

Ucessa

Kaipara District Council
29 JUL 2013
61148
RECEIVED

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of the
Resource Management Act 1991

BETWEEN

**FEDERATED FARMERS OF
NEW ZEALAND
(INCORPORATED)**

ENV-2011-AKL-000221

AND

**THE DIRECTOR-GENERAL OF
CONSERVATION**

ENV-2011-AKL-000231

AND

**HANCOCK FOREST
MANAGEMENT (NZ) LIMITED**

ENV-2011-AKL-000225

AND

ANNE AND RICHARD HENRY

ENV-2011-AKL-000237

AND

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

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

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.

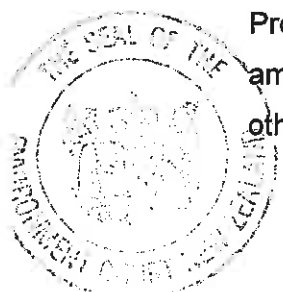
CONSENT ORDER

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-2012-349-000003 earthworks.
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, The Director-General of Conservation, Horticulture New Zealand, Rayonier New Zealand Limited and Federated Farmers of New Zealand (Incorporated) have given notice of an intention to become parties to the appeals under s274 and have signed the memorandum setting out the relief sought.
4. The Court is making this order under s279(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 following provisions of the Proposed Kaipara District Plan as shown in Annexure A to this Order, noting that amendments shaded in grey have been made as a result of mediation outcomes on other topics and are included for context and information purposes:



- Rule 12.10.1 Excavation and Fill in table 12.10 Rural Performance Standards Rural Land Use (Excavation and Fill), Chapter 12 Rural;
 - Rule 15A.10.1 Excavation and Fill in table 15A.10 Performance Standards Maori Land [Excavation and Fill], Chapter 15A: Maori Purposes: Maori Land;
 - Rule 15B.10.1 Excavation and Fill in table 15B.10 Performance Standards Maori Purpose: Treaty Settlement Land Zone [Excavation and Fill], Chapter 15B – Maori Purposes: Treaty Settlement Land;
 - Rule 13.10.1 Excavation and Fill in table 13.10 Performance Standards Residential Land Use [Excavation and Fill], Chapter 13 Residential;
 - Rule 14.10.1 Excavation and Fill in table 14.10 Performance Standards Business Land Use [Excavation and Fill], Chapter 14 Business; and
 - Definitions for 'Farming' and 'Normal Rural Practices' in Chapter 24 Definitions.
5. This order resolves the appeals by the Federated Farmers of New Zealand (Incorporated), The Director-General of Conservation, Hancock Forest Management (NZ) Limited, Henry, Poutu Topu A Trust & Others, and Booth & Others on the Earthworks topic ENV-2012-349-000003 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

