

## 12 Rural Chapter

### 12.1 Introduction / Resource Description

The majority of the land in the District falls within the 'Rural' Zone. Kaipara's economy has historically been driven by pastoral farming and to a lesser extent horticulture and forestry. However, developments in tourism are growing in importance and there is a trend toward small mixed-use farm and residential holdings. As identified in the Long Term Plan: Kaipara's Future - Working Together, the District's rural nature, especially in the inland parts, is one of the charms rural residents are keen to preserve.

The Plan recognises that while farming activities are the defining feature of the Rural Zone, other activities are also appropriately located in the rural environment. In some cases, the rural environment is the only place where they can establish because of the particular requirements for resources and land type. The Plan therefore contemplates a range of other activities establishing in the Rural Zone where necessary, using the Resource Consent process to assess the effects of individual proposals and determine their appropriateness. This process will be used where the proposed activities are expected to generate effects beyond those generally anticipated in the zone (e.g. where the performance standards will not be met). Such activities include renewable energy generation facilities, network utilities infrastructure and mineral extraction and processing activities.

In rural communities changes related to climate, product demand trends, industry and access to markets will ensure opportunities for diversification will continue to be explored. Assessing the impact on the environment of changing land use will increase in importance. There has been a trend of decline in rural population from the merging of agricultural units. Over time these trends will need to be monitored to determine the impact on population size and industry production levels and hence demand on infrastructure.



Most of Kaipara's District is Rural and this Chapter sets out how this area will be managed through the District Plan

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

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

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

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

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

Figure 12-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Rural Zone. Figure 12-2 sets out the steps you need to take if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules – and Figure 12-3).

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 12.10 in this Chapter. If you don't meet these standards your proposal will need Resource Consent to allow you to do it.

Chapters 3 and 4 identify the outcomes being sought in the Zones and Overlays

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

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 12.10. In considering a Resource Consent Application Council will exercise its control (Controlled Activities), discretion (Discretionary Activities) or will limit its discretion to relevant Objectives and Policies (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan.

If the proposal is a Discretionary or Non-Complying Activity, 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 1991. See Section 1.3.5 of the District Plan for a summary of the 'status of Consents'.

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

The rules in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 prevail over the provisions in this chapter as it relates to plantation forestry in 12.10.1a Excavation and Fill; 12.10.2a Indigenous Vegetation Clearance.

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;

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

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

Figure 12-1: How to Use this Chapter: Land Use Activities

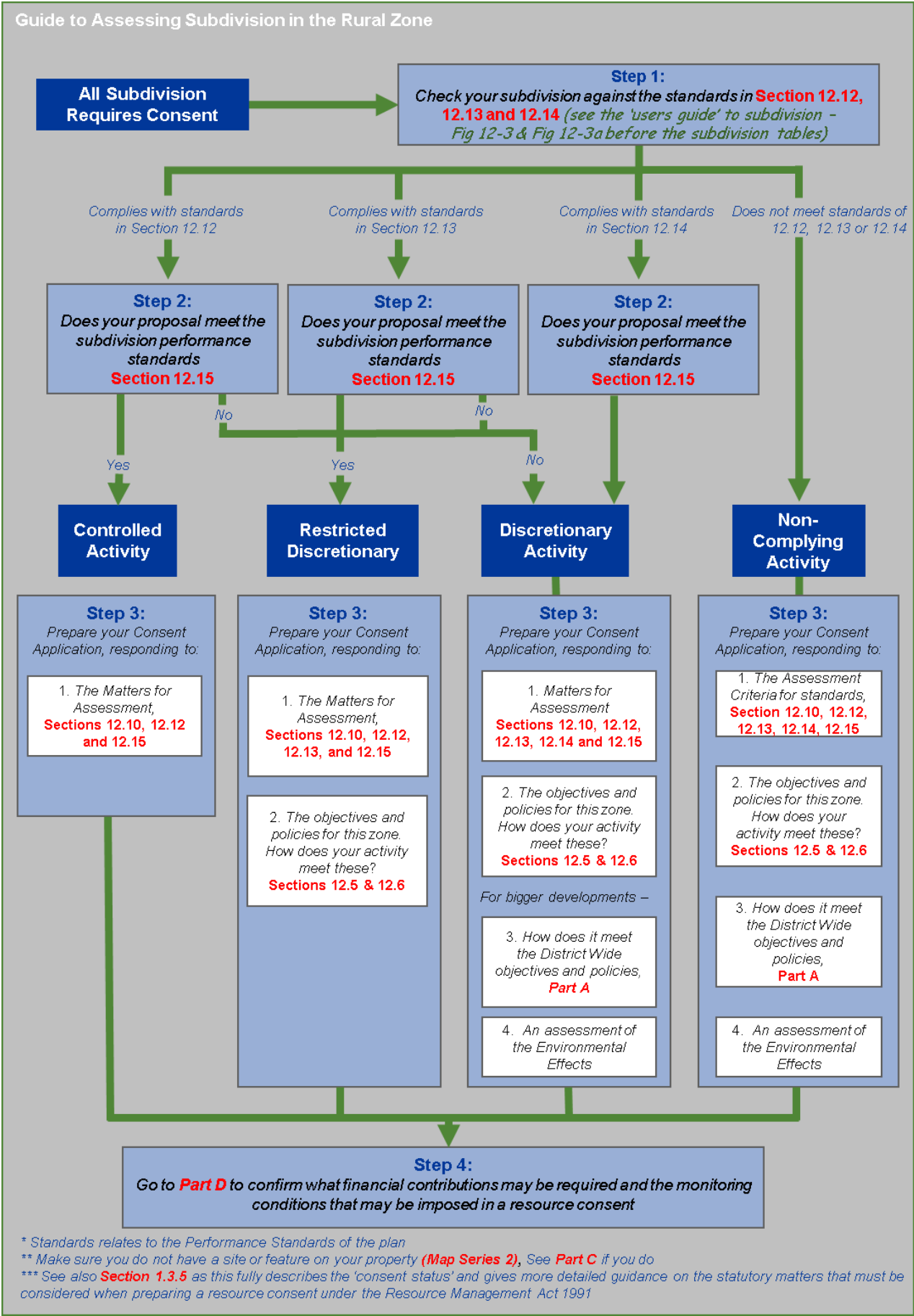
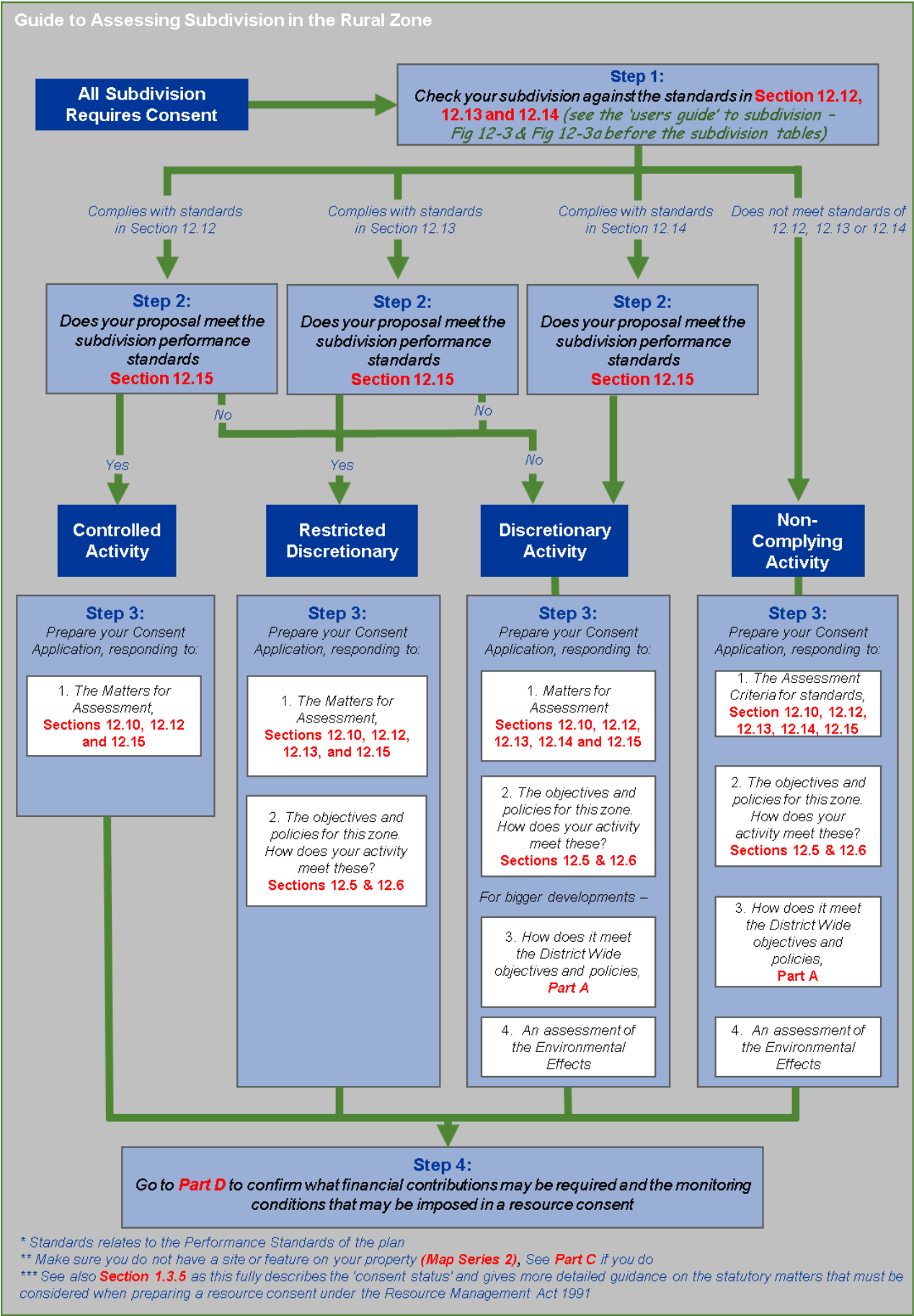


Figure 12-2: How to use this Chapter: Subdivisions



## 12.3 Providing for Growth in the Rural Zone

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

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

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

*In the Rural Zone a number of subdivision types are provided to enable a flexible approach to development. The subdivision Rules provide for 12 hectare lots (outside of the Overlays), as a Controlled Activity. This type of subdivision does not require an Environmental Benefit to be given.*

*Council encourages Environmental Benefits to be given in exchange for extra development potential by providing for lots at a minimum of 4,000m<sup>2</sup> when Environmental Benefits are created, or where natural and cultural features are preserved. This reflects Council's preferred approach to subdivision and better delivers the Outcomes of the Plan.*

*For larger scale development, Council encourages Integrated Development Subdivision. This type of subdivision is a comprehensive approach that is intended to minimise adverse effects on infrastructure, natural features and the landscape from ad hoc development, and encourages Environmental Benefits to be provided.*

*When Growth areas outside the Rural Zone are identified in Chapter 3*

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

## 12.4 Rural Issues

### 12.4.1 Land use and development has the potential to restrict public access to the coast, lakes and rivers.

*Subdivision and some rural activities can restrict public access to the coast, for example by the subdivision pattern and layout and private roads and accesses.*

### 12.4.2 The impact of uncontrolled subdivision and land use has the potential to adversely affect rural character and amenity of the District.

