activities with the potential to generate adverse effects on the District's Harbours will be directed to establish in areas that are remote from waterways and wetland areas that discharge to the Harbour.
- 4.5.17 4.5.15 By managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation. Objective 4.4.8
- It is recognised that activities in sensitive receiving catchments and adjacent to waterways and wetlands have the potential to create adverse visual and amenity impacts for the wider Harbour catchments. The Plan seeks to carefully manage such activities, e.g. through the establishment of performance standards and requirements for buffers and screening or landscaping to provide effective mechanisms to reduce potential adverse effects.
- 4.5.18 4.5.16 By identifying areas where public access to and along the Harbours needs to be improved, cognisant of the on-going development and population pressure in this area. Objective 4.4.3



Public access to and along the Harbour is recognised as a matter of national importance. The Harbour is identified as an area of on-going population growth and development. Such growth provides an opportunity for Council, through the taking of esplanade reserves and other measures, to provide and reserve opportunities to improve public access to and along the coast.

Mangawhai Harbour

By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.

Land use and discharges from activities located within the catchment of the Harbour can find their way into these environments through the stormwater system or watercourses. In conjunction with the Northland Regional Council, the Plan seeks to ensure that such activities provide appropriate management, including wastewater and stormwater systems to ensure that discharges do not result in adverse effects on sensitive receiving environments.

By managing the scale, location and design of activities in the Mangawhai Harbour Overlay. While activities have the potential to create adverse visual and amenity impacts, the Plan seeks to manage such activities so that the establishment of buffers and screening or landscaping to provide effective mechanisms to reduce potential adverse effects, while not placing undue restrictions on the ability for such activities to be undertaken in the Mangawhai Harbour Overlay.

By identifying areas where public access to and along the Mangawhai Harbour needs to be improved, consistent of the on-going development and population pressure in this area.

Public access to and along the coast, including the harbour, is recognised as a matter of national importance. The land within the Mangawhai Harbour Overlay is identified as an area of on-going population growth and development. Such growth provides an opportunity for Council, through the taking of esplanade reserves and other measures, to provide and reserve opportunities to improve public access to and along the coast.

By requiring the identification and mapping of areas of valued natural environment at the time of subdivision and development.

While the Council anticipates and is planning for on-going subdivision and growth of land within the Mangawhai Harbour Overlay, there are a number of valued natural environments that need protection. At the time of subdivision and development, Council will require that areas of the following natural environments are identified and protected from inappropriate use and development:

- Coastal dune systems and coastal edge;
- Estuarine wetland and saltmarsh systems;
- Terrestrial wetland systems and associated riparian corridors;
- Significant areas of contiguous bush remnants and regenerating bush shrubland areas;
- Visually prominent ridges;
- Significant wildlife habitats and corridors; and
- The Brudenay Range.

Guidance Notes will be available to provide worked examples of Council's anticipated outcomes for the mapping and protection of valued natural environments within the Mangawhai Harbour Overlay.

By protecting those areas identified as valued natural environments from inappropriate use and development, particularly by:

- Locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours out of these areas;
- Carefully managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation.

Activities with the potential to generate adverse effects on the Mangawhai Harbour will be encouraged to establish in areas set back from lakes, rivers and wetland areas that discharge to the Harbour (as areas identified for their natural value).

It is recognised that activities in valued natural areas (including sensitive receiving catchments and adjacent to lakes, rivers and wetlands) have the potential to create adverse visual and amenity impacts for the wider Harbour catchments. The Plan seeks to carefully manage such activities, e.g. through the establishment of performance standards and requirements for buffers and screening or landscaping to provide effective mechanisms to reduce potential adverse effects.

4.6 Methods

The above Policies will be implemented through the following Methods:

4.6.1 District Plan Methods

- 4.6.1.1 The use of Zoning to provide direction on the appropriate activities and effects of activities that will occur in geographic areas of the District.
- 4.6.1.2 The use of Overlays to identify sensitive environments where additional resource management measures are considered appropriate.
- 4.6.1.3 Requiring applicants to undertake the mapping of sites, features and units where specific resource management and methods are required.
- 4.6.1.4 The taking of esplanade reserves and strips in subdivision and where appropriate, Land Use Consents.
- 4.6.1.5 The taking of access strips as appropriate in subdivision and Land Use Consents.
- 4.6.1.6 Provision of assessment criteria and direction on matters to be considered in Resource Consents.
- 4.6.1.7 Undertaking consultation with Tangata Whenua, the New Zealand Historic Places Trust and other agencies during the consenting process.
- 4.6.1.8 Compilation of data on lakes, rivers, waterways and valued natural environments within the Valued Natural Environments of Mangawhai Harbour Overlay on Council's Land Information Register through the consenting process.
- 4.6.1.9 Guidance notes to users with respect to the Overlay provisions in the Plan.
- 4.6.1.10 Review of the Land Information Register in considering consent applications within the Valued Natural Environments of Mangawhai Harbour Overlay, to confirm whether information of greater accuracy than the District Plan Maps is available.

4.6.2 Other Methods

- 4.6.2.1 Liaison with the Northland Regional Council, including integrated land use planning for the effects of land base activities associated with maritime facilities.
- 4.6.2.2 Work with other agencies, including Department of Conservation, Historic Places Trust and Economic Development Agencies.
- 4.6.2.3 Establish and implement working relationships with relevant iwi groups for District Plan implementation.
- 4.6.2.4 Working with landowners and the wider community to establish structures and instruments which encourage voluntary land management practices.
- 4.6.2.5 The preparation of a Stormwater Management Structure Plan for the catchment of Mangawhai Harbour.
- 4.6.2.6 Providing information to landowners on the values of Overlays and the effect of the District Plan on land use and development in Overlay Areas.

4.7 Outcomes

Overlays – All

Activities on or adjoining sensitive receiving environments are managed to protect from inappropriate development and enhance where reasonably practicable, the natural character values of these areas (including water quality). The natural character values (including water quality of sensitive receiving environments) are protected and enhanced.

Appropriate use and development of natural and physical resources is enabled.

Public access to and along the coast and waterways is maintained and improved.

West Coast

The 'wilderness' aspect of the West Coast including its landscape, amenity and ecological values is maintained.

Improve quality of public access to the Coastal Marine Area of the West Coast.

East Coast

Improve public access to the Coastal Marine Area of the East Coast.

Maintain and enhance the environmental values that contribute to the amenity of the East Coast.

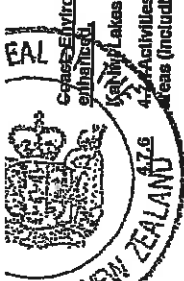
Objectives 4.4.2, 4.4.11, 4.4.12 and 4.4.13

Objectives 4.4.2, 4.4.11, 4.4.12 and 4.4.13

Objective 4.4.3

Objective 4.4.13

Objectives 4.4.1, 4.4.2, 4.4.11 and 4.4.13



Certain environmental values that contribute to the amenity of the East Coast are maintained and enhanced.

Kaitiaki Lakes

4.7.7 Activities on or adjoining lakes are managed to enhance the natural character values of these areas (including water quality). Issues 4.3.6 and 4.3.7

Kaipara Harbours (Mangawhai and Kaipara)

4.7.8 Activities and development will enhance public access to the Coastal Marine Area of the Harbours and their valued waterways. Issues 4.3.7

4.7.9 Water quality in the Kaipara and Mangawhai Harbour and their valued waterways will be improved through better management of the effects of land uses. Issue 4.3.8

4.7.10 The maintenance and enhancement of those values that contribute to the visual amenity of the Harbour and its hinterland. Those values that contribute to the visual amenity of the Kaipara Harbour and its hinterland are maintained and enhanced. Issue 4.3.8

4.7.11 Subdivision, use activities and development will occur in a manner that recognises the distinct and unique character and amenity values of the Kaipara Harbour catchments and the built environment (e.g. areas of extensive natural vegetation, open spaces between buildings, and low density built form). Issue 4.3.8 and 4.3.9

4.7.12 Appropriate subdivision, use and development of the Kaipara Harbour catchments is maintained, including agricultural uses, tourism and the residential settlements. Issues 4.3.1 and 4.3.8

4.7.13 Avoidance of separate rural residential subdivision within the catchment.

Valued Natural Environments of Mangawhai Harbour

4.7.14 Public access to the Coastal Marine Area of the Mangawhai Harbour and its valued waterways are enhanced where appropriate (given the sensitive ecological values in some areas). Issues 4.3.9 and 4.3.12

4.7.15 Water quality in the Mangawhai Harbour and their valued rivers, lakes and wetlands waterways will be improved through better management of the effects of land uses. Issues 4.3.9 and 4.3.10

4.7.16 Those values that contribute to the visual amenity of the Mangawhai Harbour and its hinterland are maintained and enhanced. Issues 4.3.9 and 4.3.11

4.7.17 Subdivision, use and development will occur in a manner that recognises the distinct and unique character and amenity values of the Mangawhai Harbour catchment and the built environment (e.g. areas of extensive natural vegetation, open spaces between buildings, and low density built form). Issue 4.3.9

4.7.18 Appropriate subdivision, use and development of land within the Mangawhai Harbour Overlay is maintained, including agricultural uses, tourism, residential and rural residential settlements. Issues 4.3.1 and 4.3.9

4.7.19 Activities on or adjoining Valued Natural Environments in Mangawhai (including waterways and wetlands) are managed to enhance the natural character values of these areas (including water quality). The valued natural environments of land within the Mangawhai Harbour Overlay are enhanced. Issues 4.3.9 and 4.3.11

4.7.20 Activities and development will enhance public access to harbours and their valued waterways as appropriate (given sensitive ecological values).

4.7.21 Water quality in the Kaipara and Mangawhai Harbours and their valued waterways will be improved through better management of the effects of land uses.

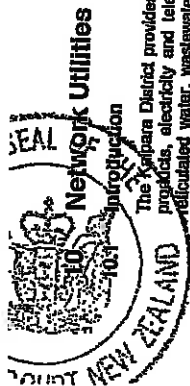
4.7.22 The protection, maintenance and enhancement of those values that contribute to amenity landscapes (e.g. areas of terrestrial and estuarine wetland vegetation, shrubland and remnant forest areas). Those values that contribute to amenity landscapes (e.g. areas of terrestrial and estuarine wetland vegetation, shrubland and remnant indigenous forest areas) are protected. Issues 4.3.9 and 4.3.11

¹ This amendment is as a result of Mediation on the Natural Environments Topic (Department of Conservation Appeal), it is included here for context only.
² This amendment is as a result of Mediation on the Natural Environments Topic (Department of Conservation Appeal), it is included here for context only.

ANNEXURE B

Chapter 10 Network Utilities





Network Utilities

Introduction

The Kaipara District provides for a range of important local and regional strategic assets including fuel pipelines, electricity and telecommunications networks, natural gas and petroleum product pipelines, reticulated water, wastewater and stormwater. Network utility services provide an important physical resource for the Kaipara District while also providing for the economic and social wellbeing of the Kaipara community. A number of the network utility services are designated (refer to Chapter 21: Designations of the District Plan).

Utilities include water, wastewater and stormwater services

The majority of the established residential settlements within the District have access to public water and most have wastewater reticulation, while most rural areas are not currently serviced. Areas within the District that are currently served by wastewater reticulation systems include the settlements of Dargaville, Kaitake, Mangaturoro and Te Kopuru. These settlements currently use oxidation ponds on the edges of their respective settlements and treated effluent from these ponds is discharged onto adjacent land or waterways. Wastewater reticulation has recently been provided in Mangawhai. Conditions of the discharges are controlled under discharge permits issued by the Northland Regional Council. The wastewater systems are maintained by the Council. It is also important to highlight areas identified as future growth areas in Part A, Chapter 3A of the District Plan. Prior to development occurring in these areas, a structure planning process is proposed to be undertaken which will, amongst other matters, establish how the area of land will provide for utilities including, electricity, telecommunications and water and wastewater reticulation.

10.2 Resource Management Act 1981 Requirements

Network utility services provide an important part of the overall physical resources for the Kaipara District. They are also a means of providing for the economic and social wellbeing for the Kaipara community.