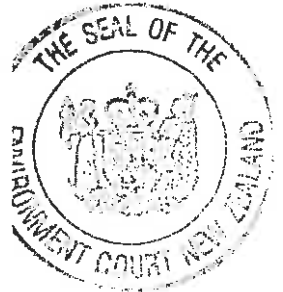
2013



L J Newhook
Acting Principal Environment Judge



ANNEXURE A



12.10 Performance Standards Rural Land Use (Excavation and Fill)	Rural Permitted Activity Performance Standard	Activity Status if the Activity Does not meet the Performance Standard	Assessment Criteria
<p>Rule</p> <p>12.10.1</p> <p>Excavation and Fill</p>	<p>Rural Permitted Activity Performance Standard</p> <p>Subject to the exclusions in (7.4) below, excavation and fill is a Permitted Activity if:</p> <p>(1) <u>Rural Zone</u></p> <p>a) The site is not within any area known to be erosion prone, subject to instability flood hazards;</p> <p>b) <u>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</u> <u>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</u></p> <p>c) 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</p> <p>d) 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</p> <p>(2) <u>Rural Zone</u></p> <p>a) <u>The works are within 6m 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;</u> <u>or</u> <u>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;</u></p> <p>b) <u>East Coast and West Coast and Harbour (Mangawhai and Kaipara) Overlays</u></p> <p>a) <u>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</u></p> <p>b) <u>The volume is less than 1,000m³ and the area is less than 1,000m² in any 12 month period within a site and is works are not within 62m 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</u></p> <p>c) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p> <p>(3) <u>Kaipara Harbour Overlay</u></p> <p>a) <u>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</u></p> <p>b) <u>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</u></p> <p>c) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p> <p>(4) <u>Kai-Iwi Lakes and Valued Natural Environments of Mangawhai Harbour Overlay (except for (4A) below)</u></p> <p>a) <u>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</u></p> <p>b) <u>The volume is less than 150m³ and the area is less than 150m² in any 12 month period within a site and is works are not within 62m 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</u></p> <p>c) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p>	<p>Restricted Discretionary Activity</p>	<p>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:</p> <p>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);</p> <p>ii) Machinery to be used and hours of operation;</p> <p>iii) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses;</p> <p>iv) Effects on landscape;</p> <p>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 24G 25G;</p> <p>vi) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land.</p> <p>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 (2014);</p> <p>viii) 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;</p> <p>ix) Effects of dust and noise on sensitive receivers;</p> <p>x) If located in an Overlay, 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);</p> <p>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;</p> <p>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;</p> <p>xiii) Any effects on the integrity of the electricity transmission line; and</p> <p>xiv) The volume, area and location of the works, including temporary activities such as:</p> <ul style="list-style-type: none"> - 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 34:2007; and - Outcomes of any consultation with any relevant network operator⁷. <p>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):</p> <p>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill;</p> <p>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;</p> <p>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/ tapu, and the need for an archaeological/historic places site survey of the area to be developed;</p> <p>iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Assessment Criteria
	<p>(4A) <u>Manawhāi Harbour Overlay for titles within the "Sanctuary subdivision" located in Robert Haastie Drive, Lake View Lane and Woodleigh Lane, Manawhāi</u></p> <p>a) <u>Excavation and fill on the identified "building sites" (note: coloured orange) and "additional building sites" (note: coloured yellow) referred to in the Hawthorne Geodesic Report 2004 for lots in the "Sanctuary subdivision", is a Permitted Activity if:</u></p> <p>i) <u>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;</u></p> <p>ii) <u>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;</u></p> <p>(5) <u>Kai Iwi Lakes Overlay</u></p> <p>a) <u>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</u></p> <p>b) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p> <p>(6)(4) <u>Transmission Corridor No Build Area</u></p> <p>a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks:</p> <ul style="list-style-type: none"> the new and on-going operation, maintenance and upgrading of existing Network Utilities, or <u>Normal Rural Practices</u> where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001). <p>(7)(4) <u>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):</u></p> <p>a) <u>Foresley, 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;</u></p> <p>b) Network utilities, except where a site or feature is identified in Part C of the Plan; and</p> <p>c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and</p> <p>(8) <u>Normal Rural Practices.</u></p> <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The <u>Regional Water and Soil Plan for Northland</u> contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p>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.</p> <p>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).</p> <p>Note 4: <u>For the purpose of clarity the standards of this Rule for the Rural Zone apply to Overlays unless alternative standards are explicitly stated.</u></p> <p>Note 5: <u>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 12.10.1(4A) above recognises this. The clause exempts excavation and fill on the recorded building sites from rule 12.10.1(4).</u></p>	<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>vi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>vii) Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>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 retelling, 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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practices".</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.</p>	

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

15A-10 Performance Standards Maori Land [Excavation and Fill]

Rule	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
<p>15A-10.1</p> <p>Excavation and Fill</p> <p>(4) Subject to the exclusions in (2) below, excavation and fill is a Permitted Activity if:</p> <p>Maori Purposes: Maori Land Zone</p> <p>a) The site is not within any area known to be erosion prone, subject to instability flood hazards;</p> <p>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</p> <p>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;</p> <p>e) 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</p> <p>f) 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</p> <p>(1) Maori Purposes: Maori Land Zone</p> <p>a) The works are within 6m 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</p> <p>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;</p> <p>(2) East Coast and West Coast and Harbour (Mangawhai and Kaipara) Overlays</p> <p>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</p> <p>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</p> <p>c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(3) Kaipara Harbour Overlay</p> <p>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</p> <p>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</p> <p>c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(4) Kai Iwi Lakes and Valued Natural Environments of Mangawhai Harbour Overlay</p> <p>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</p> <p>b) The volume is less than 150m³ and the area is less than 150m² 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</p> <p>c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(5) Kai Iwi Lakes Overlay</p>	<p>Restricted Discretionary Activity</p>	<p>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</p> <p>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);</p> <p>ii) Machinery to be used and hours of operation;</p> <p>iii) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses;</p> <p>iv) Effects on landmarks;</p> <p>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 24G 25G;</p> <p>w) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land.</p> <p>x) 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);</p> <p>y) Whether and the extent to which the works meet the requirements of the performance standards in Rule 15A.10.1 or the Kaipara District Council Engineering Standards 2011;</p> <p>z) Effects of dust and noise on sensitive receivers;</p> <p>aa) If located in an Overlay, 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);</p> <p>ab) 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;</p> <p>ac) 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;</p> <p>ad) Any effects on the integrity of the electricity transmission line; and</p> <p>ae) The volume, area and location of the works, including temporary activities such as:</p> <ul style="list-style-type: none"> - 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 operator. <p>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):</p> <p>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill;</p> <p>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;</p> <p>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; and</p> <p>iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p>	