*Rural areas are characterised by farming, open spaces and natural landforms with remnants of indigenous bush, woodlots and a low intensity of development and built form. It is these characteristics which contribute to rural amenity. The form or density of subdivision and land use activities can adversely affect rural character and amenity.*

### 12.4.3 Growth, development and land use change create an opportunity for improved maintenance, protection and enhancement of the District's significant natural and cultural environment.

*The District has seen a loss over time of natural and cultural values. Resource Consents under the District Plan provide an opportunity to provide improved maintenance, protection and enhancement of:*

- *Outstanding natural landscapes and landscape features;*
- *Historic heritage;*
- *Significant indigenous vegetation and habitats of indigenous fauna;*
- *Public access to the Coastal Marine Area, lakes and rivers; and*
- *The relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.*

### 12.4.4 There are potential adverse effects on amenity and the natural environment from rural activities including land disturbance and vegetation clearance.

*Land modification activities can result in the creation of areas of bare earth and can alter the shape and appearance of natural landforms. This can adversely affect the natural character and visual amenity values of the area where they are undertaken.*

*The Objectives, Policies and Methods (Rules) of the District Plan seek to address these issues*

### 12.4.5 New land use activities can raise expectations of, or require levels of services which cannot be achieved by existing infrastructure in the rural environment.

*Kaipara's rural environment generally lacks infrastructure, including reticulated water, wastewater, stormwater and has limited roading/Transport Networks. New subdivisions, and any likely or anticipated land uses that may occur on the land, may require the existing service infrastructure to be upgraded or extended to ensure that the system has sufficient capacity to accommodate the subdivision.*

### 12.4.6 Farming, forestry, mineral extraction and processing, and renewable energy generation support the social and economic wellbeing of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential). It is recognised that these activities are constrained by locational, operational and technical factors.

*For the social and economic wellbeing of the District, there is a need to provide for a range of activities including farming, forestry, mineral extraction and processing, renewable energy generation within the Rural Zone and recognise that some of these activities generate adverse effects e.g. odour, health, light spill, noise, dust, grit or spray drift which may not be compatible with other more 'sensitive' activities, such as residential.*

### 12.4.7 Failing infrastructure, including on-site servicing, has the potential to adversely impact sensitive receiving environments (particularly stormwater and wastewater).

*Subdivision and development provides an opportunity to supply allotments with the necessary service infrastructure, efficiently and in a manner that minimises adverse effects on the environment, in particular sensitive receiving environments. In situations where no reticulated services are available it must be demonstrated that the sites are suitable for on-site servicing. Where reticulated services are unavailable, further development in some areas may not be feasible.*

### 12.4.8 Economic opportunities provide for prosperity in the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential). Without provision for these activities the social and economic well-being of the community has the potential to be adversely impacted. It is recognised that network utilities are constrained by locational, operational and technical factors.

*A range of non-land based activities, such as commercial activities (e.g. retail complexes), network utilities, and rural industry, can widen the income base of rural households, create employment in the area and provide essential services that are conveniently located for rural communities. It is recognised that network utilities are often constrained by locational, operational and technical factors. There is a need to accommodate a variety of activities in the Rural Zone to provide for the communities social and economic wellbeing, while avoiding or mitigating any adverse effects on the community, other activities and the environment.*

### 12.4.9 The bulk and location of buildings (particularly in sensitive locations) has the potential to adversely affect rural amenity.

*The unmanaged development of natural landforms can lead to a scale and pattern of built form which is not compatible with the landscape and visual characteristics of certain areas e.g. ridgelines and areas of natural character along the coast.*

### 12.4.10 The lack of range of site sizes is resulting in undesirable development patterns which have the potential to impact on the amenity of the District.

*It is important to ensure that site sizes throughout the rural environment are flexible enough to enable them to be utilised for a range of activities, while ensuring they do not lead to a pattern and density of development which detracts from the amenity of the rural environment.*

### 12.4.11 Potential adverse impacts on visual amenity from poorly maintained sites and buildings, including relocated buildings, during development.

*Sites under development need to ensure that construction and land modification activities being undertaken, while often temporary in nature, do not lead to adverse visual amenity effects on the surrounding environment.*

## 12.5 Rural Objectives

### 12.5.1 To maintain and enable public access to the coast, rivers and lakes as a result of land use and subdivision development.

*The overlays seek to recognise 'sensitive environments.' Chapter 4 identifies the issues and directions for these areas*

[Issue 12.4.1](#)



<p><b>12.5.2 To maintain the rural character and amenity, including the:</b></p> <ul style="list-style-type: none"> <li>• Sense of openness;</li> <li>• Low dominance of built form;</li> <li>• Pasture and Commercial Forest Areas;</li> <li>• Areas of indigenous vegetation and significant fauna; and</li> <li>• Unmodified natural landforms.</li> </ul>	<p>Issues 12.4.2 and 12.4.9</p>	<p><b>12.6.3b By allowing Small Lot subdivision within an Overlay only where it is consistent with the Overlay Objectives.</b></p>	<p><i>Chapter 4 sets out the objectives for Overlays. The Rule for 'Small Lot Development' subdivision provides assessment matters to ensure that these values are recognised and provided for.</i></p>
<p><b>12.5.3 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna so as to avoid, remedy or mitigate the decline of indigenous vegetation and fauna.</b></p>	<p>Issue 12.4.3</p>	<p><b>12.6.3c By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.</b></p>	<p><i>The Plan provides for integrated development subdivision. While development can result in adverse cumulative effects this is not inevitable. Subdivision, use and development can provide opportunities for restoration and rehabilitation of features and values and improve public access to and along waterways and the coast. Development can assist to achieve sustainable management because:</i></p>
<p><b>12.5.4 To ensure that the servicing of new subdivision and development does not adversely affect the environment, in particular sensitive receiving environments.</b></p>	<p>Issues 12.4.3, 12.4.5 and 12.4.7</p>	<p>a) <i>With the input of capital, land management practices can change for positive environmental outcomes;</i></p>	
<p><b>12.5.5 To avoid, remedy or mitigate adverse effects on the quality of the rural environment without unduly restricting productive rural activities e.g. farming and forestry.</b></p>	<p>Issue 12.4.4</p>	<p>b) <i>improved public access is more affordable through smaller subdivision lot sizes (e.g. less than 4ha) through the provision of esplanade reserves and strips;</i></p>	
<p><b>12.5.6 To provide for a range of activities in the Rural Zone which are located, designed and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.</b></p>	<p>Issues 12.4.6 and 12.4.8</p>	<p>c) <i>improved access and management of natural resources can be gained through integrated and innovative subdivision design, especially on a catchment basis;</i></p>	
<p><b>12.5.7 To recognise farming, forestry, mineral extraction and processing, renewable energy generation, industrial and commercial activities and network utilities that enable people and communities to provide for their social, economic and cultural wellbeing.</b></p>	<p>Issues 12.4.6 and 12.4.8 and Issues 2.3.7 and 2.3.10</p>	<p>d) <i>a range of subdivision lot sizes can provide for the identification and protection of site specific features and valued natural environments, while maintaining a pattern of development that delivers rural-residential amenity (rather than an urban form).</i></p>	
<p><b>12.5.8 To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding rural environment.</b></p>	<p>Issue 12.4.10</p>	<p><i>Council considers that this Policy will contribute to achieving the outcomes sought by the Plan (e.g. Chapters 2, 4, 5, 6 and 12). However, such development still needs careful management and control by Council, because the process is not risk free and site specific considerations are needed. During the consent process Council will seek that environmental benefits are delivered and cumulative effects are avoided.</i></p>	
<p><b>12.5.9 To maintain sites and buildings during development to avoid adverse visual amenity effects.</b></p>	<p>Issue 12.4.11</p>	<p><b>12.6.4 By requiring all subdivision to contribute to the retention of rural character and amenity.</b></p>	<p>Objective 12.5.2</p>
<p><b>12.5.10 To encourage innovative development and integrated management of effects between subdivision and land use which results in better environmental outcomes than more conventional or traditional subdivision, use and development.</b></p>	<p>Issue 12.4.11</p>	<p><i>The coastline and rural hinterland areas contribute significantly to the natural character and amenity of the rural environment. Such areas generally experience low dominance of building bulk and colour, particularly along the West Coast and on ridgelines where there is presently little or no development. The enhancement of the natural environmental values in these areas is encouraged (e.g. through the provision of landscaping, and identification of suitable buildings locations), where appropriate, and can be achieved through mitigation measures associated with subdivision and development proposals.</i></p>	
<p><b>12.6 Rural Policies</b></p>		<p><b>12.6.5 By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.</b></p>	<p>Objective 12.5.2</p>
<p><b>12.6.1 Subdivision adjoining the coast, rivers and lakes is generally only acceptable when it provides public access (by the vesting of public access roads, reserves and pedestrian access ways and access strips) and provides Esplanade Reserves and/or Strips.</b></p> <p><i>The Kaipara District contains a wide range of natural landforms and features which contribute to the District's sense of place. The Council will seek to ensure that such areas are provided with public access where appropriate to ensure that such features do not become 'land locked' by continuing subdivision and development, and are made available for the enjoyment of the District's people.</i></p>	<p>Objective 12.5.1 Chapter 4 – Overlays Objectives 4.4.6, 4.4.4, 4.4.7 and 4.4.8</p>	<p><i>Unmanaged subdivision and development throughout the rural environment, in particular along state highways, arterial and collector routes, can lead to sprawling, uncoordinated patterns of development which detract from the character and natural environmental values of the rural environment.</i></p>	
<p><b>12.6.2 By encouraging growth in areas identified in Chapter 3, (Dargaville, Maungaturoto, Mangawhai and Kaiwaka).</b></p> <p><i>Existing settlement areas provide a focal point for communities, and contain a range of services, facilities and infrastructure which cater for the needs of the community. Concentrating new development around these existing settlements will aid in assisting these areas to grow and develop, as well as maintaining the character and amenity of the wider rural environs. It will ensure new growth is directed to areas where existing infrastructure can be used.</i></p>	<p>Objectives and Policies of Chapter 3</p>	<p><i>Monitoring and managing the built form, location and density of on-going subdivision and development can help to assess cumulative effects on the natural environment and amenity values of the rural area and its landscapes.</i></p>	
<p><b>12.6.3a By allowing greater intensity of subdivision, or development in the Rural Zone where this is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment values, natural character of the coastal environment, and rural character and amenity.</b></p>	<p>Objectives 12.5.2, 12.5.3, 12.5.5 and 12.5.10</p>	<p><b>12.6.6 By promoting the integration of subdivision, use or development with the protection, enhancement or establishment of natural features, vegetation and open space,</b></p>	
<p><i>The District has a varied landscape, parts of which are of outstanding quality. Other areas contain significant ecological values and important amenity value. It is important to give permanent protection to features which significantly contribute to natural environment values, natural character of the coastal environment, and rural character and amenity. The protection of such features may allow additional development potential, by way of an 'Environmental Benefit', through a subdivision process.</i></p>		<p><i>Subdivision, use and development in the rural environment may enable the protection or enhancement of natural features that otherwise may not be able to be sustained or restored. To realise these opportunities it is important that development proceed in an integrated fashion.</i></p>	<p>Objectives 12.5.3 and 12.5.4</p>
		<p><b>12.6.7 By avoiding, remedying or mitigating the adverse effects of activities which pose the greatest threat to remaining areas of significant indigenous vegetation and significant habitats of indigenous fauna ), and rural amenity (e.g. vegetation clearance, excavation and fill, the bulk and location of buildings and structures).</b></p>	
		<p><i>On-going subdivision and development of land can result in adverse effects on the natural environment, including the amenity values. It is important that these natural features are protected where development occurs and restored where such habitats are damaged.</i></p>	<p>Objectives 12.5.3 and 12.5.9</p>
		<p><i>Built form can impact the rural landscape in both positive and negative ways. Managing the design and location of new and redeveloped structures can ensure that any potential adverse visual amenity effects on the rural environment and its amenity can be minimised.</i></p>	<p>Chapter 4 – Overlays Objectives 4.4.1, 4.4.3, 4.4.5, 4.4.6 and 4.4.8</p>