The Council recognises the importance of ensuring the on-going management and protection of network utility services but it also recognises the need to manage the effects of network utilities. This is in accordance with Part 2 of the Resource Management Act 1981 and Section 5 in particular with regard to sustainable management of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In addition to the provisions of the Resource Management Act 1981, it is also recognised that network utility operators have specific legislative rights under other legislation that expressly provides for network utility services. This includes the following Acts, which are considered separately to the District Plan process:

- Telecommunications Act 2001;
- Electricity Act 1982;
- Local Government Act 2002 (Water Services); and
- Gas Act 1982.

The Council is required to give effect to the National Policy Statement on Electricity Transmission 2008. The National Policy Statement on Electricity Transmission sets out the objectives and policies for managing the electricity transmission network under the Resource Management Act 1981.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 sets out the controls for an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing electricity line including the following activities of relevance to this Plan:

- A construction activity;
 - An activity relating to an access track to an existing transmission line; and
 - Undergrounding an existing electricity transmission line.
- The National Environmental Standard for Telecommunication Facilities (2008) sets out controls for the following activities:
- Planning and operation of telecommunication facilities (such as mobile phone transmitter) that generate radiofrequency fields;
 - The installation of telecommunication cabinets in the road reserve, including their size and location;
 - Noise from telecommunication equipment cabinets located in the road reserve; and
 - The installation or replacement of masts and aerials on existing structures in the road reserve.

KAIPARA DISTRICT PLAN.

The National Environmental Standard for Electricity Transmission Activities and the National Environmental Standard for Telecommunications have been cross referenced in this Chapter. It should also be noted that the Ministry for the Environment has produced user guides to assist in the interpretation of the National Environmental Standards. The National Environmental Standards and the user guides are available through the Ministry for the Environment website. Where the Plan has similar definitions to the National Environmental Standard for Electricity Transmission Activities and the National Environmental Standard for Telecommunications, the National Environmental Standard definitions will take precedence.

The National Environmental Standard for Sources of Human Drinking Water Regulations 2007 requires that Council place conditions on relevant Resource Consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water. In order to place effect to the National Environmental Standard for Human Drinking Water a note has been added to cross reference to the relevant clause of the National Environmental Standard.

10.3 Kaipara District Council Engineering Standards 2011

The Kaipara District Council Engineering Standards were updated in 2011 and reflect New Zealand engineering design standards appropriate to the Kaipara District's environment and conditions. The Standards specify the design and construction of public services and set standards for private infrastructure services to ensure a uniform minimum engineering standard is achieved throughout the District. When providing for upgraded or new infrastructure within the Kaipara District, the Rules must be considered in conjunction with the District Plan rules.

10.4 How to Use This Chapter of the District Plan

This Chapter contains Objectives, Policies, Rules, Performance Standards and Assessment Criteria relating specifically to Network Utilities. These only apply if your proposal involves Network Utilities. Provisions relating to energy use and electricity generation are contained within Chapter 2: District Wide Resource Management Issues and the Zone Based Chapters in Part B of the Plan. In any instance where the Rules in this Chapter overlap with (or duplicate) a Rule in the Zone Based Chapters, the Rules in this Chapter will take precedence. Rules in Chapter 11: Transport Network also apply to all network utilities within the road reserve.

In summary, if your proposal involves Network Utilities you start by checking whether it meets the Performance Standards for a Permitted Activity (set out in Section 10.11). If it does, you don't need Resource Consent. If your proposal does not meet these standards, you will need Resource Consent to allow you to do it.

After you have considered this Chapter, you need to consider whether the proposal meets the Performance Standards and Rules of Part C (Siles, Features and Units) and the relevant Zone for your property. You may also need to consider the Rules and Performance Standards in the Transport Network Chapter 11.

If you need to prepare a Resource Consent application for network utilities Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

If the proposal is a Discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1981. See Section 1.3.5 of this District Plan for a summary of the "status of consents".

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

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards.

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

This Chapter provides for Network Utilities



Network utility services form an essential part of the District's physical resources and provide for the community's social and economic well-being. However, they also have the potential to create adverse effects on amenity values, public health and safety. Equality, development near existing utilities can give rise to reverse sensitivity effects and compromise the operation, maintenance, upgrading and development of network utilities.

The Kaipara District depends on network utilities to support its social and economic well-being. Network utilities can have particular technical and operational requirements that may constrain their location, layout and design. Therefore, any policy approach needs to consider the positive benefits that network utilities can provide in addition to addressing adverse environmental effects.

Adverse environmental effects can arise through the establishment or operation of network utilities. These effects include noise, odour, discharge of contaminants and radiation. This can result in public concern about potential health risks associated with radiofrequency, electric and magnetic fields and damage to natural, cultural, archaeological and landscape features. It is important for Council to provide for the sustainable management of these network utilities while avoiding, remedying or mitigating any actual or potential effects they will create on the environment through the objectives, policies and rules of the District Plan.

The visual impacts of network utilities vary depending upon the nature of the utility. Structures, including electricity transmission poles and towers, cell site towers and dish antennas, can have major visual impacts. Similarly, some network utilities require larger ancillary buildings or structures. The visual impact of such facilities is increased depending on the sensitivity of the surrounding area, for example residential areas or others such as areas of landscape value are more sensitive visual environments than business areas.

Development and activities near existing network utilities can also result in adverse effects on network utilities and compromise their operation, maintenance, upgrading and development. Requiring Authorities may designate land within the District for the purposes of establishing and maintaining a network utility.

Network Utilities Objectives

- 10.6 To provide for the protection, efficient development, use, maintenance and upgrading of network utility services to meet the reasonable needs of residents and businesses throughout the District while ensuring that significant adverse effects are avoided, remedied or mitigated.
- 10.6.1 Issue 10.5.1
- 10.6.2 To recognise network utilities as a resource for the District, providing benefits for the community's social and economic well-being. Issue 10.5.1

Network Utilities Policies

- 10.7 By considering the actual or potential adverse effects of proposed network utilities with respect to their location, design and operation, while taking into account the functional, technical and operational needs of network utility operations. Objective 10.6.1
- 10.7.1 Network utilities are important to provide for the economic and social wellbeing of the Kaipara community, however it is important to ensure that in providing for these services the actual and visual amenity effects of these facilities are mitigated and the health and safety of the community is maintained. Objective 10.6.2
- 10.7.2 By managing network utilities that generate electric and magnetic fields and radio frequency radiation in accordance with accepted national and international standards, guidelines and codes of practice. Objective 10.6.1
- 10.7.3 Compliance with recognised International and New Zealand standards is important to ensure that network utility services do not result in any adverse health and safety effects on those located in close proximity to them. Objective 10.6.1
- 10.7.4 By making provision for network utility services corridors (such as roads) and the co-siting of utilities, where technically and commercially practicable. Objective 10.6.1
- 10.7.5 The co-location of network utility services within the road has the potential to disrupt the road network and surrounding land uses if they are not provided for in an efficient manner. Co-location will minimise the extent of land affected by these services and will minimise adverse effects on the surrounding area associated with their construction and maintenance. Objective 10.6.1
- 10.7.6 By ensuring that the route or site selection process, and scale and design, of new or major upgrades to network utilities and associated structures avoid, remedy or mitigate adverse effects on the amenity values of the environment in which they are located. Objective 10.6.1
- 10.7.7 Network utilities and their associated structures have the potential to adversely affect the visual amenity of the District if consideration is not given to their location, scale, design, route and site selection. Consideration of these matters will ensure any adverse effects of these activities on the environment are avoided, remedied or mitigated.

- 10.7.5 By ensuring that where it is safe and technically, economically and environmentally practicable network utilities are placed underground. Objective 10.6.1

The location of network utilities underground enables the sustainable management of these facilities whilst avoiding, remedying or mitigating any actual or potential effects they will create on the environment.

Methods

- 10.8.1 District Plan Methods
- 10.8.1.1 Network utilities rules which provide standards governing numbers, location, scale, design of network utility equipment and associated buildings and sites.
- 10.8.1.2 Cross referencing to the National Environmental Standard for Electricity Transmission Activities, National Environmental Standard for Telecommunication Facilities and National Environmental Standard for Sources of Human Drinking Water.
- 10.8.1.3 Requiring Authorities may designate land within the District for the purposes of establishing and maintaining a network utility.
- 10.8.1.4 Conditions attached to Resource Consents for network utility operations which relate to the effects of the operation on amenity values.
- 10.8.1.5 Having regard to relevant objectives, policies and rules in other Chapters of the District Plan.
- 10.8.1.6 Additional controls in terms of Overlay areas on the location and appearance of network utilities in environmentally sensitive areas.
- 10.8.1.7 Receive financial contributions as prescribed in Chapter 22: Financial Contributions, of the District Plan.
- 10.8.2 Other Methods
- 10.8.2.1 New Zealand and International Standards, guidelines and codes of practice will be used to manage the effects of activities, particularly in relation to electric and magnetic fields and radiofrequency fields.

Chapter 3

The coordination with other network utility operators in relation to the location of new utility services and possible effects of new development on existing facilities and services will enable integrated and environmentally acceptable provision of network utilities.

10.8.2.2 Structure planning for new Growth Areas to consider infrastructure requirements and opportunities to best utilise existing systems and facilities and the ability for Network Utility Operators to maintain and operate existing infrastructure.

10.8.2.4 Applications for subdivision, use and development of land need to consider existing network utilities and the ability for Network Utility Operators to maintain and operate existing infrastructure.

- 10.8.2.5 Provide information on utility infrastructure in Council's GIS database.
- 10.9 Outcomes
- 10.9.1 The efficient and effective provision and protection of network utility operations within the District. Issue 10.5.1
- 10.9.2 Adverse environmental impacts of network utilities are avoided, remedied or mitigated. Issue 10.5.1
- 10.9.3 Structure Planning which assists to avoid adverse impacts on public works or strategic utilities. The management of reverse sensitivity effects may include future provisions to encourage greater setbacks between activities and existing infrastructure. Issue 10.5.1

Network Utilities Rules

In any instance where network utility activities are proposed or where works are within the road (road reserve), and the Rules in Chapter 10 and 11 (respectively) overlap (or duplicate) with a Rule in the other Part B Chapters, the Rules in Chapters 10 and 11 (respectively) will take precedence.

Note 1: These rules do not apply if the activity is provided for by way of designation in the District Plan.

10.10.1 Permitted Activities

A Network utility is a Permitted Activity if:

- a) It complies with all the Performance Standards in Rule 10.11; or
- b) It complies with all the Performance Standards in Rule 10.12.

10.10.2 Restricted Discretionary Activities

The following Network Utilities activities are Restricted Discretionary Activities:

- a) Activities that do not comply with Rules 10.11.4-10.11.14 and 10.12.2.

10.10.3 Discretionary Activities

The following network utilities activities shall be a Discretionary Activity:

- a) Activities that do not comply with Rule 10.11.1 are Discretionary Activities.

10.10.4 Non-Complying Activities

The following network utilities activities shall be a Non-Complying Activity:

- a) Activities that do not comply with Rule 10.11.2 and 10.11.3, and 10.12.1 are Non-Complying Activities.



Network Utility Performance Standards (excluding telecommunications facilities in the road reserve refer to Section 10.12)

Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.1 Limits for Network Utilities	(1) Any Network Utility (excluding telecommunication facilities and existing electricity transmission lines) in all Zones (including Overlay Areas) is a <i>Permitted Activity</i> if it meets the following: a) Electricity line up to and including 110KV; b) The storage or treatment of water or sewage less than 50m³ per day; and c) The transmission, storage or distribution of natural gas at a gauge pressure up to and including 2000 kilopascals.	Discretionary Activity	Where an activity is not permitted by this Chapter, Council will have regard to the following matters when considering an application for Resource Consent: i) The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; ii) Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; iii) Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site; iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; v) Whether and the extent to which cumulative effects will occur as a result of the proposal; w) Whether and the extent to which visual effects will occur as a result of the proposal; ix) If located in 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 proposed activity will adversely affect those values in accordance with the Objectives and Policies for that Overlay as set out in Chapter 4; x) Whether and the extent to which the effects of the activity may adversely affect existing land uses and impacts on existing infrastructure in the vicinity; xi) Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is contained by operational and technical requirements; and x) For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections. Note 1: Resource Consent applications, where applicable will include assessment of Clause 12 of the National Environmental Standard for Sources of Human Drinking Water.
10.11.2 Telecommunication facilities generating radiofrequency fields	Telecommunication facilities that are not within the road reserve are a <i>Permitted Activity</i> if: a) Radiofrequency fields comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 - Maximum Exposure Levels - 3 kHz to 300 GHz and assessed in accordance with NZS 6609.2: 1990 Radiofrequency Radiation; Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz. Note 1: As part of monitoring undertaken pursuant to Section 35 of the Resource Management Act 1991 Council may annually request the following information from operators of facilities emitting radio frequency fields: a) Written notice of the location of the facility; and b) A report prepared by a suitably qualified radio engineer/technician or physical scientist confirming that the New Zealand Standard 6609.2 is met. If the report provided to Council under (c) above predicts that the emissions exceed 25 percent of the exposure limit set for the general public in the New Zealand Standard 6609.2, the Council may commission a report from the National Radiation Laboratory or other appropriately qualified person/organisation to determine compliance with the New Zealand Standard 6609.2.	Non-Complying Activity	The Council will have regard to the Objectives and Policies in Chapter 10 and, where relevant, the Objectives and Policies of the Zone Chapters. The Council will have regard to any adverse effects of the activity on the environment and proposed measures to avoid, remedy or mitigate such effects.
10.11.3 Electricity lines generating electric and magnetic fields	Electricity lines are a <i>Permitted Activity</i> if: a) Electric and magnetic fields strengths comply with the limits detailed in the International Commission for Non-Ionising Radiation Protection guidelines (1998) and World Health Organisation Monograph (No. 228, June 2007).	Non-Complying Activity	The Council will have regard to the Objectives and Policies in Chapter 10, where relevant Objectives and Policies of the Zone Chapters and proposed measures to avoid, remedy or such effects.

Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Existing Network Utilities	The operation, maintenance, upgrading, relocation and removal of existing network utility lines (excluding existing transmission lines covered by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009) is a Permitted Activity if: - The electric and magnetic fields strengths do not exceed the limits detailed in the International Commission for Non-Ionising Radiation Protection guidelines (1996) and World Health Organisation Monograph (No. 326, June 2007); and - The height of support structures (excluding earthwires, eartheads and lightning rods) is to a maximum of 15% of their existing height; and - Radiofrequency fields comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 GHz to 300 GHz and assessed in accordance with NZS 6809-2: 1999 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and - Upgrading and renewal of gas pipelines is limited to the replacement of sections of pipeline with an equivalent pipeline diameter. No more than 50 linear metres of pipeline shall be excavated and the ground is reinstated on completion of works. Note 1: Any alteration to structures will be considered permitted if the activity complies with the rules relating to new structures. Note 2: The operation, maintenance, upgrading, relocation and removal of existing electricity transmission lines is covered by, and to be assessed (where necessary) under, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.	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 ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in 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, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; - Whether and the extent to which the effects of upgrading or undergrounding of electricity transmission lines may adversely affect existing land uses, and impacts on existing infrastructure in the vicinity; - Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
Maximum Height	(1) Any pole, tower, mast, aerial, panel, element or dish associated with a Network Utility is a Permitted Activity if it does not exceed the following height limits above ground: - All Zones except Business and Rural – 15m; and - Business Zone – 20m; and - Rural Zone – 18.5m. (2) Any aerial or dish, panel or element associated with a Network Utility is a Permitted Activity if it does not exceed the following height limit above a building: - All Zones – 3m.	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 ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in 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, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
Maximum Diameter	(1) Any pole or mast associated with a Network Utility is a Permitted Activity if it does not exceed the following diameters: - All Zones – 1,350mm. (2) Any aerial, panel or element or dish associated with a Network Utility is Permitted Activity if it does not exceed the following diameters: - All Zones except Business – 1.2m; and - Business Zone – 2m.	Restricted Discretionary Activity	
Separation distances	Any mast associated with a Network Utility is a Permitted Activity if it exceeds the following separation distances between individual masts: - In all Zones – 15m (except where located adjacent to two or more roads); and - In all Zones where located adjacent to two or more roads – 5m. Note 1: This rule does not apply to electricity lines or poles	Restricted Discretionary Activity	
Maximum Length	Any aerial, panel, element or dish associated with a Network Utility is a Permitted Activity if it does not exceed the following length:	Restricted Discretionary Activity	

Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.9	a) In all Zones - 6m. Any aerial antenna or dish is <i>Permitted Activity</i> if it does not exceed the following area: a) All Zones except Business - 1.77m² (largest face); b) Business Zone - 9.85m² (largest face).	Restricted Discretionary Activity	
10.11.10	(1) Any outdoor structure located above ground associated with a Network Utility (excluding electricity and telecommunication lines; poles or masts) is a <i>Permitted Activity</i> if it does not exceed the following volumes: a) All Zones except Business - 9.5m³; b) Business Zone - 25m³; (2) Structures located below ground associated with a Network Utility (excluding reticulation systems) are a <i>Permitted Activity</i> if they do not exceed the following volume: a) In all Zones - 40m³.	Restricted Discretionary Activity	
10.11.11	Any outdoor structure located above ground associated with a Network Utility (excluding poles, masts, lines and support structures for lines) is a <i>Permitted Activity</i> if it does not exceed the following dimensions: a) In all Zones - 3m.	Restricted Discretionary Activity	
10.11.12	Any structure located above ground associated with a Network Utility is a <i>Permitted Activity</i> if it meets the following criteria: a) Is painted or supplied in a material that subject to normal weathering is a recessive colour (to integrate with the surrounding environment); b) Has a low reflectivity finish with a maximum reflectivity of 40%; and c) Is located so that it does not impede pedestrians, cyclists or motorists. Note 1: Where possible the following design guidelines should be met to minimise visual clutter: - Be integrated with existing street furniture e.g. lighting poles; and - Co-location of cabinets in the road reserve.	Restricted Discretionary Activity	
10.11.13	Landscaping For network utilities not meeting the performance standards in Rule 10.11.10 and 10.11.11 (excluding lines and support structures for lines and above ground pipes and associated structures), landscaping shall be established to mitigate the visual effects of buildings, structures and access, to ensure they are integrated with the surrounding environment when viewed from adjoining sites and public places. a) Planting shall be provided for the purpose of screening buildings and structures taking into account the operational requirements of the structure; b) Planting shall generally include trees or shrubs with a minimum height of one metre at the time of planting, which at maturity reach a height capable of screening the building, structures and/or access; c) Planting shall be maintained or replaced to maintain a visual screen; and d) In addition to (a) to (c), for substations, a minimum 5m wide strip of amenity planting shall be provided around the outside of facilities which together comprise a substation taking into account the operational requirements of the structure.	Restricted Discretionary Activity	
10.11.14	Signs Installing or modifying a sign associated with a network utility which identifies the structure or its owner, and/or provides safety or navigation instructions, is a <i>Permitted Activity</i> provided: a) A sign identifying the structure or its owner is restricted to a maximum area of 1m²; b) A sign providing safety or navigation instructions and ownership details is restricted to a maximum area of 6m².	Restricted Discretionary Activity	Refer to the Assessment Criteria in Rule 10.11.5 (Maximum Height)

Rural Permitted Activity Performance Standards for Telecommunications Facilities in the Road Reserve (for telecommunications outside the road reserve refer to 10.11)

Rural Permitted Activity Performance Standard		Assessment Criteria	
Activity Status if the Activity does not meet the Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Activity Status if the Activity does not meet the Performance Standard
Telecommunication facilities generating radiofrequency fields a) The radiofrequency field complies with the National Environmental Standards for Telecommunication Facilities Regulations 2008.	Telecommunication facilities generating radiofrequency fields a) The radiofrequency field complies with the National Environmental Standards for Telecommunication Facilities Regulations 2008.	Generally <i>Non-Complying Activities</i> are not encouraged, however if a <i>Non-Complying Activity</i> is proposed the proposal will be assessed against, but not restricted to, the Objectives and Policies of this District Plan and the effects of the activity on the environment.	Generally <i>Non-Complying Activities</i> are not encouraged, however if a <i>Non-Complying Activity</i> is proposed the proposal will be assessed against, but not restricted to, the Objectives and Policies of this District Plan and the effects of the activity on the environment.
Telecommunication facilities in the road reserve a) The telecommunication facility meets the National Environmental Standard for Telecommunication Facilities Regulations 2008.	Telecommunication facilities in the road reserve are a <i>Permitted Activity</i> if: a) The telecommunication facility meets the National Environmental Standard for Telecommunication Facilities Regulations 2008.	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 ability of the proposed activity to comply with all relevant standards for the Zone it is located within; ii) Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; iii) Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; v) Whether and the extent to which cumulative effects will occur as a result of the proposal; vi) Whether and the extent to which visual effects will occur as a result of the proposal; vii) If located in 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 the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; viii) Whether and the extent to which the effects of upgrading or undergrounding of high voltage transmission lines may adversely affect existing land uses and development opportunities close to or beneath them, and impacts on existing infrastructure in the vicinity; and ix) Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements.	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 ability of the proposed activity to comply with all relevant standards for the Zone it is located within; ii) Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; iii) Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; v) Whether and the extent to which cumulative effects will occur as a result of the proposal; vi) Whether and the extent to which visual effects will occur as a result of the proposal; vii) If located in 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 the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; viii) Whether and the extent to which the effects of upgrading or undergrounding of high voltage transmission lines may adversely affect existing land uses and development opportunities close to or beneath them, and impacts on existing infrastructure in the vicinity; and ix) Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements.

ANNEXURE C

Amendments to Excavation and Fill (Earthworks) Provisions



Performance Standards Rural Land Use (Excavation and Fill)

Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Excavation and Fill	Subject to the exclusions in (24) below, excavation and fill is a Permitted Activity if: (1) Rural Zone¹ a) The site is not within any area known to be erosion prone, subject to instability flood hazards; b) The works are within 5m of the top of a bank of any water body and the volume is less than 1,000m³ and the area is less than 300m² in any 12 month period; c) The works are located a minimum of 5m from the top of a bank of any water body and the volume is less than 5,000m³ and the area is less than 3,000m² in any 12 month period; d) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and e) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; and (2) Rural Zone a) The works are within 5m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; or The works are located a minimum of 5m from the bank of any lake, river or edge of any wetland and the volume is less than 5,000m³ within a site in any 12 month period; (3) East Coast and West Coast and Harbour (Mangawhai and Kaipara) Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12 month period; or b) The volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period within a site and the works are not within 50m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12 month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (4) Kaipara Harbour Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; or b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12 month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (5) Kai-Iwi Lakes and Valued Natural Environments of Mangawhai Harbour Overlay (except for (4A) below) a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12 month period; or b) The volume is less than 1,500m³ and the area is less than 1,500m² in any 12 month period within a site and the works are not within 50m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a 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: i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here); ii) Machinery to be used and hours of operation; iii) Effects on the locality, particularly the character and amenity values of adjoining sites and uses; iv) Effects on landscape¹² v) 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 24G¹³; vi) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land. vii) Effects on landscape and heritage values; in particular any site identified in the District Plan or an amenity landscape identified in a Consents Landscape Treatment Report (2014)¹⁴; viii) Whether and to the extent to which the works meet the requirements of the performance standards in Rule 12.10.1 or the Kaipara District Council Engineering Standards 2011; ix) Effects of dust and noise on sensitive receptors; x) If located in 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 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); xi) Effects on cultural and heritage values (as defined in Chapter 17), including whether and to what extent any consultation has been undertaken with Tangata Whenua as appropriate;¹⁵ xii) The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6, 7, 8 and 17; xiii) Any effects on the integrity of the electricity transmission line; and xiv) The volume, area and location of the works, including temporary activities such as: - Stockpiles; - Timing of the works; - Site remediation; - The use of mobile machinery near transmission line which may put the line at risk; - Compliance with New Zealand Electrical Code of Practice 34:2001; and - Outcomes of any consultation with any relevant network operator¹⁶. In granting any Consent under this Rule, Council will require (as a Condition on that Consent) in addition to the above, any application for Consent to undertake excavation and fill will require the following information to be lodged by the Consent Holder, which is to contain the following information (to the satisfaction of Council): i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and wetland areas, water bodies and the Coastal Marine Area; iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and wahi tapu, and the need for an archaeological/historic places site survey of the area to be developed; iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;

Rural Permitted Activity Performance Standard

Assessment Criteria

Activity Status if the Activity does not meet the Performance Standard

- (4A) Manawhau Harbour Overlay for sites within the 'Sanctuary subdivision' located in Robert Haste Drive, Lakeview Lane and Woodleigh Lane, Manawhau:
- a) Excavation and fill on the identified 'building sites' (note: coloured orange) and 'additional building sites' (note: coloured yellow) referred to in the Hawthorne/Goddies Report 2004 for the 'Sanctuary subdivision' is a Permitted Activity:
- i) The works are within 300m of the CMA and the volume is less than 300m³ and the area is less than 300m² in any 12 month period;
- ii) The works are not within 5m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period.
- (5) Kaitiaki Lakes Overlay
- a) The works are not within 5m of the bank of any lake, river or edge of any wetland and the volume is less than 150m³ and the area is less than 150m² in any 12 month period; and
- b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.
- (6) Transmission Corridor No Build Area
- a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks:
- the new and on-going operation, maintenance and upgrading of existing Network Utilities, or
 - Normal Rural Practices where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZESP 34: 2007).
- (7) Except that the following are Permitted Activities throughout the Rural Zone, including Overlays, unless the site is within the Transmission Corridor No Build Area (where Standard 12.10.1(6) applies):
- a) Forestry, if the company is a signatory of the New Zealand Forest Asset Excavation and Fill associated with Forestry operations; if the company has Forest Stewardship Council certification or another third party certified environmental management system;
- b) Network utilities, except where a site or feature is identified in Part C of the Plan;
- c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and
- d) Normal Rural Practices.¹⁰
- Note 1:** Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.
- Note 2:** Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.
- Note 3:** The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).
- Note 4:** For the purpose of clarity the standards of this Rule for the Rural Zone apply to Overlays unless alternative standards are explicitly stated.
- Note 5:** 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 7.21(1)(4A) above recognises this. The clause exempts excavation and fill on the recorded building sites from rule 12.10.1(4).