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>a) <u>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</u></p> <p>b) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p> <p>(6) Transmission Corridor No Build Area</p> <p>a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for:</p> <ul style="list-style-type: none"> 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). <p>(7) (4) 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):²</p> <p>a) <u>Forestry, if the company is a signatory of the New Zealand Forest-Accret Excavation and fill associated with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system¹;</u></p> <p>b) Network utilities, except where a site or feature is identified in Part C of the Plan;</p> <p>c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and</p> <p>d) <u>Normal Rural Practices.</u></p> <p>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.</p> <p>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.</p> <p>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).</p> <p><u>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.</u></p>		<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>vi) vii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>viii) ix) Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>w) The staging of the mine or quarry;</p> <p>vi) 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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xj) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practices".</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.³</p>

¹ This amendment is an outcome of the Energy and Electricity mediation topic.]
² This amendment is an outcome of the Energy and Electricity mediation topic.]
³ This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
⁴ This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
⁵ This amendment is an outcome of the Natural Environment mediation topic, included for context only.]
⁶ This amendment is an outcome of the Overlays mediation topic, included for context only.]
⁷ This amendment is an outcome of the Energy and Electricity mediation topic.]
⁸ This amendment is an outcome of the Energy and Electricity mediation topic.]

15B.10 Performance Standards Maori Purpose: Treaty Settlement Land Zone [Excavation and Fill]

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Assessment Criteria	Activity Status if the Activity does not meet the Performance Standard
15B.10.1	<p>Excavation and Fill</p> <p>(1) Subject to the exclusions in (2) below, excavation and fill is a Permitted Activity if:</p> <p>Maori Purpose: Treaty Settlement Land Zone</p> <p>a) The site is not within any area known to be erosion prone, subject to instability flood hazards;</p> <p>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</p> <p>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;</p> <p>c) 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</p> <p>d) 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</p> <p>(1) Maori Purpose: Treaty Settlement Land Zone</p> <p>a) The works are within 6m 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</p> <p>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;</p> <p>(2) East Coast and West Coast and Harbour (Mangawhai and Kaipara) Overlays</p> <p>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</p> <p>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</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(3) Kaipara Harbour Overlay</p> <p>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</p> <p>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</p> <p>c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(4) (3) Kaiwhiwhi Lake and Valued Natural Environments of Mangawhai Harbour Overlay</p> <p>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</p> <p>b) The volume is less than 150m³ and the area is less than 150m² 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</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p>	<p>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</p> <p>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);</p> <p>ii) Machinery to be used and hours of operation;</p> <p>iii) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses;</p> <p>iv) Effects on landforms;</p> <p>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 25G⁴;</p> <p>vi) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</p> <p>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) 5;</p> <p>viii) Whether and to the extent to which the works meet the requirements of the performance standards in Rule 15B.10.1 or the Kaipara District Council Engineering Standards 2011;</p> <p>ix) Effects of dust and noise on sensitive receivers;</p> <p>x) If located in an Overlay, 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);</p> <p>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;</p> <p>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;</p> <p>xiii) Any effects on the integrity of the electricity transmission line; and</p> <p>xiv) The volume, area and location of the works, including temporary activities such as:</p> <ul style="list-style-type: none"> - 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 operator⁷. <p>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):</p> <p>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill;</p> <p>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;</p> <p>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; Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p>	<p>Restricted Discretionary Activity</p>	