- 12.6.8 By providing assistance and information to rural landowners and residents regarding:** Objectives 12.5.3, 12.5.5, and 12.5.7
- **Methods to protect and enhance areas of indigenous vegetation, significant habitats of indigenous fauna and ecological corridors;**
  - **The levels of service for infrastructure expected in rural areas of the District.**
- Providing adequate information and support to rural landowners is an important supplementary tool to ensure the District develops and grows sustainably. Providing guidance on such issues as voluntary mechanisms for environment protection, and required levels of service for infrastructure, will aid landowners in understanding the outcomes sought by Council in the rural environment, and better enable applicants to meet the requirements of Council for any Resource Consent process.*
- 12.6.9 By avoiding, remedying, or mitigating adverse effects on the environment by requiring the landowner or developer to provide roading and on-site services for water supply, wastewater disposal or stormwater disposal for sites in the Rural areas, unless the provision of reticulated services is identified as an alternative to on-site systems.** Objective 12.5.4
- The unmanaged subdivision of land, particularly for rural residential and lifestyle purposes, , could lead to environmental effects, that create demand for the Council to provide roading and reticulated services for water supply, wastewater and stormwater disposal. However, unless the provision of such services is proposed and identified as works in the Councils Long Term Plan or Annual Plan, the Council will not provide them to Rural areas. Therefore subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site.*
- 12.6.10 By maintaining opportunities for the diversity of rural land use, without significant interference from adjacent residential, lifestyle or rural – residential activities.** Objective 12.5.6
- It is recognised that a range of activities can generally locate in the rural environment without causing significant adverse effects. The expansion in the scale and intensity of commercial, industrial and residential activities will be managed to ensure that their effects are mitigated and the rural land resource remains available for future generations.*
- 12.6.11 By requiring activities locating in the Rural Zone to be sited and designed to avoid, remedy or mitigate reverse sensitivity effects on existing adjoining land uses.** Objectives 12.5.6 and 12.5.7
- The location of some land uses, such as rural-residential living and commercial operations, can result in actual or perceived nuisances to such land uses from the effects of lawfully existing rural activities. This can lead to pressure being placed on existing rural activities to reduce or eliminate such effects, which in many instances is impossible or impracticable and could potentially constrain both present and future operations.*
- 'Noise Sensitive activities as defined in Chapter 24: Definitions such as residential activities that seek to locate in the Rural Zone must recognise the potential effects of existing rural activities, such as noise and odour, and should be sited and designed to reduce such effects.*
- Where activities such as mineral extraction and processing or, industrial or intensive rural activity seek to establish in the Rural Zone, consideration must also be given to adverse effects on existing adjoining activities.*
- 12.6.12 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service upgrades are borne by the development.** Objectives 12.5.4 and 12.5.7
- Subdividers and developers will be required to ensure the provision of adequate roading and service infrastructure can adequately meet the demands of new subdivisions, and to avoid, remedy or mitigate adverse effects of development on the environment.*
- Subdividers will be required to ensure that allotments can be provided with the necessary infrastructure services, such as the provision of water supply and disposal of wastewater and stormwater. In the first instance, connection to public reticulated services is preferred, but where such services are unavailable subdividers and developers will be required to demonstrate that adequate on-site services can be provided which will not create adverse environmental effects.*
- 12.6.13 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.** Objective 12.5.4  
Chapter 4 – Overlays  
Objectives 4.4.1, 4.4.3, 4.4.5, 4.4.6 and 4.4.8
- Where connections to public reticulated systems for new subdivision and development are unavailable, any proposed method or means of disposing of wastewater or stormwater on-site will be required to demonstrate how the proposed method can achieve the protection of the health and safety of residents and avoid any adverse effects on sensitive receiving environments.*
- 12.6.14 By providing flexibility for subdivision and development density, as well as for a range of activities (industrial, commercial and residential etc.) that can be appropriately located in the Rural Zone and meet the environmental conditions appropriate to that Zone.** Objectives 12.5.7 and 12.5.8
- The density of development impacts on the natural, cultural and amenity values, and on the efficient and orderly provision of infrastructure and services. It is important that this scale is in proportion to existing development or be at such a level that it does not detrimentally affect the existing character, amenity, natural processes or ecological values of an area, and does not preclude efficient and orderly provision of infrastructure and services. This is particularly so in the case of environmentally sensitive areas or areas that are inadequately serviced. It is also important in the rural environment, where existing and future rural activities can be adversely affected by more intense development.*
- Allowing for the establishment of a range of activities can enable rural communities and residents to provide for their social, economic and cultural wellbeing, while still enjoying the lifestyle benefits offered by residing in the rural environment. It is important that a variety of activities, which do not lead to adverse effects on rural character and amenity, be provided for in the rural environment.*
- 12.6.15 By requiring site and building development to demonstrate how adverse visual amenity effects will be addressed over the duration of the development.** Objective 12.5.9
- Development of land and built form can alter the existing character of an area or site, and in so doing lead to adverse visual amenity effects, albeit often temporary, if on-going construction and development works are not appropriately managed.*
- 12.6.16 To control land use and subdivision activities on and adjacent to roads and prevent adverse effects on the Transport Network.** Objective 11.5.1
- Land use and subdivision activities resulting in the provision of additional driveways onto the Transport Network have the potential to adversely affect the operation and safety of the network. Controlling the location and number of access points will enable the effects of these activities to be appropriately managed.*
- 12.6.17 By requiring the provision of safe and practicable vehicular access from a public road to each site.** Objective 11.5.1
- Vehicular access to sites must be practicable, safe and convenient, and should avoid adverse effects on the environment. This may require the upgrading of existing roads or the provision of new roads within the subdivision to connect the subdivision to the District roading network.*
- 12.6.18 By ensuring that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District roading network to which the site is required to be connected to.** Objectives 7.5.2 and 11.5.1
- Where new roads are required to connect a subdivision site to the District roading network, it is important that they are designed and constructed to be compatible with the roads that they are connecting to. This is to ensure that the roading network is sustained at a level which provides safe, practicable and convenient travel for those using it, and which mitigates any potential adverse effects of the road and its use on the environment, including effects on adjoining activities. Subdividers will generally be required to provide roads within the subdivision site. Standards for the design and construction of different types of roads in the roading hierarchy are provided in the Kaipara District Council Engineering Standards 2011. Subdividers will be required to consider these standards and comply with the Rules of the Plan when constructing roads within the subdivision site.*
- 12.6.19 Subdividers and developers shall be required to accommodate within the design and layout of any subdivision or development any Structure Road or Structure Utilities identified on an approved Structure Plan within any Proposed New Urban Development Area.** Growth Areas Chapter 3
- In order to ensure the orderly and efficient development of the Proposed New Growth Areas the Council will identify, where necessary, key structure roads and structure utilities. The general route and construction standards will be identified on an approved Structure Plan and subdivisions or development shall be required to make provision for them.*
- 12.6.20 By requiring the establishment of Esplanade Reserves and Strips when land is subdivided into lots less than 4ha.** Objectives of Overlays Chapter 4 and Chapter 20
- An Esplanade Reserve or Strip with a width of 20m will be taken on the creation of any site less than 4ha which is created when land is subdivided in the Residential or Business Zones, and where it abuts the margin of any lake over 8ha, any river greater than 3m in width, or the sea. This will ensure that where intensive subdivision occurs, a continuous reserve alongside waterbodies or the coast can be provided.*