- v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;
- vi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and
- vii) Details of methods proposed to manage construction traffic.
- For the purposes of this rule a Development Plan shall include:
- i) A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retarding, loading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled ferns from this Plan and the landscape sensitivity of the site;
- ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site;
- iii) The estimated number of people, including employees, on site and services and buildings for them;
- iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis;
- v) The methods for controlling erosion and sedimentation on site;
- vi) The staging of the mine or quarry;
- vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing;
- viii) The methods to be employed to control the effects of dust and debris on site;
- ix) The methods to be employed to control the effects of noise and vibration on site;
- x) A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners;
- xi) Method of containing tailings.
- Except that this rule does not apply to a quarry or mine defined by 'normal rural practices'.
- Note 1:** A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding.
- Note 2:** Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.
- Note 3:** Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.¹¹

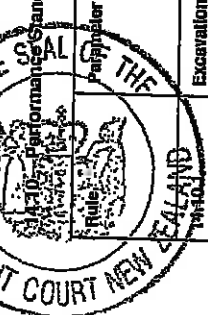
1 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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3 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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5 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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7 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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9 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
10
11 This amendment is an outcome of the Energy and Electricity mediation topic.]
12
13 This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
14
15 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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17 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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19 This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
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21 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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23 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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25 This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
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27 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
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29 This amendment is an outcome of the Energy and Electricity mediation topic.]
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31 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
32
33 This amendment is an outcome of the Energy and Electricity mediation topic.]

Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Excavation and Fill	(1) Excavation and fill is a Permitted Activity if: - The site is not within any area known to be erosion prone, subject to instability or flood hazards; and - Where the site is outside of an Overlay area the volume is less than 200m³ within a site in any 12 month period and where Overlays apply, the volume is less than 100m³ within a site in any 12 month period; and - The site is not within 6m of a bank of any water body; and - The height or depth is less than 1.5m over a continuous distance of less than 50m within a site; and - Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m²; and - All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within six months of the earthworks being completed; - All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed; and - Provided the site is not located within an Outstanding Natural Landscape, as identified in Map Series 2. (2) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from Rule 13.10.1(1): - Network utilities, except where a site or feature is identified in Part C of the Plan; and - Underground storage tanks except where a site or feature is identified in Part C of the Plan. Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required. Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).	Resisted 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: - Whether Building Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here); - Machinery to be used and hours of operation; - Effects on the locality, particularly the character and amenity values of adjoining sites/land uses; - Effects on landforms; - 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 24C 25C; - Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land; - Effects on landscape and heritage values; in particular any site identified in the District Plan or an amenity landscape identified in Council's Landscape Technical Report (2011); - Whether and the extent to which the works meet the requirements of the performance standards in Rule 13.10.1 or the Kaipara District Council Engineering Standards 2011; - Effects of dust and noise on sensitive receivers; - If located in 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; 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); - Effects on cultural and heritage values (as defined in Chapter 17), including whether and to what extent any consultation has been undertaken with <i>Tangata Whenua</i> as appropriate; - The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6, 7, 8 and 17; In granting any Consent under this Rule, Council will require (as a Condition on that Consent) in addition to the above, any application for Consent to undertake excavation and fill will require an Excavation and Fill Management Plan to be lodged by the Consent Holder, which is to contain the following information (to the satisfaction of Council): - Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; - A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and wetland areas, water bodies and the Coastal Marine Area; - An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and warf <i>tapu</i>, and the need for an archaeological-historic places site survey of the area to be developed; - Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area; - Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds; - Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment and - Details of methods proposed to manage construction traffic. Note 1: A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding. Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications. Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.

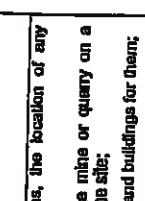


Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
			consult with affected landowners

- 1 This amendment is an outcome of the Excavation and Fill topic, Included for context only.]
- 2 This amendment is an outcome of the Natural Environment mediation topic, Included for context only.]
- 3 This amendment is an outcome of the Natural Environment mediation topic, Included for context only.]
- 4 This amendment is an outcome of the Excavation and Fill topic, Included for context only.]
- 5 This amendment is an outcome of the Excavation and Fill topic, Included for context only.]
- 6 This amendment is an outcome of the Excavation and Fill topic, Included for context only.]
- 7 This amendment is an outcome of the Energy and Electricity mediation topic.]



Excavation and Fill	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	(1) All Overlay Areas Only Excavation and fill is a Permitted Activity if: - It is part of an approved Building Consent issued under the Building Act 2004; or - The site is not within any area known to be erosion prone, subject to instability or flood hazard; and - The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and - The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height; and - All bare earth areas including excavation and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and - Revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed. (2) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlay and are excluded from the Standards of 14.10.1(1): - Network utilities, except where a site or feature is identified in Part C of the Plan; - Underground storage tanks except where a site or feature is identified in Part C of the Plan. Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required. Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).	Resuscitated 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: - Whether Building Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be recognised here); - Machinery to be used and hours of operation; - Effects on the locality, particularly the character and amenity values of adjoining effluent uses; - Effects on landformers; - Effects on ecological values and in particular any Sites of Ecological Significance as-by-reference to the criteria listed in Appendix 25G; - Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land. - Effects on landscape and heritage values; in particular any site identified in the District Plan or an amenity landscape identified in Council's Landscape Technical Report (2017); - Whether and the extent to which the works meet the requirements of the performance standards in Rule 14.10.1 or the Kaipara District Council Engineering Standards 2017; - Effects of dust and noise on sensitive receivers; - If located in 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 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); - Effects on cultural and heritage values (as defined in Chapter 17). Including whether and to what extent any consultation has been undertaken with Tangata Whenua as appropriate; - The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6, 7, 8 and 17; In granting any Consent under this Rule, Council will require (as a Condition on that Consent) in addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, to be lodged by the Consent Holder, which is to contain the following information (to the satisfaction of Council): - Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; - A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and wetland areas, water bodies and the Coastal Marine Area; - An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and wahi tapu, and the need for an archaeological-historic places site survey of the area to be developed; - Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area; - Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds; - Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and - Details of methods proposed to manage construction traffic. For the purposes of this rule an Excavation and Fill Management Plan shall include: - A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retelling, roading, parking, vehicle wash-down, surfaces

Business: Commercial and Industrial Permitted Activity Performance Standard	Assessment Criteria	Activity Status if the Activity does not meet the Performance Standard
	drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site; ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site; iii) The estimated number of people, including employees, on site and services and buildings for them; iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis; v) The methods for controlling erosion and sedimentation on site; vi) The staging of the mine or quarry; vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing; viii) The methods to be employed to control the effects of dust and debris on site; ix) The methods to be employed to control the effects of noise and vibration on site; x) A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners; xi) Method of containing tailings. Except that this rule does not apply to a quarry or mine defined by "normal rural practice" Note 1: A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding. Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications. Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.	

- 1 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 2 This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
- 3 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 4 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 5 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 6 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 7 This amendment is an outcome of the Energy and Electricity mediation topic.]

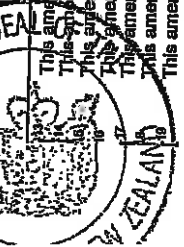


Maori Land Performance Standards Maori Land [Excavation and Fill]

Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Excavation and Fill	(1) Subject to the exclusions in (2)-(4) below, excavation and fill is a Permitted Activity if: Maori Purposes: Maori Land Zone² a) The site is not within any area known to be erosion prone, subject to instability flood hazards; b) The works are within 5m of the top of a bank of any water body and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; or c) The works are located a minimum of 5m from the top of a bank of any water body and the volume is less than 5,000m³ within a site in any 12 month period;³ e) All bare earth areas, including excavation and fill better faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and e) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; and (1) Maori Purposes: Maori Land Zone a) The works are within 5m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; or The works are located a minimum of 5m from the bank of any lake, river or edge of any wetland and the volume is less than 5,000m³ within a site in any 12 month period;⁴ (2) Easement and West Coast and Harbour (Mangawhai and Kaipara) Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12 month period; or e) The volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period within a site and the works are not within 50m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12 month period;⁵ and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (3) Kaipara Harbour Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period; or b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12 month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (4) Kat-lwi Lakes and Valued Natural Environment of Mangawhai Harbour Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12 month period; or e) The volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period within a site and the works are not within 50m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12 month period; and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (5) Kat-lwi Lakes Overlay	Resituated Discretionary Activity	Where an activity is not permitted by this Rule, Council has resituated its discretion over the following matters when considering and determining an application for Resource Consent i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here); ii) Machinery to be used and hours of operation; iii) Effects on the locality, particularly the character and amenity values of adjoining sites and uses; iv) Effects on landform;¹² v) Effects on ecological values and in particular any Sites of Ecological Significance or by reference to the ss defined by the criteria listed in Appendix 24G 25G¹³; vi) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land; vii) Effects on landscape and heritage values; in particular any site identified in the District Plan or an amenity landscape identified in Council's Landscape Technical Report (2014)¹⁴; viii) Whether and the extent to which the works meet the requirements of the performance standards in Rule 16A.10.1 for the Kaipara District Council Engineering Standards 2011; ix) Effects of dust and noise on sensitive receivers; x) If located in 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; 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); xi) Effects on cultural and heritage values (as defined in Chapter 17), including whether and to what extent any consultation has been undertaken with Tangata Whenua as appropriate; xii) The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6, 7, 8 and 17; xiii) Any effects on the integrity of the electricity transmission line; and xiv) The volume, area and location of the works, including temporary activities such as: - Stockpiles; - Timing of the works; - Site remediation; - The use of mobile machinery near transmission line which may put the line at risk; - Compliance with New Zealand Electrical Code of Practice 342001; and - Outcomes of any consultation with any relevant network operator¹⁷. In granting any Consent under this Rule, Council will require (as a Condition on that Consent) in addition to the above any application for Consent to undertake excavation and fill will require the following information to be lodged by the Consent Holder, which is to contain the: i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; ii) A plan showing relevant existing and proposed contours and location of any adjacent bush strip land and wetland areas, water bodies and the Coastal Marine Area; iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and wash/tapi, and the need for an archaeological-historic places site survey of the area to be developed; iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;

Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	a) The works are not within 5m of the bank of any lake, river or edge of any wetland and the volume is less than 150m³ and the area is less than 150m² in any 12 month period; and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (6) Transmission Corridor No Build Area a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for: - the new and on-going operation, maintenance and upgrading of existing Network Utilities, or - Normal Rural Practices where they comply with the New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP 34: 2001).¹⁰ (7) Except that the following are Permitted Activities throughout the Maori Land Zone, including Overlays, unless the site is within the Transmission Corridor No Build Area (where Standard 15A.10.1(6) applies)⁹ a) Excavation, if the company is a signatory of the New Zealand Forest Accord Excavation and fill associated with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system.¹¹ b) Network utilities, except where a site or feature is identified in Part C of the Plan; c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and d) Normal Rural Practices.¹⁰ Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required. Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length). Note 4: For the purpose of clarity the standards of this Rule for the Maori Purposes: Maori Land zone apply to Overlays unless alternative standards are explicitly stated.¹¹		v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds; vi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and vii) Details of methods proposed to manage construction traffic. For the purposes of this rule a Development Plan shall include: i) A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling areas and/or buildings to be used for regrading, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or basins, the location of any scheduled items from this Plan and the landscape sensitivity of the site; ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site; iii) The estimated number of people, including employees, on site and services and buildings for them; iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis; v) The methods for controlling erosion and sedimentation on site; vi) The staging of the mine or quarry; vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing; viii) The methods to be employed to control the effects of dust and debris on site; ix) The methods to be employed to control the effects of noise and vibration on site; x) A statement giving details of consultation, including consultation with Tāngata Whānua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners; xi) Method of containing tailings. Except that this rule does not apply to a quarry or mine defined by "normal rural practice". Note 1: A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding. Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications. Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.⁹

- 11 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 12 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 13 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 14 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 15 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 16 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 17 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 18 This amendment is an outcome of the Energy and Electricity mediation topic.]
- 19 This amendment is an outcome of the Energy and Electricity mediation topic.]
- 20 This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
- 21 This amendment is an outcome of the Excavation and Fill topic, included for context only.]
- 22 This amendment is an outcome of the Excavation and Fill topic, included for context only.]