<p>(5) <u>Kai Iwi Lakes Overlay</u></p> <p>a) <u>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</u></p> <p>b) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p>	<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>vi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>vii) Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p>	<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practices".</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners⁸.</p>
<p>(6) <u>Transmission Corridor No Build Area</u></p> <p>Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for:</p> <ul style="list-style-type: none"> • Network Utilities, or • <u>Normal Rural Practices</u> where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)¹. <p>(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(6) applies):²</u></p> <p>a) <u>Excavation or fill associated with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system³.</u></p> <p>b) Network utilities, except where a site or feature is identified in Part C of the Plan;</p> <p>c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and</p> <p>d) <u>Normal Rural Practices.</u></p> <p>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.</p> <p>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.</p> <p>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).</p> <p>Note 4: <u>For the purpose of clarity the standards of this Rule for the Maori Purposes: Treaty Settlement Land Zone apply to Overlays unless alternative standards are explicitly stated.</u></p>	<p>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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practices".</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners⁸.</p>	<p>(6) <u>Transmission Corridor No Build Area</u></p> <p>Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for:</p> <ul style="list-style-type: none"> • Network Utilities, or • <u>Normal Rural Practices</u> where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)¹. <p>(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(6) applies):²</u></p> <p>a) <u>Excavation or fill associated with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system³.</u></p> <p>b) Network utilities, except where a site or feature is identified in Part C of the Plan;</p> <p>c) Underground storage tanks except where a site or feature is identified in Part C of the Plan; and</p> <p>d) <u>Normal Rural Practices.</u></p> <p>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.</p> <p>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.</p> <p>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).</p> <p>Note 4: <u>For the purpose of clarity the standards of this Rule for the Maori Purposes: Treaty Settlement Land Zone apply to Overlays unless alternative standards are explicitly stated.</u></p>
<p>(8) <u>Energy and Electricity Mediation Topic</u></p> <p>This amendment is an outcome of the Energy and Electricity mediation topic.¹</p> <p>(9) <u>Natural Environment Mediation Topic</u></p> <p>This amendment is an outcome of the Natural Environment mediation topic, included for context only.²</p> <p>(10) <u>Natural Environment Mediation Topic</u></p> <p>This amendment is an outcome of the Natural Environment mediation topic, included for context only.³</p> <p>(11) <u>Overlays Mediation Topic</u></p> <p>This amendment is an outcome of the Overlays mediation topic, included for context only.⁴</p> <p>(12) <u>Energy and Electricity Mediation Topic</u></p> <p>This amendment is an outcome of the Energy and Electricity mediation topic.⁵</p>	<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practices".</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners⁸.</p>	<p>(8) <u>Energy and Electricity Mediation Topic</u></p> <p>This amendment is an outcome of the Energy and Electricity mediation topic.¹</p> <p>(9) <u>Natural Environment Mediation Topic</u></p> <p>This amendment is an outcome of the Natural Environment mediation topic, included for context only.²</p> <p>(10) <u>Natural Environment Mediation Topic</u></p> <p>This amendment is an outcome of the Natural Environment mediation topic, included for context only.³</p> <p>(11) <u>Overlays Mediation Topic</u></p> <p>This amendment is an outcome of the Overlays mediation topic, included for context only.⁴</p> <p>(12) <u>Energy and Electricity Mediation Topic</u></p> <p>This amendment is an outcome of the Energy and Electricity mediation topic.⁵</p>

¹ This amendment is an outcome of the Energy and Electricity mediation topic.
² This amendment is an outcome of the Energy and Electricity mediation topic.
³ This amendment is an outcome of the Natural Environment mediation topic, included for context only.
⁴ This amendment is an outcome of the Natural Environment mediation topic, included for context only.
⁵ This amendment is an outcome of the Natural Environment mediation topic, included for context only.
⁶ This amendment is an outcome of the Overlays mediation topic, included for context only.
⁷ This amendment is an outcome of the Overlays mediation topic, included for context only.
⁸ This amendment is an outcome of the Energy and Electricity mediation topic.

13.10 Performance Standards Residential Land Use [Excavation and Fill]

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.1	Excavation and Fill	<p>(1) Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and b) 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 c) The site is not within 6m of a bank of any water body; and d) The height or depth is less than 1.5m over a continuous distance of less than 50m within a site; and e) 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 f) 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; g) 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 h) Provided the site is not located within an Outstanding Natural Landscape, as identified in Map Series 2. <p>(2) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from Rule 13.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; and b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>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.</p> <p>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.</p> <p>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).</p>	Restricted Discretionary Activity	<p>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:</p> <ul style="list-style-type: none"> 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/land uses; iv) Effects on landform; 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 2(G) 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 site 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 13.10.1 or the Kaipara District Council Engineering Standards 2011; ix) Effects of dust and noise on sensitive receivers; x) If located in an Overlay, 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 complies 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; <p>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):</p> <ul style="list-style-type: none"> 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 waiti 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; 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. <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to</p>

Rule	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 Natural Environment mediation 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 Overlays mediation topic, included for context only.]
 [⁴ This amendment is an outcome of the Energy and Electricity mediation topic.]

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>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;</p> <p>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;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>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;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>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;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>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;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "normal rural practice"</p> <p>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.</p> <p>Note 2: Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resources Consent applications.</p> <p>Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners¹</p>

¹ This amendment is an outcome of the Natural Environment mediation 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 Energy and Electricity mediation topic.]