**12.6.21 By facilitating the provision of public access to existing Esplanade Reserves and Strips in the District which are currently land locked or isolated from other public access areas.**

Objective 14.5.2, see also the objectives of Section 11.5.1

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

**12.7 Methods**

The above Policies will be implemented through the following Methods:

**12.7.1 District Plan Methods**

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

**12.7.1.2 The use of Subdivision Rules including Performance Standards and Assessment Criteria relating to site sizes and dimensions, property access, the provision of services to the site, and the provision of increased development rights where environmental protection/enhancement is offered by an applicant as part of a subdivision process.**

**12.7.1.3 Conditions imposed on approved Resource Consents.**

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

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

**12.7.1.6 On-going monitoring of approved Resource Consent requirements.**

**12.7.2 Other Methods**

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

**12.7.2.2 Liaison with the Northland Regional Council.**

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

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

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

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

**12.7.2.7 The Kaipara District Council Engineering Standards 2011.**

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

**12.7.2.9 Requirements under other legislation, including:**

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

**12.7.2.10 Other relevant documents:**

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

**12.7.2.11 Providing access to geological databases:**

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

**12.8 Rural Outcomes**

**12.8.1 The character (including social, environmental and natural values) of the rural environment will be maintained.**

Issues 12.4.2, 12.4.3, 12.4.4, 12.4.6, 12.4.9, 12.4.10 and 12.4.11

**12.8.2 Significant indigenous vegetation, significant habitats of indigenous fauna and ecological corridors do not suffer further degradation, are protected and where possible are enhanced and expanded.**

Issue 12.4.3

**12.8.3 Rural production activities will continue to be provided for in the Rural Zone.**

Issues 12.4.6 and 12.4.8

**12.8.4 A diversity of land use activities and efficient use of the Rural Zone resources.**

Issues 2.3.7, 12.4.6 and 12.4.8

**12.8.5 The maintenance and enhancement of those values that contribute to Visual Amenity of the rural environment.**

Issues 12.4.4, 12.4.9, 12.4.10 and 12.4.11

**12.8.6 Retained ability to develop lifestyle residential development on varying lot sizes, providing that the character (including social and natural environments) is preserved.**

Issues 12.4.3 and 12.4.10

**12.8.7 Growth in low density residential development in the rural areas around the harbours, while maintaining the open space and discrete character of the environ, particularly as viewed from the water and from the harbour environs.**

Issues 12.4.2, 12.4.4 and 12.4.9

**12.8.8 The provision and maintenance of required levels of capacity, efficiency and safety of services and infrastructure.**

Issues 12.4.5 and 12.4.7

**12.8.9 The creation of a rural environment which provides for the social and economic needs of the District's communities through the sustainable management of natural and physical resources.**

Issues 12.4.3, 12.4.6, 12.4.7 and 12.4.8

**12.8.10 Site development works, avoid, remedy, or mitigate adverse environmental effects (including on visual amenity) of site development works.**

Issues 12.4.11

**12.9 Rural Rules**

**12.9.1 Controlled Activities**

The following activities shall be controlled in the Rural Zone:

- a) Any activity that does not meet any Performance Standard listed in Section 12.10 that is listed as a Controlled Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 12.12 and the Performance Standards listed in Section 12.15 of this Chapter.

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

**12.9.2 Restricted Discretionary Activities**

The following shall be Restricted Discretionary Activities in the Rural Zone:

- a) Any activity which does not meet any Performance Standards listed in Section 12.10 of this Chapter and is listed as a Restricted Discretionary Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 12.13 and the Performance Standards listed in Section 12.15 of this Chapter.

**Note 1:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 12.10, 12.12, 12.13 and 12.15 of this Chapter and the relevant objectives and policies that relate to the matters for which discretion has been restricted.

**12.9.3 Discretionary Activities**

The following shall be Discretionary Activities in the Rural Zone:

- a) Any activity which does not meet any Performance Standards listed in Section 12.10 of this Chapter and is listed as a Discretionary Activity; and
- b) Any subdivision not complying with the Terms for Subdivision listed in Section 12.14 and the Performance Standards for all Rural Subdivision in Section 12.16 of this Chapter.

**Note 1:** Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 12.10, 12.12, 12.14 and 12.15 of this Chapter, the objectives and policies of this Chapter and Part A of the District Plan.

**12.9.4 Non-Complying Activities**

The following shall be Non-Complying Activities in the Rural Zone:

- a) Any subdivision not in accordance with the Controlled, Restricted Discretionary or Discretionary Performance Standards listed in Sections 12.12, 12.13 and 12.14 of this Chapter.

**Note 1:** Applications for Non-Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 12.10, 12.12, 12.13, 12.14 and 12.15 of this Chapter, the objectives and policies of this District Plan and the effects of the activity on the environment.