This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
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This amendment is an outcome of the Energy and Electricity mediation topic.]

Treaty Settlement Land Performance Standards Maori Purpose: Treaty Settlement Land Zone [Excavation and Fill]

Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Excavation and Fill	(4) Subject to the exclusions in (24), below, excavation and fill is a Permitted Activity if: Maori Purpose: Treaty Settlement Land Zone² a) The site is not within any area known to be erosion prone, subject to instability flood hazards; b) The works are within 6m of the top of a bank of any water body and the volume is less than 1,000m³, and the area is less than 1,000m² in any 12-month period; or c) The works are located a minimum of 6m from the top of a bank of any water body and the volume is less than 5,000m³ within a site, in any 12-month period; e) All bare earth areas, including excavation and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and e) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; and (1) Maori Purpose: Treaty Settlement Land Zone a) The works are within 8m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12-month period; or The works are located a minimum of 6m from the bank of any lake, river or edge of any wetland and the volume is less than 5,000m³ within a site, in any 12-month period; (2) East Coast and West Coast and Harbour (Mangawhai and Kaipara) Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12-month period; or b) The volume is less than 1,000m³ and the area is less than 1,000m² in any 12-month period within a site and the works are not within 620m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12-month period; and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (3) Kaipara Harbour Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12-month period; or b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 2,500m³ and the area is less than 2,500m² in any 12-month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (4) Kai-Iwi-Lake and Valued Natural Environment of Mangawhai Harbour Overlay a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m³ and the area is less than 300m² in any 12-month period; or b) The volume is less than 1,000m³ and the area is less than 1,000m² in any 12-month period within a site and the works are not within 620m of the top of the bank of any lake, river or edge of any wetland water body and the volume is less than 1,000m³ and the area is less than 1,000m² in any 12-month period; and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.	Resituated 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) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here); ii) Machinery to be used and hours of operation; iii) Effects on the locality, particularly the character and amenity values of adjoining sites and uses; iv) Effects on landforms; v) Effects on ecological values and in particular any Sites of Ecological Significance as by reference to the as defined by the criteria listed in Appendix 24G 25G; vi) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land; vii) Effects on landscape and heritage values; in particular any sites identified in the District Plan or an amenity landscape identified in Council's Landscape Technical Report (2011); viii) Whether and the extent to which the works meet the requirements of the performance standards in Rule 18B.10.1 or the Kaipara District Council Engineering Standards 2011; ix) Effects of dust and noise on sensitive receivers; x) If located in 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; and the proposed contribution to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7); xi) Effects on cultural and heritage values (as defined in Chapter 17), including whether and to what extent any consultation has been undertaken with Tangata Whenua as appropriate; xii) The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6, 7, 8 and 17; xiii) Any effects on the integrity of the electricity transmission line; and xiv) The volume, area and location of the works, including temporary activities such as: - Stockpiles; - Tinning of the works; - Site remediation; - The use of mobile machinery near transmission lines which may put the line at risk; - Compliance with New Zealand Electrical Code of Practice 342001; and - Outcomes of any consultation with any relevant network operator. In granting any Consent under this Rule, Council will require (as a Condition on that Consent) in addition to the above, any application for Consent to undertake excavation and fill will require an Excavation and Fill Management Plan to be lodged by the Consent Holder, which is to contain the following information (to the satisfaction of Council): i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; ii) A plan showing relevant existing and proposed contours and location of any adjacent bush strip land and wetland areas, water bodies and the Coastal Marine Area; iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and waahi tapu, and the need for an archaeological-historic places site survey of the area to be developed; iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area.

(5) <u>Kel Iwi Lakes Overlay</u> a) The works are not within 6m of the bank of any lake, river or edge of any wetland and the volume is less than 150m³ and the area is less than 150m² in any 12 month period; and b) The height or depth is less than 2m over a continuous distance of less than 50m within a site. (6) <u>Transmission Corridor No Build Area</u> a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for: - the new and on-going operation, maintenance and upgrading of existing Network Utilities, or - Normal Rural Practices where they comply with the New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP 34:2001)¹. (7) <u>Except that the following are Permitted Activities throughout the Treaty Settlement Land Zone, including Overlays, unless the site is within the Transmission Corridor No Build Area (where Standard 15B.10.1(e) applies)¹:</u> a) <u>Excavation</u> if the company is a signatory of the New Zealand Forest Asset Excavation and Fill associated with forestry operations, if the company has a Forest Stewardship Council Certification or another third party certified environmental management system²; b) Network utilities, except where a site or feature is identified in Part C of the Plan; c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and d) <u>Normal Rural Practices</u>.¹² <u>Note 1:</u> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required. <u>Note 2:</u> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. <u>Note 3:</u> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length). <u>Note 4:</u> For the purpose of clarity the standards of this Rule for the Merit Purposes Treaty Settlement Land Zone apply to Overlays unless alternative standards are explicitly stated.	v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds; vi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and vii) Details of methods proposed to manage construction traffic. For the purposes of this rule a Development Plan shall include: i) A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retailing, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site; ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site; iii) The estimated number of people, including employees, on site and services and buildings for them; iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis; v) The methods for controlling erosion and sedimentation on site; vi) The staging of the mine or quarry; vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing; viii) The methods to be employed to control the effects of dust and debris on site; ix) The methods to be employed to control the effects of noise and vibration on site; x) A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners; xi) Method of containing tailings. Except that this rule does not apply to a quarry or mine defined by "normal rural practices". <u>Note 1:</u> A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding. <u>Note 2:</u> Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications. <u>Note 3:</u> Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners¹²
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7	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
8	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
9	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
10	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
11	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
12	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
13	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
14	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
15	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
16	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
17	This amendment is an outcome of the Excavation and Fill topic, included for context only.]
18	This amendment is an outcome of the Excavation and Fill topic, included for context only.]

- [18] This amendment is an outcome of the Energy and Electricity mediation topic.]
[19] This amendment is an outcome of the Excavation and Fill topic, included for context only.]
[20] This amendment is an outcome of the Energy and Electricity mediation topic.]

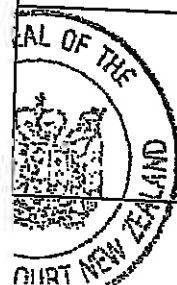




Amendments to Vegetation Clearance Provisions



Vegetation Clearance	Subject to the exceptions provided in (4)(5) below, clearance or removal of indigenous vegetation outside an overlay area is a Permitted Activity if:	Restricted Discretionary Activity	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:
(1) Rural Zone a) It is not located within an Indigenous wetland; and b) It is not part of: i) a continuous area of predominantly Indigenous vegetation over 5 hectares in area; or ii) a continuous area of predominantly Indigenous vegetation greater than 6m in height and over 1 hectare in area; and c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan. (2) East Coast and West Coast and Kaipara Harbour (Mangawhai and Kaipara) Overlay a) It is not located within an Indigenous wetland; and b) It is not part of: i) a continuous area of predominantly Indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly Indigenous vegetation greater than 6m in height and greater than 1,000m² in area and is not located within 400m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan. (3) Mangawhai Harbour Overlay: a) It is not located within an Indigenous wetland; and b) It is not part of: i) a continuous area of predominantly Indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly Indigenous vegetation greater than 3m in height and greater than 500m² in area; and c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan. (4)-(3) Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas a) It is not located within an Indigenous wetland; and b) It is not part of: i) a continuous area of predominantly Indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly Indigenous vegetation greater than 6m in height and greater than 500m² in area and is not located within 400m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan. (5) Except that the following are Permitted Activities throughout the Rural Zone, including the Overlay, and are excluded from the Standards of 12.10.2(1), 12.10.2(2), and 12.10.1(3) and 12.10.1(4): a) The removal is in accordance with an existing use right (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The total clearance within a site is no more than 500m² where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be			Extent of vegetation clearance proposed relative to total vegetated area; Whether any affected area of Indigenous vegetation is naturally occurring or has been artificially created; Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development; Effects on the locality, particularly the rural character and amenity values and if within an Overlay, those values associated with overlay areas; Effects on ecological values and in particular any its significance as a in-particular any Site of Ecological Significance or by reference to the criteria listed in Appendix 250; Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Councils Landscape-Feetprint Report (2014); Effects on water bodies, including wetlands and particularly sensitive receiving environments of the harbours and lakes; The ecological significance of the Indigenous vegetation or individual Indigenous tree and associated presence of rare or endangered flora and fauna including that as shown in Appendix F to the District Plan Maps; The extent to which the activity may adversely affect cultural and spiritual values; The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landscape; The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy; If located in an Overlay, extent to which the values identified in the Objectives and Policies for Overlay (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values in Overlay, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Section 4.4 and 4.7); The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 3, 6, 7, 8 and 17. In addition, Council will seek its discretion to the following matters when considering an application for Resource Consent in the Valued Natural Environments of Mangawhai Overlay: The extent to which the vegetation contributes to the values of the Valued Natural Environments of Mangawhai Overlay, as defined in the Conservation Policy Area of the Mangawhai Structure Plan.



protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or

g) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazardous from Trees) Regulations 2003;

h) The clearance is for the creation and maintenance of firebreaks; or

i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or

j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or a sustainable management plan, or a person's use, approval, or permanent forest sink, specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations; if the company has Forest Stewardship Council certification or another third party certified environmental management system the forestry operation is a stage in the New Zealand Forest Sector, or

k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.

Note 1: The *Regional Water and Soil Plan for Northland* contains minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.

Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.

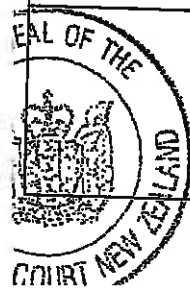
Note 3: For the purpose of clarity the standards of this Rule for the Rural Zone apply to Overseas unless alternative standards are explicitly stated.

Note 4: An area of predominantly indigenous is an area where the vegetation cover is at least 75% indigenous.

- [¹ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [² This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [³ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [⁴ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [⁵ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [⁶ Consequential amendment from outcome of Excavation and Fill Topic mediation, included for context only.]
- [⁷ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only.]
- [⁸ This amendment is a change from the Natural Environment Topic mediation and is included for context only.]
- [⁹ This amendment is a change from the Natural Environment Topic mediation and is included for context only.]



Vegetation Clearance	Subject to the exceptions provided in (4) below, clearance or removal of indigenous vegetation is a Permitted Activity if:	Resisted Discretionary Activity	Where an activity is a Resisted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent
(1) Residential Zone a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and over 200m² in area. (2) East Coast and West Coast and Kaipara Harbours (Mangawhai and Kaipara) Overlays a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 100m² in area and is not located within 100m of the Coastal Marine Area. (3) Valued Natural Environments of Mangawhai and Kaipara Lakes Overlay-Mangawhai Harbour Overlay a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m² in area and is not located within 100m of the Coastal Marine Area. (4) Except that the following are Permitted Activities throughout the Residential Zone, including the Overlays, and are excluded from the Standards of 13.10.2(1), 13.10.2(2) and 13.10.1(3): a) The removal is in accordance with an existing use right; (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The total clearance within a site is no more than 200m² where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or c) The removal is of trees that are a danger to human life or existing structures (including network utilities); or d) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or e) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous trees over 300mm girth; or f) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003; g) The removal is for the construction of a fire break by a fire authority; or h) It is necessary for the purposes of fencing and excluding stock from an area which is to be protected permanently for ecological and / or soil conservation purposes; or i) The vegetation or trees comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or j) It is carried out in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, a Sustainable Management Report or plan, a personal-use agreement, or permanent forest land covenant (under the Forests Act 1949), or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations, if the company has			i) Extent of vegetation clearance proposed relative to total vegetated area; ii) Whether any affected area of indigenous vegetation is naturally occurring or has been artificially created; iii) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development; iv) Effects on the locality; v) Effects on ecological values and in particular any its significance as a in-particular-any Site of Ecological Significance as by reference to the criteria listed in Appendix 25G; vi) Effects on landscape and heritage values, in particular any site identified in the District Plan or any recently landscape identified in Councils Landscape-Feetprint Report (2011); vii) Effects on water bodies, including wetlands and particularly sensitive receiving environments of the harbours and lakes; viii) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including that as shown in Appendix F to the District Plan Maps; ix) The extent to which the activity may adversely affect cultural and spiritual values; x) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform; xi) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; xii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; xiii) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy; xiv) 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 in Overlays-how the proposal contributes to the Objectives and Outcomes for the relevant Overlay as set out in Chapter 4 (Section 4.4 and 4.7); xv) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 3, 6, 7, 8 and 17. In addition, Council will restrict its discretion to the following matters when considering an application for Resource Consent in the Valued Natural Environments of Mangawhai Overlay: i) The extent to which the vegetation contributes to the values of the Valued Natural Environments of Mangawhai Overlay as defined in the Conservation Policy Area of the Mangawhai Structure Plan.



Forest Stewardship Council certification or another third party certified environmental management system, the forestry company is a signatory to the New Zealand Forest Accord, or

k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.

Note 1: The *Regional Water and Soil Plan for Northland* contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.

Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.

Note 3: For the purpose of clarity the standards of this Rule for the Residential Zones apply to Overlayz unless alternative standards are explicitly stated.

Note 4: An area of predominantly indigenous is an area where the vegetation cover is at least 75% indigenous.

- [¹ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [² This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [³ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [⁴ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [⁵ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [⁶ For completeness, this revision has been shown, it is a consequential amendment to the Plan resulting from mediation on the Earthworks Appeal Topic, Hancock Appeal]
- [⁷ This amendment is a consequential amendment from the Excavation and Fill Topic mediation, included for context only]
- [⁸ This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [⁹ This amendment is an outcome of the Natural Environments Topic mediation, included for context only]
- [¹⁰ This amendment is an outcome of the Natural Environments Topic mediation, included for context only]

14-102 THE SEAL OF THE NORTHLAND REGIONAL COUNCIL NEW ZEALAND	Vegetation Clearance Subject to the exceptions provided in (3) below the clearance or removal of indigenous vegetation within all Overlay Areas (excluding Kai-Iwi-Lakes and Valued Natural Environments of Mangawhai Overlay) areas is a Permitted Activity if: (1) All Overlay Areas (excluding Kai-Iwi-Lakes and Valued Natural Environments of Mangawhai) a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area and is not located within 100m of the Coastal Marine Area; (2) Valued Natural Environments of Mangawhai and Kai-Iwi-Lakes Overlay: Mangawhai Harbour Overlay: a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m² in area and is not located within 100m of the Coastal Marine Area; (3) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including the Overlay, and are excluded from the Standards of 14.10.2(1), 14.10.2(2) and 14.10.1(3): a) The removal is in accordance with an existing use right; (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The removal is of trees that are a danger to human life or existing structures (including network utilities); or c) The removal is for the construction of a fire break by a fire authority; or d) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or e) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003; Note 1: The <i>Regional Water and Soil Plan for Northland</i> contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required. Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council; Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. Note 3: An area of predominantly indigenous is an area where the vegetation cover is at least 75% indigenous.	Restricted Discretionary Activity	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Extent of vegetation clearance proposed relative to total vegetated area; ii) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development; iii) Effects on the locality, particularly the character and amenity values of adjoining sites / land uses, and these values associated with Overlay Areas; iv) Effects on ecological values and in particular any / its significance as a / in-particular any Site of Ecological Significance as by reference to the criteria listed in Appendix 25G; v) Effects on landscape and heritage values, in-particular any site identified in the District Plan or an amenity-landscape identified in Councils Landscape Technical Report (2014); vi) Effects on water bodies, including wetlands and particularly sensitive receiving environments of the harbours and lakes; vii) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps; viii) The extent to which the activity may adversely affect cultural and spiritual values; ix) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform; x) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; xi) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy; xii) 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 in Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Section 4.4 and 4.7); xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; xiv) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 3, 6, 7, 8 and 17. In addition, Council will restrict its discretion to the following matters when considering an application for Resource Consent in the Valued Natural Environments of Mangawhai Overlay: i) The extent to which the vegetation contributes to the values of the Valued Natural Environments of Mangawhai Overlay, as defined in the Conservation Policy Area of the Mangawhai Structure Plan.
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- [1] This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [2] This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [3] This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]
- [4] This amendment is an outcome of the Natural Environments Topic mediation, included for context only.]
- [5] This amendment is an outcome of the Natural Environments Topic mediation, included for context only.]



Vegetation Clearance	Indigenous Vegetation Clearance (as defined in Chapter 24; Definitions) is a Permitted Activity. Subject to the exceptions provided in (b) below, clearance or removal of indigenous vegetation is a Permitted Activity. (1) Maori Purposes; Maori Land Zone	Restricted Discretionary Activity	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:
	a) It is not located within an indigenous wetland; and b) It is not part of: i. a continuous area of predominantly indigenous vegetation over 5 hectares in area, or ii. a continuous area of predominantly indigenous vegetation greater than 6m in height and over 1 hectare in area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (2) East Coast and West Coast and Kaipara Harbour (Mangawhai and Kaipara) Overlays a) It is not located within an indigenous wetland; and b) It is not part of: i. a continuous area of predominantly indigenous vegetation over 1 hectare in area, or ii. a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m² in area and is not located within 400m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan is not located within an indigenous wetland. (3) Mangawhai Harbour Overlay a) It is not located within an indigenous wetland; and b) It is not part of: i. a continuous area of predominantly indigenous vegetation over 1 hectare in area, or ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m² in area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (4) (3) Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas a) It is not located within an indigenous wetland; and b) It is not part of: i. a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii. a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 500m² in area, and is not located within 400m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (5) Except that the following are Permitted Activities throughout the Maori Land Zone, including the Overlays, and are excluded from the Standards of 15A.10.2(1), 15A.10.2(2), and 15A.10.1(3) and 15A.10.1(4): a) The removal is in accordance with an existing use right (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The total clearance within a site is no more than 500m² where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or		i) Extent of vegetation clearance proposed relative to total vegetated area; ii) Whether any affected area of indigenous vegetation is naturally occurring or has been artificially created; iii) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development; iv) Effects on the locality, particularly the rural character and amenity values and if within an Overlay, base values associated with overlay areas; v) Effects on ecological values and in particular any its significance as a particular site. Site of Ecological Significance as by reference to the criteria listed in Appendix 26G; vi) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Landscape Technical Report (2011); vii) Effects on water bodies, including wetlands and particularly sensitive receiving environments of the harbours and lakes; viii) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including that as shown in Appendix F to the District Plan Maps; ix) The extent to which the activity may adversely affect cultural and spiritual values; x) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform; xi) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; xii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; xiii) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy; xiv) In 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 in Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Section 4.4 and 4.5); xv) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 3, 6, 7, 8 and 17. In addition, Council will restrict its discretion to the following matters when considering an application for Resource Consent in the Valued Natural Environments of Mangawhai Overlay: i) The extent to which the vegetation contributes to the values of the Valued Natural Environments of Mangawhai Overlay, as defined in the Conservation Policy Area of the Mangawhai Structure Plan.

g) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or

h) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003;

i) The clearance is for the creation and maintenance of firebreaks; or

j) The vegetation or line comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or

k) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or a sustainable management permit or personal-use approval, or permanent-forest sink covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system, the forester company is a signatory to the New Zealand Forest Accord, or

l) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.

Note 1: The *Regional Water and Soil Plan for Northland* contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.

Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.

Note 3: For the purpose of clarity the standards of this Rule for the Maori Land Zone apply to Overlay unless alternative standards are explicitly stated.

Note 4: An area of predominantly indigenous is an area where the vegetation cover is at least 75% indigenous.

This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]

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This amendment is a consequential amendment from the Excavation and Fill mediation, included for context only]

This amendment is an outcome of the Vegetation Clearance Topic mediation, included for context only]

This amendment is an outcome of Natural Environments mediation, included for context only]

This amendment is an outcome of Natural Environments Topic mediation, included for context only]



Vegetation Clearance	Subject to the exceptions provided in (4)(5) below, clearance or removal of indigenous vegetation is a Permitted Activity if:	Restricted Discretionary Activity	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:
(1) Maori Purposes: Treaty Settlement Land Zone a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and over 1 hectare in area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (2) East Coast and West Coast and Kaipara Harbours (Mangawhai and Kaipara) Overlays a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m² in area; and is not located within 100m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan; is not located within an indigenous wetland. (3) Mangawhai Harbour Overlay: a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m² in area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (4) Valued Natural Environment of Mangawhai and Lake Lakes Overlay Areas a) It is not located within an indigenous wetland; and b) It is not part of: i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 500m² in area; and is not located within 100m of the Coastal Marine Area; and c) It is not located within a site identified in Appendix F (Kiwī Density) of the District Plan. (5) Except that the following are Permitted Activities throughout the Treaty Settlement Zone, including the Overlays, and are excluded from the Standards of 15B.10.2(1), 15B.10.2(2), and 15B.10.1(3) and 15B.10.1(4): a) The removal is in accordance with an existing use right (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The total clearance within a site is no more than 500m², where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or f) The clearance is for maintenance of existing fence lines or for a new fence where the	i) Extent of vegetation clearance proposed relative to total vegetated area; ii) Whether any affected area of indigenous vegetation is naturally occurring or has been artificially created; iii) Effects on the locality, particularly the rural character and amenity values and if within an Overlay, these values associated with Overlay areas; iv) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development; v) Effects on ecological values and in particular any its significance as a landscape or any Site of Ecological Significance as by reference to the criteria listed in Appendix 25G; vi) Effects on landscape and heritage values in particular any site identified in the District Plan or an amenity landscape identified in Councils Landscape Technical Report (2014); vii) Effects on water bodies, including wetlands and particularly sensitive receiving environments of the harbours and lakes; viii) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps; ix) The extent to which the activity may adversely affect cultural and spiritual values; x) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landscape; xi) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; xii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; xiii) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy; 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 in Overlays; how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Section 4.4 and 4.7); xiv) Whether and what extent provision has been made for the exercise of mātauranga māori and tikanga; xv) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor; xvi) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 3, 6, 7, 8 and 17. In addition, Council will restrict its discretion to the following matters when considering an application for Resource Consent in the Valued Natural Environment of Mangawhai Overlays: i) The extent to which the vegetation contributes to the values of the Valued Natural Environment of Mangawhai Overlay, as defined in the Conservation Policy Area of the Mangawhai Structure Plan.		



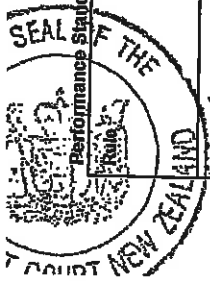
		purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.6m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or g) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003; h) The clearance is for the creation and maintenance of firebreaks; or i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or a sustainable management permit or personal use approval or permanent forest sink covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations. If the company has Forest Stewardship Council certification or another third-party-certified environmental management system, the forestry company is a signatory to the New Zealand Forest Accord, or k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old. Note 1: The <i>Regional Water and Soil Plan for Northland</i> contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required. Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council. Note 3: For the purpose of clarity, the standards of this Rule for the Treaty Settlement Zone apply to Overlay unless alternative standards are explicitly stated. Note 4: An area of predominantly indigenous is an area where the vegetation cover is at least 75% indigenous.	
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- [1] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only]
- [2] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only]
- [3] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only]
- [4] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only]
- [5] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only]
- [6] This amendment is a consequential amendment from the Excavation and Filling Topic mediation, Included for context only.]
- [7] This amendment is an outcome of the Vegetation Clearance Topic mediation, Included for context only
- [8] This amendment is an outcome of Natural Environments Topic mediation, Included for context only.]
- [9] This amendment is an outcome of Natural Environments Topic mediation, Included for context only.]