## 12.10 Performance Standards Rural Land Use

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.1a	Excavation and Fill	<p><b>Subject to the exclusions in (7) below, excavation and fill is a Permitted Activity if:</b></p> <ul style="list-style-type: none"> <li>a) The <b>site</b> is not within any area known to be erosion prone, subject to instability or flood hazards; and</li> <li>b) 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</li> <li>c) 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</li> <li>d) The site is not located within an Outstanding Natural Landscape, identified on Map Series 2.</li> </ul> <p><b>(1) Rural Zone</b></p> <ul style="list-style-type: none"> <li>a) The works are within 6m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period; or</li> <li>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 5,000m<sup>3</sup> within a site, in any 12 month period;</li> </ul> <p><b>(2) East Coast and West Coast Overlays</b></p> <ul style="list-style-type: none"> <li>a) The works are within 300m of the Coastal Marine Area and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m<sup>3</sup> and the area is less than 300m<sup>2</sup> in any 12 month period; or</li> <li>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 2,500m<sup>3</sup> and the area is less than 2,500m<sup>2</sup> in any 12 month period; and</li> <li>c) The <b>height</b> or depth is less than 2m over a continuous distance of less than 50m within a site.</li> </ul> <p><b>(3) Kaipara Harbour Overlay</b></p> <ul style="list-style-type: none"> <li>a) The works are within 300m of the Coastal Marine Area and/or within 20m of a lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period; or</li> <li>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 2,500m<sup>3</sup> and the area is less than 2,500m<sup>2</sup> in any 12 month period; and</li> <li>c) The <b>height</b> or depth is less than 2m over a continuous distance of less than 50m within site.</li> </ul> <p><b>(4) Mangawhai Harbour Overlay (except for (4A) below)</b></p> <ul style="list-style-type: none"> <li>a) The works are within 300m of the Coastal Marine Area and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m<sup>3</sup> and the area is less than 300m<sup>2</sup> in any 12 month period; or</li> <li>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 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period; and</li> <li>c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</li> </ul> <p><b>(4A) Mangawhai Harbour Overlay for titles within the 'Sanctuary subdivision' located in Robert Hastie Drive, Lake View Lane and Woodleigh Lane, Mangawhai</b></p> <ul style="list-style-type: none"> <li>a) Excavation and fill on the identified 'building sites' (note: coloured orange) and 'additional building sites' (note: coloured yellow) referred to in the Hawthorne Geddes Report 2004 for lots in the 'Sanctuary subdivision', is a Permitted Activity if: <ul style="list-style-type: none"> <li>i. The works are within 300m of the Coastal Marine Area and the volume is less than 300m<sup>3</sup> and the area is less than 300m<sup>2</sup> in any 12 month period;</li> </ul> </li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>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);</li> <li>ii) Machinery to be used and hours of operation;</li> <li>iii) <b>Effects</b> on the locality, particularly the character and <b>amenity values</b> of adjoining <b>sites</b>/land uses;</li> <li>iv) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> as defined by the criteria listed in Appendix 25G;</li> <li>v) Effects of <b>excavation</b> related traffic on the safety and efficiency of the <b>road</b> network and on the amenity of <b>dwelling</b>s on adjoining land;</li> <li>vi) Effects on landscape and heritage values;</li> <li>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>viii) The extent to which the works meet the requirements of the performance standards in Rule 12.10.1 or the <b>Kaipara District Council Engineering Standards 2011</b> ;</li> <li>ix) Effects of dust and noise on sensitive receivers;</li> <li>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;</li> <li>xi) Effects on cultural and heritage values (as defined in Chapter 17), including any consultation has been undertaken with <b>Tangata Whenua</b> as appropriate;</li> <li>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;</li> <li>xiii) Any effects on the integrity of the electricity transmission line; and</li> <li>xiv) The volume, area and location of the works, including temporary activities such as: <ul style="list-style-type: none"> <li>– Stockpiles;</li> <li>– Timing of the works;</li> <li>– Site remediation;</li> <li>– The use of mobile machinery near transmission line which may put the line at risk;</li> <li>– Compliance with New Zealand Electrical Code of Practice 34:2001; and</li> <li>– Outcomes of any consultation with any relevant network operator.</li> </ul> </li> </ul> <p>In granting any Consent under this Rule, Council will require (as a Condition on that Consent) 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"> <li>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and <b>height</b> of any excavation or fill;</li> <li>ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and <b>wetland</b> areas, water bodies and the <b>Coastal Marine Area</b>;</li> <li>iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded <b>archaeological sites</b> and registered historic places, historic areas and <b>waahi tapu</b>, and the need for an archaeological-historic places site survey of the area to be developed;</li> <li>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;</li> </ul>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>ii. The works are not within 6m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period.</p> <p><b>(5) Kai Iwi Lakes Overlay</b></p> <p>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 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> 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><b>(6) Transmission Corridor No Build Area</b></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"> <li>– the new and on-going operation, maintenance and upgrading of existing Network Utilities, or</li> <li>– <b>Normal Rural Practices</b> where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).</li> </ul> <p><b>(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):</b></p> <p>a) Excavation and fill associated with forestry operations, is controlled by the National Environmental Standard for Plantation Forestry Regulations 2017;</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) Normal Rural Practices.</p> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The <i>Regional Water and Soil Plan for Northland</i> contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> 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><b>Note 4:</b> For the purpose of clarity the standards of this Rule for the Rural Zone apply to Overlays unless alternative standards are explicitly stated.</p> <p><b>Note 5:</b> 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).</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 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 "<b>normal rural practice</b>".</p> <p><b>Note 1:</b> 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><b>Note 2:</b> Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p><b>Note 3:</b> Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.</p> <p><b>Note 4:</b> 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).</p>
<b>12.10.1b</b>	<b>Excavation and Fill in an Outstanding Natural Landscape</b>	<p><b>(1) Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</b></p> <p>a) The volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The matters for which it has limited its discretion listed under Rule 12.10.1a; and</p> <p>ii) 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.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><b>(2) Except that Normal Rural Practices (as defined in Chapter 24) are Permitted Activities.</b></p> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> 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><b>Note 1:</b> 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).</p>
<b>12.10.2a</b>	<b>Indigenous Vegetation Clearance</b>	<p>Subject to the exceptions provided in (5) below, clearance or removal of indigenous vegetation is a Permitted Activity if:</p> <p><b>(1) Rural Zone</b></p> <p>a) It is not located within an <i>indigenous wetland</i>; and</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in <i>height</i> and over 1 hectare in area; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(2) East Coast and West Coast and Kaipara Harbour Overlays</b></p> <p>a) It is not located within an indigenous wetland;</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m<sup>2</sup>; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(3) Mangawhai Harbour Overlay</b></p> <p>a) It is not located within an indigenous wetland; and</p> <p>b) It is not part of</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup>; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(4) Kai Iwi Lakes Overlay</b></p> <p>a) It is not located within an indigenous wetland; and</p> <p>b) It is not part of:</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Extent of <i>vegetation clearance</i> proposed relative to total vegetated area;</p> <p>ii) Whether any affected area of <i>indigenous vegetation</i> is naturally occurring or has been artificially created;</p> <p>iii) Whether and the extent to which revegetation using <i>eco-sourcing</i> of native plants is proposed as part of the <i>development</i>;</p> <p>iv) <i>Effects</i> on the locality, particularly the rural character and <i>amenity values</i>;</p> <p>v) Effects on landscape and heritage values;</p> <p>vi) Effects on ecological values and in particular its significance as a <i>Site of Ecological Significance</i> by reference to the criteria listed in Appendix 25G;</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</p> <p>viii) Effects on water bodies, including <i>wetlands</i> and particularly sensitive <i>receiving environments</i> of the harbours and <i>lakes</i>;</p> <p>ix) 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;</p> <p>x) The extent to which the activity may adversely affect cultural and spiritual values;</p> <p>xi) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform;</p> <p>xii) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area;</p> <p>xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor;</p> <p>xiv) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy;</p> <p>xv) 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;</p> <p>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;</p> <p>xvii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(5) Except that the following are Permitted Activities throughout the Rural Zone, including the Overlays, and are excluded from the Standards of 12.10.2a(1), 12.10.2a(2), 12.10.2a(3) and 12.10.2a(4):</b></p> <p>a) The removal is in accordance with an existing use right; or</p> <p>(Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels.)</p> <p>b) The total clearance within a site is no more than 500m<sup>2</sup> 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 whilst forestry activities are controlled by the National Environmental Standard for Plantation Forestry Regulation 2017; or</p> <p>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</p> <p>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</p> <p>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 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</p> <p>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;</p> <p>h) The clearance is for the creation and maintenance of firebreaks; or</p> <p>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 which is controlled by the National Environmental Standard for Plantation Forestry Regulation 2017; or</p> <p>j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or 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, the latter which controlled by the National Environmental Standard for Plantation Forestry Regulation 2017; or</p> <p>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.</p> <p><b>Note 1:</b> 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.</p> <p><b>Note 2:</b> 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.</p> <p><b>Note 3:</b> For the purpose of clarity the standards of this Rule for the Rural Zone apply to Overlays unless alternative standards are explicitly stated.</p> <p><b>Note 4:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>		<p><b>Note 1:</b> 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).</p>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.2b	Indigenous Vegetation Clearance in an Outstanding Natural Landscape	<p>The provisions in this chapter prevail over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in relation to plantation forestry activities.</p> <p>Subject to the exceptions provided in (1) below, clearance or removal of indigenous vegetation within an Outstanding Natural Landscape is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) It is not located in an indigenous wetland; or</li> <li>b) It is not part of; <ul style="list-style-type: none"> <li>i) a continuous area of <i>predominantly indigenous vegetation</i> over 1 hectare in area; or</li> <li>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area.</li> </ul> </li> </ul> <p><b>(1) Except that the following are Permitted Activities, and are excluded from the Standards of 12.10.2b:</b></p> <ul style="list-style-type: none"> <li>a) The removal is in accordance with an existing use right; or (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels)</li> <li>b) The total clearance within a site is no more than 500m<sup>2</sup> 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</li> <li>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</li> <li>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</li> <li>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 protected for ecological or soil conservation purpose, 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</li> <li>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;</li> <li>h) The clearance is for the creation and maintenance of firebreaks; or</li> <li>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</li> <li>j) It is in accordance with the terms of a Queen Elizabeth II National Trust, or forest sink, covenant under the Forest Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system; or</li> <li>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.</li> </ul> <p><b>Note 1:</b> 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.</p> <p><b>Note 2:</b> 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.</p> <p><b>Note 3:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The matters for which it has limited its discretion listed under Rule 12.10.2a; and</li> <li>ii) 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.</li> </ul> <p><b>Note 1:</b> 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).</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.3 a	Dwellings	<p>Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) After completion, it will be the only dwelling on the <b>site</b>; or</li> <li>b) It will be an additional dwelling on the site, and there is a minimum of 12ha of <b>net site area</b> associated with each dwelling in the Rural Zone, and 20ha in any Overlay Area; or</li> <li>c) It will be an additional dwelling on the site, where: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> </ul> <p><b>Note 1:</b> The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p> <p><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance standards contained in the Plan, including within sections 12.10 and 12.15.</p> <p><b>Note 3:</b> Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1c) of this Rule.</p> <p><b>Note 4:</b> 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.</p> <p><b>Note 5:</b> An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause c)ii) above is available from Council.</p> <p><b>Note 6:</b> For dwellings within an Outstanding Natural Landscape, Rule 12.10.3c shall also apply.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and <b>dwellings</b> and is in accordance with any adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly the rural character and <b>amenity values</b>;</li> <li>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;</li> <li>vii) Effects on landscape and heritage values;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>ix) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</li> <li>x) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits; and</li> <li>xi) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> 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).</p>
12.10.3b	Dwelling Levels	<p><b>(1) Construction of a dwelling is a Permitted Activity if:</b></p> <ul style="list-style-type: none"> <li>a) Minimum floor levels are designed in accordance with the following standards: <ul style="list-style-type: none"> <li>– Floor levels for habitable <b>building</b> floors are designed with a minimum freeboard <b>height</b> to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and</li> </ul> </li> <li>b) In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>– 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>– 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>– 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>– 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p><b>Note 1:</b> Minimum floor levels have been determined using One Tree Point 1964 datum.</p> <p><b>Note 2:</b> There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.</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"> <li>i) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.</li> </ul>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria																																																						
12.10.3c	Erection and alterations of buildings and structures within an Outstanding Natural Landscape	<p><b>(1) Subject to the exclusion in (2) below, the Erection and Alteration of Buildings and Structures (including dwellings) located in an Outstanding Landscape is a permitted activity if:</b></p> <p>a) It is no more than 8m in height; and</p> <p>b) Either:</p> <p>i) it does not exceed 50m<sup>2</sup> gross floor area;</p> <p>ii) or any alteration / additions to the building or structure do not exceed 40% of the gross floor area of the dwelling or 40% of the volume of the structure (whichever is the smaller); and</p> <p>c) The exterior finish of the building or structure has a reflectance value of, or less than 30% as defined within the BS5252 standard colour palette;</p> <p>And if applicable:</p> <p>d) It is required for maintenance to the interior and exterior of the building or structure; or</p> <p>e) It is required for renovations to the interior of the dwelling or structure.</p> <p><b>(2) Except that:</b></p> <p>a) The standards in 12.10.3c(1) do not apply to the dwellings constructed within the defined Exclusive Use Areas shown on the Survey Plan for lots 1-29, 32, 34, 40, 41 and 45 DP 348513 (Bream Tail) consented by RM050086 provided that the other conditions of the Consent Notices (dated 2<sup>nd</sup> of February 2004) on these titles are complied with.</p> <p><b>Note 1:</b> To assist interpretation of this Rule, the following activities are permitted subject to compliance with the following provisions:</p> <table><tr><th>Provisions that apply</th><th>12.10.3c(1)(a)</th><th>12.10.3c(1)(b)</th><th>12.10.3c(1)(c)</th><th>12.10.3c(1)(d)</th><th>12.10.3c(1)(e)</th></tr><tr><td>Pump sheds</td><td>Applies</td><td>Applies</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>Water troughs</td><td>Applies</td><td>Applies</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>Water tanks</td><td>Applies</td><td>Applies</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>Irrigation systems (single rotary systems)</td><td>Does not apply</td><td>Does not apply</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>Uncovered yards (including cattle and sheep)</td><td>Applies</td><td>Does not apply</td><td>n/a</td><td>n/a</td><td>n/a</td></tr><tr><td>Wind turbines for operations of agricultural equipment (e.g. for water pumps)</td><td>Does not apply</td><td>Applies</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>Replacement of existing structures in ONL (like for like replacement)</td><td>Does not apply</td><td>Does not apply</td><td>Does not apply</td><td>n/a</td><td>n/a</td></tr><tr><td>One new operational farm building (non-residential) per certificate of title issued on or before 2 December 2010</td><td>Applies</td><td>Does not apply Subject instead to 100m<sup>2</sup> gross floor area limit</td><td>Applies</td><td>n/a</td><td>n/a</td></tr></table>	Provisions that apply	12.10.3c(1)(a)	12.10.3c(1)(b)	12.10.3c(1)(c)	12.10.3c(1)(d)	12.10.3c(1)(e)	Pump sheds	Applies	Applies	Does not apply	n/a	n/a	Water troughs	Applies	Applies	Does not apply	n/a	n/a	Water tanks	Applies	Applies	Does not apply	n/a	n/a	Irrigation systems (single rotary systems)	Does not apply	Does not apply	Does not apply	n/a	n/a	Uncovered yards (including cattle and sheep)	Applies	Does not apply	n/a	n/a	n/a	Wind turbines for operations of agricultural equipment (e.g. for water pumps)	Does not apply	Applies	Does not apply	n/a	n/a	Replacement of existing structures in ONL (like for like replacement)	Does not apply	Does not apply	Does not apply	n/a	n/a	One new operational farm building (non-residential) per certificate of title issued on or before 2 December 2010	Applies	Does not apply Subject instead to 100m <sup>2</sup> gross floor area limit	Applies	n/a	n/a	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The extent to which 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.</p> <p><b>Note 1:</b> 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).</p>
			Provisions that apply	12.10.3c(1)(a)	12.10.3c(1)(b)	12.10.3c(1)(c)	12.10.3c(1)(d)	12.10.3c(1)(e)																																																		
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Restricted Discretionary Activity for the erection of a dwelling exceeding 50m <sup>2</sup> but not exceeding 350m <sup>2</sup> gross floor area on Lots 1-4 and 6-14 as shown on the Survey Plan consented by RM090103 for Lot 2 DP 316176 (Mangawhai Heads Holdings Limited)	<p>Where a dwelling on a relevant lot exceeds the 50m<sup>2</sup> gross floor area limit specified in Rule 12.10.3c(1)(b)(i) (but does not exceed 350m<sup>2</sup> gross floor area), Council has restricted its discretion to the matter specified in Condition 1(p) of consent RM090103, dated 17 April 2015.</p> <p><b>Note 1:</b> The restricted discretionary activity opportunity provided by this Rule applies subject to the following provisions:</p> <p>i. It expressly applies only to the 13 identified building locations within Lots 1-4 and 6-14 shown on a Survey Plan consent by RM090103 for Lot 2 DP 316176 (or as shown on any subsequent DP replacing 316176); or to one dwelling on the existing Lot 2 DP 316176 (or any subsequent DP replacing 316176) providing that the dwelling is in one of the 13 identified building locations and is designed in accordance with the controls specified in condition 1(p).</p> <p>ii. A certificate of title must have been issued for the lot concerned, subject to a consent notice relating to the continuing requirements of condition 1(p) of consent RM090103</p> <p>iii. If consent RM090103 lapses without being implemented, then this rule shall cease to apply (Rule 12.10.3c would then apply as normal), except as provided in respect of one dwelling in (i) above.</p> <p><b>Note 2:</b> An application for restricted discretionary activity resource consent pursuant to this Rule will be considered on a non-notified basis.</p> <p><b>Note 3:</b> The restricted discretionary activity opportunity provided by this Rule applies only to the performance standard in Rule 12.10.3c(1)(b)(i). The remaining performance standards specified in Rule 12.10.3c(1) continue to apply to any dwelling on the relevant lots as normal. In addition, any dwelling exceeding 350m<sup>2</sup> gross floor area is a discretionary activity.</p>																																																									
<p>* <b>Note:</b> where the above provisions do not apply the general provisions of the District Plan apply.</p>																																																										