ANNEXURE E

Amendments to Bulk and Location Provisions





Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Dwellings	(1) Construction of a dwelling is a <i>Permitted Activity</i> 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; or c) Minimum floor levels are designed in accordance with the following standards: — Floor levels for habitable buildings are designed with a minimum finished height to floor level of 600mm above the 100 year Average Recurrence Interval flood level; and — The minimum floor level of any new dwelling shall be 500mm above mean sea level. d) 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.² 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 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 12.36. Note 3a: Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1a) of this Rule. Note 4: 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 5: 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.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: x) Building location, including alternatives considered; xii) Size and shape of the site; xiii) 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; xiv) 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; xv) 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: 4a) 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); 4b) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and 4c) Safety of the dwelling and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation. b) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits.
Dwellings Floor Levels	(1) Construction of a dwelling is a <i>Permitted Activity</i> if: a) Minimum floor levels are designed 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; and b) In addition to the minimum floor level any new dwelling shall be: — 500m above mean sea level in the West Coast and East Coast Overlays; or — 3.0m above mean sea level in the Manawhātū Harbour Overlay; or — 3.5m above mean sea level in the Kaipara Harbour Overlay; or — 3.5m above mean sea level in the Dargaville area as defined by the Drainage District boundary as at 21 October 2008. 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) Safety of the dwelling and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation.
Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in a Rural Zone any building is a <i>Permitted Activity</i> 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) Building location, including alternatives considered; ii) Size and shape of the site;



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/NZS1547:2008 "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(9)-(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)(e)-(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)(e)-(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 consult the Northland Regional Council to confirm whether or not a Resource Consent is required.		ii) 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 skyline 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) 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 Visual Impact 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; xii) Whether a sustainable potable water supply is able to be provided to service the development; xiii) Effects on natural character; and xiv) The functional requirements of the building and 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 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) 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. 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) 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.
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 (including Overlays except those specified in (3) below) 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;

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 lakes; any other lake whose bed has an area of 5ha or more; the bank of any river or 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)(c) above applies. (3) Except that, Setback Standards of 12.10.7 (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 (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 corrugated pump shed/gallip. c) Setback standard 12.10.7 does not apply for the approved and identified 'building silos' (note: coloured corrugated and additional building silos (note: coloured yellow) referred to in the 'Hawthorne Geddes Report 2004' for the 'Sanctuary subdivision' located in 'Robert Haile Drive', Lake View Estate 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 Road Powers Act 1989. Note 4: The 'Sanctuary subdivision' contains a number of approved building silos close to man-made lakes, rivers and wetlands. These sites were consented before the District Plan was notified and clause 13(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).		ii) 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 46-48) 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) 40) Effects on landscape, ecological and heritage values, in particular any site identified in the District Plan or an outstanding or emerging landscape identified in Council's Landscape Technical Report (2014); viii) 40) 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 25Q; ix) 40) Effects on public access; x) 40) 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) 40) Protection of the conservation, ecological, recreation, access and hazard mitigation values of Espianade Reserves or strips; xii) 40) 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) 40) 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) 40) 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 xv) 40) The functional requirements of the building and activity.

Parameter	Rural Zone Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Permeable Surfaces	(1) <u>Any For any site of 5ha or less, an activity is a Permitted Activity if:</u> 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) <u>For any site over 5ha in size, an activity is a Permitted Activity if:</u> 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 consent 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 2011; - 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	<u>Any Noise Sensitive Activity (as defined in Chapter 24: Definitions) is permitted if:</u> (1) A 300m separation is maintained between the noise sensitive activity and activities listed as follows, on a site owned by the same owner: - 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 Plan Map 20 and 50 (Map Pages 2) and 51. 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 d) 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 dairying, any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory site will require Resource Consent.	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 for 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 30dB(A) 24 hours, while at the same time providing ventilation requirements (for example as required by clause 64 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).
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 (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.

Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
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.	

KAIPARA DISTRICT PLAN:

Performance Standard	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.3a ¹ Dwellings	(1) Construction of a dwelling is a <i>Permitted Activity</i> 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 the minimum net site area associated with each additional dwelling is: – 600m ² for a serviced site not in an Overlay Area; or – 1,000m ² for a serviced site in an Overlay Area; or – 3,000m ² for an un-serviced site. c) There is a separation distance of at least 3m from any other detached dwelling, and d) There is a separation distance of at least 5m where there is a private open space area located between two residential dwellings; ² and e) 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 600mm above the 100-year Average Recurrence Interval flood level; ³ and – The minimum floor level of any new dwelling shall be 50m above mean sea level. ² 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 1994 datum. ³ 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: 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 effects 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 Council adopted Design Guidelines; v) Effects on the locality, particularly residential character and amenity values; 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; and 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 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 adverse effects during flood events or tidal inundation; and
13.10.3b ⁴ Dwelling Floor Levels	(1) Construction of a dwelling is a <i>Permitted Activity</i> 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 600mm above the 100-year Average Recurrence Interval flood level; and b) In addition to the minimum floor level any new dwelling shall be: – 50m above mean sea level in the West Coast and East Coast Overlays; or – 2.0m 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 1994 datum. Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1994 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 adverse effects 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 <i>Permitted Activity</i> if: a) The building is able to comply with the relevant Performance Standards of Rule 13.10; b) 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 1647:2008 "On-site Wastewater Management Standards"; c) 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: 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) Proposed landscaping in accordance with any Council adopted Design Guidelines; v) Effects on the locality, particularly the rural character and amenity values; and

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 13.13.6(c)-(d) inclusive; e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(1)(a) and 13.13.1(3)(a)-(d) 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.		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; vii) vi) Effects on landscape ecological and heritage values, any also identified in the District Plan or a landscape identified in a Composite Landscape Technical Report (2010); viii) vi) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and ix) vi) Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation; x) vi) The extent to which the development complies with the requirements of the relevant performance standards or the Kaipara District Council Engineering Standards 2011; xi) vi) 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) vi) 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: 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 residential character and amenity values, and these values associated with Overlay Areas; 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. vii) 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: 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 residential character and amenity; 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.
13.10.5 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. Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3b shall also apply.	Restricted Discretionary Activity	
13.10.6 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 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 (yards): a) Front yard - 5m;	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; ii) Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from



Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
b) Side yards - one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas; c) Rear yards - 3m except on rear sites where one yard of 1.5m may be provided; d) Coast - 30m from the Coastal Marine Area; and e) Lake / River - 30m from the banks of; any dune lake; any other lake whose bed has an area of 8ha or more; the bank of any river or including a perennial stream 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 related to the rear of the site; and i) It is located at least 3m from any habitable room 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 Performance Standards¹⁰ (2) <u>Valued-Natural-Environments-of-Mangawhai-Harbour-and-Kai-Iwi-Lakes-Overlays</u> Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) River-Waterway - 300m from the banks of any mapped-perennial-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 13.10.10(a) above applies. 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 Road's require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.	Where an activity is not permitted by this Rule, Council has resided 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 reverse sensitivity 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; 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 habitable room does not exceed 35dB L_{eq} 24 hours while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code.	the road and public places including the Coastal Marine Area, and the effect on skyline and ridgelines; iii) If in the Mangawhai Structure Plan Area, 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 residential 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 consistent with those values; these values associated with Overlay Areas 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 18B¹². vii) Effects on ecological values and in particular any sites of ecological significance or by-reference to the 35 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 esplanade reserves or strips; xi) 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 xii) In-Overlays, how the proposal contributes to the Objectives and Outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7); and xiii) The functional requirements of the building and activity. 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 Landscapes Technical Report (2010).
13.10.8	Any activity is permitted if a 300m separation distance is maintained between the following activities: a) Building 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 and land disposal effluent application); c) Building used for an industrial or commercial activity; d) Intensive feed lot or feed storage area; e) Intensive farming; f) Dairy farming; g) Mining or quarrying; and h) 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 existing, lawfully established activities in adjoining Zones. If a noise sensitive activity develops then it would be required to maintain the	Restricted Discretionary Activity

	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	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 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: 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 height of the proposed building or structure will affect airfield safety; ii) The extent to which the proposed development may restrict future development of the airfield/airport; and iii) The health and safety of current and future occupants 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 Permitted Activities 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 building during reinstatement; ii) Visibility from the road, public places and other residential areas; iii) Maintenance of the site and surrounds 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 Permitted Activity 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).



Permeable Surfaces	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Any activity is a <i>Permitted Activity</i> if: a) The area of any site covered by buildings and other impermeable surfaces is less than 40% of the net site area. Note 1: For the purposes of this Rule, any area regularly used by vehicles whether metalled, sealed or concrete shall be considered an impermeable surface.	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 w) The extent to which low impact design principles are utilised.

- 1 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 2 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 3 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 4 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
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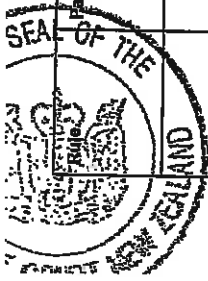
Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.3	Sensitive Activities	(1) Industrial Zone Only Any activity is a <i>Permitted Activity</i> if it complies with all 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 habitable room does not exceed 35 dB L_{eq,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 rooms are designed with a minimum finished floor level to floor level of 500mm above the 100 year Average Recurrence Interval flood level; - The minimum floor level of adjacent dwellings shall be 500mm above mean sea level; and 5(a) 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 habitable rooms 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.

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	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) Front yards - 10m; Except that in the Overlay areas the following additional setbacks are required: (3) <u>Valued-Natural-Environment</u>—Except that in the Mangawhai Harbour Overlay the following additional setbacks are required: Any building is a Permitted Activity if the building is located outside of the following setback distances (yards): a) River-Waterway—305m from the banks of any mapped perennial waterway or wetland over with an average bed width of between 170-3m 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 14.10.10.10 above applies. (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 take or discharge structure or consented pump-out station. Note 1: The setbacks applying in the Mangawhai Harbour Overlay are additional to the general setbacks of the Business Zones. 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. 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 Road Powers Act 1989.		iv) The functional requirements of the building and the activity; v) Protection of the conservation, ecological, recreation, access and hazard mitigation values of esplanade reserves or Slips; x) 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. In addition, Council will restrict its discretion the following matters when considering an application for Resource Consent under this Rule in the Valued-Natural-Environment of Mangawhai Harbour Overlay areas: 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 Structure Plan (pages 60-61) for Policy Area Five; iii) 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 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.
14.10.8	Screening Storage Areas	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	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	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:



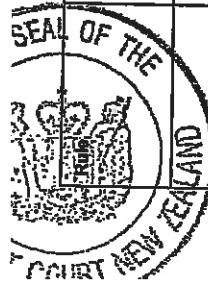
Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Residential or Rural or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity located in these Zones, whichever is the greater: a) Panel beating; b) Motor vehicle manufacturing; c) Animal boarding; d) Service stations; e) Intensive farming; 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 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 Business: Commercial and Industrial Zone. As such, if any of the activities listed in a) to j) above seek to establish in the Business – Commercial and Industrial Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future noise sensitive activities that are reasonably expected to establish within the Residential Zone, the Rural Zone or the values of a Reserve Management Unit.		i) The extent to which alternative locations have been considered; ii) Mechanisms in place to avoid future reverse sensitivity 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 building, structure or aerial 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 height of the proposed building or structure will affect airfield safety; ii) The extent to which the proposed development 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 building coverage 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 contaminants in stormwater leaving the site do not pose an immediate or long-term hazard to human health or the environment; 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 Buildings Relocated buildings are permitted where the following matters can be satisfied:	Restricted Discretionary Activity	If the building infringes another Performance Standard then a Consent will be required.



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	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.		Where an activity is not permitted by this Rule, Council has reserved 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 Bulk and Location Topic and is included here for reference purposes only]
- 2 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 3 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 4 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 5 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 6 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 7 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 8 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]

Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
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;² 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 Purpose 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 Purpose Zone, which is calculated over more than one site; and ii. the site is used to calculate the minimum density requirement (other than the site on which the additional dwelling is built) is 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 Service's Code of Practice SNZ-FAS-4509:2008; 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/NZS 1547:2008 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 other, driveway and manoeuvring areas.³ 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.	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 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 in the Maori Purpose Zone 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 Overlay (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—any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010); — vii) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; — viii) Safety of the dwelling and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation; — ix) Whether there is sufficient control of water borne contaminants, litter and sediment; — x) Whether there is sufficient land available for disposal of stormwater; — xi) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotment; — xii) 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; — xiii) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff including any impact design principles are effective; — xiv) Whether and the extent to which the stormwater infrastructure within the site is able to link with existing disposal systems outside the site; — xv) Whether and the extent to which the development meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2014; — 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 to attend and disposed on site; — xix) Whether and the extent to which the application includes the installation of all new collection, 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 engineers; — xx) Whether the existing wastewater treatment and disposal system to which the outfall will be connected, has sufficient capacity to service the subdivision; — xxi) Whether a calculated 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 being treated), or new



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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 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. 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 obstructions 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.		supplying stations, complete pressure, or vacuum systems. Note: Council consent to install private reticulation within larger reticulation 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 the development 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 notice 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 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; xxvi) The extent to which the secondary dwelling is required to support the primary activity on-site and deliver 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 42 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.
		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: - Whether there is sufficient control of water-borne contaminants, litter and sediment; - Whether there is sufficient land available for disposal of stormwater; - Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed alignment; - 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; - Whether and the extent to which measures proposed for avoiding or minimising the effects of stormwater runoff, including low impact design principles are effective; - Whether and the extent to which the stormwater infrastructure within the site is able to link with existing disposal systems outside the site; - Whether and the extent to which the development meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011; - Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater; - In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; - Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site; - 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; - Whether the existing wastewater treatment and disposal system to which the outfall will be connected has sufficient capacity to service the subdivision; - Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do



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	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. We 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 upstate rising mains) or new pumping stations, complete pressure, or vacuum systems. - Note: Council consent to install private inlets mains within local roads will be required under the Local Government Act. xiv) Where a calculated 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. xx) The effects of any new activity or development on the State Highway Network. xxi) 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: a) The papakaitiā comprises no more than 10 individual units per site; b) Each papakaitiā unit meets the Performance Standards of Section 15A.10; and c) 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 finished 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; d) 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. e) 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	When 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) Building location, including alternatives considered; ii) Size and shape of the site; iii) 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 skyline and ridgelines when viewed from outside Maori Purposes Zoned land; iv) Effects on the locality of the adjoining rural land, particularly the rural character and amenity values and these values associated with Overlay Areas; v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlay (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; 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 (2010); vii) Whether and to the extent that the development is able to comply with the Performance Standards in Rule 15A.10.3 or Kaipara District Council's Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer; viii) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; ix) Safety of the dwelling or papakaitiā and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation;

Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Be adequate for firefighting purposes in accordance with the New Zealand Fire Service Code of Practice SNZ PAS 4500:2009; f) Each papakāinga unit is provided with the means for the transport and disposal of collected stormwater from the roof of all associated impermeable surfaces including ancillary structures and paved areas, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, and shall comply with Rule 15A.10.3(f); and g) Where no Council wastewater system is available, all papakāinga units are provided within their site area with: — A wastewater system for individual properties designed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standard"; or — A 4,500m² 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 papakāinga 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: Each dwelling is also required to be assessed against the relevant performance standards contained in the Plan, including within sections 15A.10. Note 5: 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.		16) The extent to which the buildings are clustered appropriately with regard to efficient servicing and the rural character of the adjoining Rural Zoned Land; 17) Whether there is sufficient control of water-borne contaminants, silt and sediment; 18) Whether there is sufficient land available for disposal of stormwater; 19) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotment; 20) 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; 21) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective; 22) Whether and the extent to which the stormwater infrastructure within the site is able to link with existing disposal systems outside the site; 23) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater; 24) In tidal areas, allowances should be made for the effects of high tide, waves, storm surges and rising sea levels; 25) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site; 26) Whether the existing wastewater treatment and disposal system to which the outfall will be connected, has sufficient capacity to service the subdivision; 27) Whether a reallocated 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 fitting meeting), or new pumping stations, complete pressure or vacuum systems. Note: Council consent to install private fitting mains within legal roads will be required under the Local Government Act; 28) Where a reallocated 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; 29) 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; 30) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of wastewater; and 31) 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.
Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in the Maori Land Zone Any building is a Permitted Activity if: a) The gross floor area of the building does not exceed 1000m²; and b) The building is able to comply with the relevant Performance Standards of Rule 15A.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 no Council wastewater system is available applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has reallocated its discretion over the following matters when considering and determining 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 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) If located within an Overlay, the extent to which the values identified in the objectives and policies for
15A.10.5			



Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Plan for Northland (or Consent for discharges from the Northland Regional Council has been obtained). e) Where no Council <u>reticulated</u> stormwater disposal system is available the development shall comply with Rule 15A.10.3(f). 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. Note 2: This Rule also applies to buildings relocated on to site.		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 Feasibility 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; 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; xii) 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 Maori Land Zone 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) 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.
15A.10.5	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	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 Maori Land Zone 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) 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.
15A.10.7	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 adjoining the Rural Zone. 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: 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 Maori Land Zone 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) 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.
15A.10.8	(1) Maori Land Zone (including Overlays except as provided for in (3) below)¹¹ Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) Front yard - 3m, except where the building is for industrial purposes, where the set back 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 lake or river whose bed has an area of 5ha or more, or the bank of any river 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	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 Maori Land Zone, 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) 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

Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
16A.10.9	and rail (level crossing controlled by give-way signage) within 300m; and 1) 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 2) Welland - 30m from the banks of any Indigenous welland. (2) In addition to the setbacks above, in the Values 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 from the banks of any river with an average bed width of between 1 to 3m; irrigated waterway or welland 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 16A.10.8(1)(d) above applies. (3) Except that: Setbacks from any lake, river or welland will not apply to maintenance, alterations or upgrades of any structure associated with a permitted water take or discharge structure or consented pump/squid 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 1969. (1) For any site of 5ha or less, 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 / hardland. 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.
16A.10.10	Any noise sensitive activity including marae or papakaitinga (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: a) Sewerage treatment or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems); b) Building used for an industrial activity; c) Intensive feed lot or feed storage area; d) Intensive farming; e) Delving 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 the opportunity for rural activities in the Rural Zone²⁰. As	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 16A and 2.



Parameter	Maori Land Permitted Activity Performance Standard	Assessment Criteria
Separation Distance between Activities in the Maori Purposes: Maori Land Zone and Adjoining Zones	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. 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 of 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.	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; 22 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.

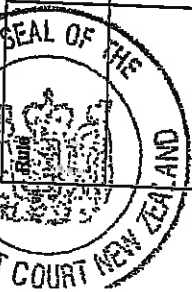
- 1 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 2 [This amendment is mediated change to the Plan in response to the Bulk and Location Topic and is included here for reference purposes only]
- 3 [This amendment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

Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
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 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 — 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 20ha 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: This Rule also applies to buildings relocated on to site. Note 2: The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply. Note 3: Minimum floor levels have been determined using One Tree Point 1984 datum. Note 4: 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. Note 5: Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1c) of this Rule. Note 6: Clause 1b) 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 7: An example of an 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: 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 Overlay (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 (2014); viii) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; ix) Safety of the dwellings and people using it during flood events or tidal inundation including possible ingress 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 xi) The effects of any new activity or development on the State Highway Network.
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 Manawhātū Harbour Overlay; or — 3.5m above mean sea level in the Kaipara Harbour Overlay; or — 3.5m above mean sea level in Dannevirke as defined by the Dannevirke 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) Safety of the dwelling and people using it during flood events or tidal inundation including possible ingress during flood events or tidal inundation.



Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
Papakahinga	Construction of <i>papakahinga</i> is a Permitted Activity if: a) The <i>papakahinga</i> comprises no more than 10 individual units per site; b) Each <i>papakahinga</i> unit meets the Performance Standards of Section 15B.10; and c) Meets the standards of 15B.10.3b above; and d) Misalign floor levels are engineered 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 500mm above mean sea level; and e) Each site meets the Performance Standards of Section 15B.14. Note 1: This Rule also applies to buildings relocated on to site.	Resituated 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) <i>Building</i> location, including alternatives considered; ii) Size and shape of the site; iii) Extent of visual intrusion of the building from beyond the Meot 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 Meot Purposes Zoned land; iv) Effects on the locality of the adjoining rural land, particularly the rural character and amenity values; and these values associated with Overlay Areas; v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlay (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 as an outstanding or amenity landscape identified in Council's Landscape Technical Report (2010); vii) 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; viii) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; ix) 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; x) 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 xi) The effects of any new activity or development on the State Highway Network.
Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities Any building is a Permitted Activity if: a) The gross floor area of the building does not exceed 500m², and b) The building is able to comply with the relevant Performance Standards of Rule 15B.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 15B.14.6(1)(a)-(d) inclusive; e) Where no Council wastewater system is available the development shall comply with the requirements of Rule 15B.14.6(c)-(d) inclusive. f) 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; g) 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.	Resituated 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) <i>Building</i> 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) Proposed landscaping in accordance with any Council 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 Overlay (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 as 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; xii) Whether a sustainable potable water supply is able to be provided to service the development.

Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
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 6m 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 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) 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.
10B.10.7 Height Relation 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	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) 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.
10B.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): a) <i>Front yard</i> - 10m, except where the building is for industrial or commercial purposes, where the setback shall be 20m; and b) <i>Side and Rear yards</i> - 3m; and c) <i>Coast</i> - 30m from the <i>Coastal Marine Area</i>; and d) <i>Lake / River</i> - 30m from the banks of any dune lake; any other lake whose bed has an area of 1ha or more, or the bank of any river including a or 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) Welland - 30m from the banks of any Indigenous welland. (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): a) <i>Front yard</i> - 5m; and b) <i>Side yards</i> - one of 1.5m and one of 3m; and c) <i>Rear yards</i> - 3m except on rear sites where one yard of 1.5m may be provided; and d) <i>Coast</i> - 30m from the <i>Coastal Marine Area</i>; and e) <i>Lake / River</i> - 30m from the banks of any dune lake; any other lake whose bed has	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; ii) Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including the <i>Coastal Marine Area</i> and the effect on skyline 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 <i>Management Structure Plan</i> (pages 46 - 48) 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 Council's Landscape Technical Report (2014); viii) Effects on ecological values and in particular any Sites of Ecological significance or by reference to the criteria 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 <i>Coastal Marine Area</i>, rivers and lakes; xi) Protection of the conservation, ecological, recreation, access and hazard mitigation values of Esplanade Reserves or sites;



Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	an area of 5ha or more, or the back-slope of a river including a 50m perennial stream whose bed has an average width of 3m or more; and 1) Any building is setback 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m. In addition to the setbacks above:¹³ (3) In addition to the setbacks above, in the Valued Natural Environments of Mangawhai Harbour and Kaitake Lake Overlay: Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) Waterway River: 30m from the banks of any river with an average bed width of between 1 to 3m, mapped waterway or watercourse with a 50m or greater bed width. Note: For clarification, if the average bed width is less than 50m, this rule does not apply and if the average is greater than 50m, the Rule 24(1)(d) above applies. (4) Except that: a) Setbacks from any lake or river or wetland do not apply to malpenease, valuations or upgrades of any structure associated with a 200m permitted water take for discharge to a river or watercourse. 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 Roadway Powers Act 1989. (1) 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 Treaty Settlement 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 Treaty Settlement 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.¹⁴ Any noise sensitive activity including marae or papakāinga (as defined in Chapter 24: Definitions)¹⁵ 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) 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 an air discharge permit (odour) granted by the Northland Regional Council.		21) 24) 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; 21D 21) 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; 21) 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 21) 24) The functional requirements of the building and activity.
15B.10.9	Permeable Surfaces	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 Land Zone	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 reverse sensitivity 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.

Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status If the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.11	Separation Distance between Activities in the Maori Purposes Treaty Settlement Land Zone and Adjoining Zones 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. 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 application²¹); b) Building used for an industrial activity; c) Intensive feed lot or feed storage area; d) <i>Intensive farming</i>; e) Dairyling 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 2: 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 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 ²²	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 activity²³ 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 Bulk and Location Topic and is included here for reference purposes only]
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ANNEXURE F
Amendments to Subdivision Provisions