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.4	Commercial and Industrial Buildings	<p><b>(1) For Commercial or Industrial Activities in a Rural Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The gross floor area of the building does not exceed 5,000m<sup>2</sup> or 10% of the net site area, whichever is the lesser; and</li> <li>b) The building is able to comply with the relevant Performance Standards of Rule 12.10;</li> <li>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";</li> <li>d) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 12.15.6(1)(a)-(d) inclusive;</li> <li>e) Where no Council wastewater system is available the development shall comply with the requirements of Rule 12.15.6(3)(a)-(c) inclusive.</li> <li>f) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 12.15.5(1)(a); and</li> <li>g) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 12.15.5(2)(a).</li> </ul> <p><b>Note 1:</b> Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The <i>Regional Water and Soil Plan for Northland</i> contains minimum standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and <b>structures</b> in the <b>Coastal Marine Area</b>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> For sites within an Outstanding Natural Landscape, Rule 12.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iv) Proposed landscaping in accordance with any Council adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly the rural character and <b>amenity values</b>;</li> <li>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</li> <li>vii) Effects on Landscape and heritage values;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> <li>ix) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</li> <li>x) Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</li> <li>xi) The extent to which the <b>development</b> complies with the requirements of the relevant performance standards or the <b>Kaipara District Council Engineering Standards 2011</b>;</li> <li>xii) The extent to which the stormwater generated from <b>impermeable surfaces</b> associated with the building may contribute to erosion or a reduction in the water quality of the <b>receiving environment</b>;</li> <li>xiii) Whether a sustainable potable water supply is able to be provided to service the development;</li> <li>xiv) Effects on natural character;</li> <li>xv) The functional requirements of the building and activity; and.</li> <li>xvi) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> 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).</p>
12.10.5	Maximum Height	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The building does not exceed 10m in height, where it is not within an Overlay Area; or</li> <li>b) The building does not exceed 8m in height, where it is within an Overlay Area.</li> </ul> <p><b>Note 1:</b> For sites within an Outstanding Natural Landscape, Rule 12.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</li> <li>ii) The functional requirements of the building;</li> <li>iii) The extent to which the <b>effects</b> of the height infringement can be mitigated by <b>setbacks</b>, planting, design or the topography of the site;</li> <li>iv) Effects on the locality, particularly the rural character and <b>amenity values</b>;</li> <li>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; and</li> <li>vi) Effects on availability of sunlight to other properties; and</li> <li>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.6	Height in Relation to Boundary	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 3m in <b>height</b> plus the shortest horizontal distance between that part of the building and any <b>site boundary</b>.</p> <p><b>Note 1:</b> Refer to Chapter 24 – Definitions for the definition of Recession Plane.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</p> <p>ii) The functional requirements of the building;</p> <p>iii) The extent to which the <b>effects</b> of the height in relation to <b>boundary</b> infringement can be mitigated by setbacks, planting, design or the topography of the site;</p> <p>iv) Effects on the locality, particularly the rural character and <b>amenity values</b>;</p> <p>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; and</p> <p>vi) Effects on availability of sunlight to other properties; and</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p>
12.10.7	Setbacks	<p><b>(1) Rural Zone (including Overlays except those specified in (2) below)</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following setback distances (<b>yards</b>):</p> <p>a) <b>Front yard</b> - 10m, except where the building is for industrial or commercial purposes, where the <b>setback</b> shall be 20m; and</p> <p>b) Side and <b>Rear yards</b> - 3m; and</p> <p>c) Coast - 30m from the <b>Coastal Marine Area</b>; and</p> <p>d) <b>Lake / River</b> - 30m from the banks of: any dune lake; any other lake whose <b>bed</b> has an area of 8ha or more; any river including a <b>perennial stream</b> whose bed has an average width of 3m or more; and</p> <p>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</p> <p>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</p> <p>g) Wetland - 30m from the banks of any indigenous wetland.</p> <p><b>(2) In addition to the setbacks above, in the Mangawhai Harbour and Kai Iwi Lakes Overlays:</b></p> <p>Any building is a Permitted Activity if it is located outside the following additional set back distances (yards):</p> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <p><b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 12.10.7(1)(d) above applies.</p> <p><b>(3) Except that:</b></p> <p>a) Setback Standards of 12.10.7.1a) 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.</p> <p>b) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water take or discharge structure or consented pump shed/station.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The outlook and privacy of adjacent and adjoining neighbours;</p> <p>ii) Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</p> <p>iii) Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines;</p> <p>iv) Whether the proposed landscaping is in accordance with the design principles of the Mangawhai <b>Structure Plan</b> (pages 46 - 49) for Policy Area Three;</p> <p>v) Effects on the locality, particularly the rural and natural character and <b>amenity values</b>;</p> <p>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</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</p> <p>viii) Effects on landscape and heritage values;</p> <p>ix) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> as defined by the criteria listed in Appendix 25G;</p> <p>x) Effects on public access;</p> <p>xi) Effects on <b>natural hazards</b>, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b>;</p> <p>xii) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>Esplanade Reserves</b> or Strips;</p> <p>xiii) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective roading or rail control authority has been provided and the extent to which the placement of the building affects traffic and/or rail safety;</p> <p>xiv) The functional requirements of the building and activity; and</p> <p>xv) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>c) Setback standard 12.10.7 does not apply for the approved and identified 'building sites' (note: coloured orange) and 'additional building sites' (note: coloured yellow) referred to in the Hawthorne Geddes Report 2004 for the 'Sanctuary subdivision' located in Robert Hastie Drive, Lake View Lane and Woodleigh Lane, Mangawhai.</p> <p><b>Note 1:</b> The <i>Regional Water and Soil Plan for Northland</i> also require setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><b>Note 2:</b> 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.</p> <p><b>Note 3:</b> Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roding Powers Act 1989.</p> <p><b>Note 4:</b> The 'Sanctuary subdivision' contains a number of 'approved' building sites close to manmade lakes, rivers and wetlands. These sites were consented before the District Plan was notified and clause (3)(c) above recognises this. The clause exempts buildings on the recorded building sites from setback rule 12.10.7(1) and 12.10.7(2).</p>		<p><b>Note 1:</b> 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).</p>
12.10.8	Permeable Surfaces	<p><b>(1) For any site of 5ha or less, an activity is a Permitted Activity if:</b></p> <p>a) In any one hectare, the area of any <b>site</b> covered by <b>buildings</b> and other <b>impermeable surfaces</b> is less than 15% in the Rural Zone where it is not within an Overlay;</p> <p>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.</p> <p><b>(2) For any site over 5ha in size, an activity is a Permitted Activity if:</b></p> <p>a) Water collected from impermeable surfaces is disposed of on-site or discharged to an existing watercourse.</p> <p><b>Note 1:</b> The intention of this rule is to avoid large areas of continuous seal / hardstand.</p> <p><b>Note 2:</b> Discharge consents may be required from the Northland Regional Council.</p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Control of stormwater run-off;</p> <p>ii) The <b>effects</b> of increased stormwater flows downstream;</p> <p>iii) Methods of attenuating stormwater flows to pre-<b>development</b> rates;</p> <p>iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011 ;</p> <p>v) Effects on water quality; and</p> <p>vi) The extent to which low impact design principles are utilised.</p>
12.10.9	Separation Distance for Noise Sensitive Activities in the Rural Zone	<p>Any Noise Sensitive Activity (as defined in Chapter 24: Definitions) is permitted if</p> <p><b>(1) A 300m separation is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership:</b></p> <p>a) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems);</p> <p>b) <b>Building</b> used for an industrial activity;</p> <p>c) Intensive feed lot or feed storage area;</p> <p>d) <b>Intensive farming</b>;</p> <p>e) Dairying shed;</p> <p>f) Mining or <b>quarrying</b>;</p> <p>g) Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting standards, or an Air Discharge Consent (odour) granted by the Northland Regional Council; and</p> <p><b>(2) The activity is setback outside the Noise Contour Boundary surrounding the Maungaturoto Dairy Factory site as shown on Planning Maps 20 and 50 (Map Series 2).</b></p> <p><b>Note 1:</b> 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.</p> <p><b>Note 2:</b> For clarity, any Noise Sensitive Activity within the Noise Contour Boundary of Maungaturoto Dairy Factory site will require Resource Consent.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The extent to which alternative locations have been considered;</p> <p>ii) Mechanisms in place to avoid future reverse sensitivity conflicts (including covenants on titles) or other physical mitigation works;</p> <p>iii) Effects on health and safety of communities;</p> <p>iv) Any consultation with relevant property owners or occupiers; and</p> <p>v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 12;</p> <p>And</p> <p>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:</p> <p>vi) The potential reverse sensitivity effects on the operation of the Maungaturoto Dairy Factory;</p> <p>vii) Whether and the extent to which habitable rooms have been designed such that the internal noise levels of any habitable room does not exceed 35dB<sub>L<sub>Aeq</sub> 24 hours</sub>, while at the same time providing ventilation requirements (for example, as required by clause G4 of the New Zealand Building Code 2010).</p> <p><b>Note 1:</b> 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).</p>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.10	Separation Distance from Plantation Forestry	<p>Any building or plantation <b>forestry</b> activity is permitted if a 40m separation is maintained between any <b>building</b> and the plantation forestry on a separate <b>site</b> and under separate ownership.</p> <p><b>Note 1:</b> This Rule is intended to protect <b>boundary</b> effects while maintaining reasonable opportunity for a wide scope of activities within the Rural Zone. As such, if there is an existing lawfully established activity within the Rural Zone then the separation distances noted above would be required to avoid future land use conflicts.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule and in terms of the National Environmental Standard for Plantation Forestry Regulation,, <b>Council's</b> discretion is restricted over the following matters when considering and determining an application for resource consent:</p> <ol style="list-style-type: none"> <li>If afforestation is a restricted discretionary activity under regulation 16(1) or 2(a) for failing to comply with regulation 11 or 12, discretion is restricted to <ol style="list-style-type: none"> <li>the level of wilding tree risk;</li> <li>The mitigation proposed to restrict wilding conifer spread, including the species to be planted;</li> <li>The effects on the values of the significant natural area or outstanding natural feature or landscape;</li> <li>The information and monitoring requirements.</li> </ol> </li> <li>If afforestation is a restricted discretionary activity under regulation 16(1) for failing to comply with regulation 14(1) or (2), discretion is restricted to- <ol style="list-style-type: none"> <li>the effects on adjacent landowners, dwellings, land zoned in a district plan as a papakaianga, and urban areas;</li> <li>the effects of shading, including icing on a paved public road;</li> <li>the effects on the values of the significant natural area;</li> <li>the information and monitoring requirements.</li> </ol> </li> </ol>
12.10.11	Separation Distance between Activities in the Rural Zone and Adjoining Zones	<p>Any of the activities listed as follows, are permitted if a separation distance of at least 30m is maintained between any <b>site</b> zoned Residential, Business - Commercial or any <b>site boundary</b> to a mapped Reserve Management Unit, or a 300m distance to any existing <b>Noise Sensitive Activity</b> (as defined in Chapter 24: Definitions) located in these zones, whichever is the greater:</p> <ol style="list-style-type: none"> <li>Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land disposal effluent application);</li> <li><b>Building</b> used for an <b>industrial activity</b>;</li> <li>Intensive feed lot or feed storage area;</li> <li><b>Intensive farming</b>;</li> <li>Dairying shed;</li> <li>Mining or <b>quarrying</b>; and</li> <li>Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting standards, or a Discharge Consent relating to odour from the Regional Council.</li> </ol> <p><b>Note 1:</b> This Rule is intended to protect boundary affects while maintaining reasonable opportunity for a wide scope of activities within the Rural Zone. As such, if any of the activities listed in a) to g) above seek to establish within the Rural Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future noise sensitive activities that are reasonably expected to establish within the Residential Zone, Business – Commercial Zone, or the values of a Reserve Management Unit.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ol style="list-style-type: none"> <li>Protection of the character and amenity of the relevant adjoining activity, zone or Reserve Management Unit;</li> <li>The extent to which alternative locations have been considered;</li> <li>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;</li> <li>Effects on health and safety of communities;</li> <li>Any relevant industry codes of practice;</li> <li>Any consultation with relevant property owners or occupiers; and</li> <li>How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 12.</li> </ol>
12.10.12	Buildings and near Vegetation Airfields	<ol style="list-style-type: none"> <li>Any <b>building, structure</b> or <b>aerial</b> is a <b>Permitted Activity</b>, unless part of it would fall within either: <ol style="list-style-type: none"> <li>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</li> <li>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%);</li> </ol> </li> <li>All trees and other natural projections shall be maintained so that no part shall fall within either:</li> </ol>	Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>Whether the <b>height</b> of the proposed <b>building</b> or <b>structure</b> will affect airfield safety;</li> <li>The extent to which the proposed <b>development</b> may restrict future development of the airfield/airport; and</li> <li>The health and safety of current and future occupiers of the building.</li> </ol>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>i. The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>ii. The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p> <p><b>Note 1:</b> This Rule currently applies to the airfields at Dargaville and Naumai shown in Appendix H to the District Plan Maps.</p>		
<b>12.10.13</b>	<b>Relocation of Buildings</b>	<p>Relocated <b>buildings</b> are permitted where the following matters can be satisfied:</p> <p>a) Any relocated building can comply with the relevant standards for <b>Permitted Activities</b> in the District Plan; and</p> <p>b) Any relocated <b>dwelling</b> must have been previously designed built and used as a dwelling; and</p> <p>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</p> <p>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 <b>site</b>.</p> <p><b>Note 1:</b> For clarity, for sites within an Outstanding Natural Landscape, Rule 12.10.3b shall also apply</p>	Restricted Discretionary Activity	<p>If the <b>building</b> infringes another Performance Standard then a Consent will be required.</p> <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Proposed landscaping, including opportunities to screen the building during reinstatement;</p> <p>ii) Visibility from the <b>road</b>, public places and other residential areas;</p> <p>iii) <b>Maintenance</b> of the <b>site</b> and surrounds during reinstatement; and</p> <p>iv) Application of a bond to ensure reinstatement within a 12 month time limit.</p>
<b>12.10.14</b>	<b>General Noise</b>	<p>Any activity is permitted if noise from the <b>site</b> does not exceed the following limits, as measured either at or within any other site zoned Residential, or within the '<b>notional boundary</b>' of a <b>dwelling</b> in the Rural or Maori Purpose zoned site :</p> <p>a) 7:00am – 7:00pm : 50 <b>dB</b><sub>L<sub>Aeq</sub></sub>; and</p> <p>b) 7:00pm – 10:00pm: 45dB <sub>L<sub>Aeq</sub></sub>; and</p> <p>c) 10:00pm – 7:00am: 40dB <sub>L<sub>Aeq</sub></sub> and 70 dB <sub>L<sub>AFmax</sub></sub>.</p> <p><b>Note 1:</b> Provided that the abovementioned <b>noise limits</b> may be exceeded for activities periodically required by <b>farming</b> and <b>forestry</b> practice, such as crop protection and harvesting that may need to be carried out for these activities. When assessing the noise level permitted within plantation forestry Council will apply the provisions of Clause 98 and 99 of the Resource Management National Environmental Standard for Planation Forestry Regulations 2017.</p> <p><b>Note 2:</b> Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule in terms of the National Environmental Standard for Plantation Forestry Regulation, Council's discretion is restricted over the following matters when considering an application for resource consent;</p> <p>(a) The timing, duration, and location of noise or vibration-generating activities;</p> <p>(b) The effects on noise-sensitive activities;</p> <p>(c) Measures to avoid, remedy, or mitigate the adverse noise and vibration effects;</p> <p>(d) The information and monitoring requirements.</p> <p>Where an activity is not permitted or restricted discretionary activity by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Maximum level of noise likely to be generated;</p> <p>ii) The noise <b>environment</b> of the locality in which the activity is proposed;</p> <p>iii) <b>Effect</b> on adjoining or adjacent residential <b>dwellings</b>;</p> <p>iv) Length of time for which the specified noise standard will be exceeded;</p> <p>v) Likely adverse effects beyond the <b>site</b>;</p> <p>vi) Effects on character and amenity beyond the site;</p> <p>vii) Alternative methods to avoid noise generation;</p> <p>viii) Mitigation measures to reduce noise generation; and</p> <p>ix) Prevailing wind direction.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria																																																																																																											
12.10.15	Construction Noise and Temporary Activities	<div>Construction noise and other temporary activities as defined in Chapter 24: Definitions are permitted if noise from the <b>site</b> does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise".</div> <table><tr><th rowspan="3">Time of week</th><th rowspan="3">Time period</th><th colspan="6">Duration of work</th></tr><tr><th colspan="2">Typical duration (<b>dBA</b>)</th><th colspan="2">Short-term duration (dBA)</th><th colspan="2">Long-term duration (dBA)</th></tr><tr><th>Leq</th><th><b>Lmax</b></th><th>Leq</th><th>Lmax</th><th>Leq</th><th>Lmax</th></tr><tr><td rowspan="4">Weekdays</td><td>0630-0730</td><td>60</td><td>75</td><td>65</td><td>75</td><td>55</td><td>75</td></tr><tr><td>0730-1800</td><td>75</td><td>90</td><td>80</td><td>95</td><td>70</td><td>85</td></tr><tr><td>1800-2000</td><td>70</td><td>85</td><td>75</td><td>90</td><td>65</td><td>80</td></tr><tr><td>2000-0630</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td rowspan="4">Saturdays</td><td>0630-0730</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td>0730-1800</td><td>75</td><td>90</td><td>80</td><td>95</td><td>70</td><td>85</td></tr><tr><td>1800-2000</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td>2000-0630</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td rowspan="4">Sundays and public holidays</td><td>0630-0730</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td>0730-1800</td><td>55</td><td>85</td><td>55</td><td>85</td><td>55</td><td>85</td></tr><tr><td>1800-2000</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr><tr><td>2000-0630</td><td>45</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr></table>	Time of week	Time period	Duration of work						Typical duration ( <b>dBA</b> )		Short-term duration (dBA)		Long-term duration (dBA)		Leq	<b>Lmax</b>	Leq	Lmax	Leq	Lmax	Weekdays	0630-0730	60	75	65	75	55	75	0730-1800	75	90	80	95	70	85	1800-2000	70	85	75	90	65	80	2000-0630	45	75	45	75	45	75	Saturdays	0630-0730	45	75	45	75	45	75	0730-1800	75	90	80	95	70	85	1800-2000	45	75	45	75	45	75	2000-0630	45	75	45	75	45	75	Sundays and public holidays	0630-0730	45	75	45	75	45	75	0730-1800	55	85	55	85	55	85	1800-2000	45	75	45	75	45	75	2000-0630	45	75	45	75	45	75	Discretionary Activity	<div>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</div> <div><div>i)</div><div>Maximum level of noise likely to be generated;</div></div> <div><div>ii)</div><div>The noise <b>environment</b> of the locality in which the activity is proposed;</div></div> <div><div>iii)</div><div><b>Effect</b> on the occupiers of <b>dwellings</b> and other <b>buildings</b> affected by construction noise;</div></div> <div><div>iv)</div><div>Length of time for which the specified noise standard will be exceeded;</div></div> <div><div>v)</div><div>Likely adverse effects beyond the <b>site</b>;</div></div> <div><div>vi)</div><div>Effects on character and amenity beyond the site;</div></div> <div><div>vii)</div><div>Alternative methods to avoid noise generation; and</div></div> <div><div>viii)</div><div>Mitigation measures to reduce noise generation.</div></div>
Time of week	Time period	Duration of work																																																																																																													
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12.10.16	Wind Noise Generation	<div>Wind turbines, are permitted if the noise generated by the wind turbines does not exceed the recommended limits in NZS 6808:2010 when measured and assessed in accordance with, NZS 6808: 2010 Acoustics – Wind Farm Noise.</div>	Discretionary Activity	<div>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</div> <div><div>i)</div><div>Maximum level of noise likely to be generated;</div></div> <div><div>ii)</div><div>The existing background noise <b>environment</b> of the locality in which the activity is proposed;</div></div> <div><div>iii)</div><div>Noise effect on adjoining or adjacent residential <b>dwellings</b>;</div></div> <div><div>iv)</div><div>Length of time for which the specified noise standard will be exceeded;</div></div> <div><div>v)</div><div>Likely adverse effects of noise beyond the site;</div></div> <div><div>vi)</div><div>Effects of noise generation on character and amenity beyond the site;</div></div> <div><div>vii)</div><div>Alternative methods to avoid noise generation; and</div></div> <div><div>viii)</div><div>Mitigation measures to reduce noise generation.</div></div>																																																																																																											
12.10.17	Vibration	<div>Any activity is permitted if vibration from the activity does not exceed the following average levels:</div> <div><div>a)</div><div>Within a <b>dwelling</b> on any adjacent <b>site</b> zoned Residential, Maori Purpose or Rural Zone;</div></div> <table><tr><th>Time</th><th>Maximum Weighted Vibration Level (Wb or Wd)</th><th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th></tr><tr><td>Monday to Saturday 7:00am - 6:00pm</td><td>0.045m/s²</td><td>1.0 m/s²</td></tr><tr><td>All other times</td><td>0.015 m/s²</td><td>0.05 m/s²</td></tr></table>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7:00am - 6:00pm	0.045m/s²	1.0 m/s²	All other times	0.015 m/s²	0.05 m/s²	Discretionary Activity	<div>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</div> <div><div>i)</div><div>Maximum level of vibration likely to be generated;</div></div> <div><div>ii)</div><div>The <b>effects</b> on sensitive receptors or adjacent land uses;</div></div> <div><div>iii)</div><div>Effect on the <b>structure</b> and stability of adjoining or adjacent residential <b>dwellings</b> or <b>buildings</b>;</div></div> <div><div>iv)</div><div>Length of time for which the specified vibration standard will be exceeded;</div></div> <div><div>v)</div><div>Likely adverse effects beyond the <b>site</b>;</div></div> <div><div>vi)</div><div>Effects on character and amenity beyond the site;</div></div> <div><div>vii)</div><div>Alternative methods to avoid vibration generation; and</div></div>																																																																																																		
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Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria						
		<div>b) Within a <b>building</b> on any adjacent site zoned Business:</div> <table><tr><td>Time</td><td>Maximum Weighted Vibration Level (Wb or Wd)</td><td>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</td></tr><tr><td>At All times</td><td>0.06 m/s<sup>2</sup></td><td>2.0 m/s<sup>2</sup></td></tr></table> <p><b>Note 1:</b> Vibration levels shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.</p>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s <sup>2</sup>	2.0 m/s <sup>2</sup>		viii) Mitigation measures to reduce vibration generation.
Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)								
At All times	0.06 m/s <sup>2</sup>	2.0 m/s <sup>2</sup>								
12.10.18	Traffic Intensity	<p>Any activity is permitted if the cumulative traffic generated on any <b>road</b> does not exceed 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Except that single <b>dwelling</b>s, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</p> <p><b>Note 1: Traffic Intensity factor</b> guidelines are included in Appendix 25F of this Plan and can be used to calculate the likely traffic generation of particular activities. The Traffic Intensity Factor is based on the average daily one way traffic movements for a particular activity (and therefore allows for seasonal variations). Applicants may be required to apply to the <b>Council</b> for a Certificate of Compliance where an activity has the potential to generate 50 or more daily one way movements.</p> <p><b>Note 2:</b> As part of an application for Certificate of Compliance or Resource Consent under this rule <b>Council</b> may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p><b>Note 3:</b> This calculation only applies when establishing a new activity on a <b>site</b>. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative <b>effects</b>.</p> <p><b>Note 4:</b> For clarification, the replanting (within 5 years) and harvesting of a production forest is not considered a ‘new activity’ under this rule.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <div><div>i) The time of day when any extra vehicle movements will occur;</div><div>ii) The distance between the location of vehicle movements and adjacent properties;</div><div>iii) The width and capacity of any <b>road</b> to be able to cope safely with vehicle movements;</div><div>iv) The <b>effect</b> of traffic on the amenity and character of the surrounding area;</div><div>v) The effect of changing capacity on the amenity and character (including natural character) of the surrounding area;</div><div>vi) The nature of the surface (sealed or otherwise) on the adjoining road network;</div><div>vii) The potential for dust nuisance to be generated from the <b>site</b> and its effects on adjoining properties and prevailing wind direction;</div><div>viii) The safety and efficiency of vehicle access onto the road;</div><div>ix) The volume and speed of traffic on the roads affected;</div><div>x) The hierarchy of the roads affected;</div><div>xi) Any congestion or safety issues on roads affected;</div><div>xii) The type and number of vehicles expected to access the <b>site</b>;</div><div>xiii) The <b>vehicle crossing</b> layout;</div><div>xiv) Financial contributions for road upgrading; and</div><div>xv) The requirements of the <b>Kaipara District Council Engineering Standards 2011</b> .</div></div>						
12.10.19	Potentially Contaminated Land – Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and change of land use	<p>Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <div><div>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2001.</div></div> <p><b>Note 1:</b> Refer to Appendix 25E for further information concerning the HAIL.</p> <p><b>Note 2:</b> This rule does not apply to activities or land not covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	Controlled Activity / Restricted Discretionary Activity / Discretionary Activity	<p>Where an activity is not permitted by this Rule, a land use consent must be obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>						



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.20	Contaminated Land Remediation	<p>Any activity is a Permitted Activity if remediation of contaminated land:</p> <ul style="list-style-type: none"> <li>a) Does not cause a greater risk to the environment than if the work was not done; and</li> <li>b) Disposes of removed material in a location approved for the receipt of such material; and</li> <li>c) Is reported to the Council by the landowner at the completion of the work detailing: <ul style="list-style-type: none"> <li>– The work done and the results obtained; and</li> <li>– The nature and location of remaining contaminated material on-site; and</li> <li>– As-built plans and specifications of any permanent containment structure; and</li> </ul> </li> <li>d) The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 do not apply to the activity.</li> </ul> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Remediation activities relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of that land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) may require a land use consent under the Regulations.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The extent and nature of any contamination of land or ground water and the potential sources of contamination;</li> <li>ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of <b>contaminants</b> into the <b>environment</b> (e.g. sediment control, <b>site</b> covering and dust control);</li> <li>iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of;</li> <li>iv) The degree to which measures will be employed to avoid remedy or mitigate any adverse <b>effects</b> on water quality or the <b>receiving environment</b>;</li> <li>v) Whether the land is suitable for its intended end use;</li> <li>vi) Whether the methodology by which the land will be remediated will avoid adverse effects on the natural environment, during and after the remediation process, giving special consideration to the nature of the downstream receiving environment including marine protected areas;</li> <li>vii) The extent to which the effects of remediation are acceptable; and</li> <li>viii) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land.</li> </ul> <p><b>Note 1:</b> Reference to the Ministry for the Environment's <b>Contaminated Land</b> Management Guidelines Numbers 1-5 will assist applicants in achieving compliance with the criteria set out above.</p>
12.10.21	Hazardous Substances	<p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) Storage or use of hazardous substances complies with Table 2 (Permitted Conditions) in Appendix 25D: Hazardous Substances and either (b), (c), (d) or (e) below applies;</li> <li>b) The aggregate quantity of <b>hazardous substances</b> of any hazard classification managed as part of the activity is less than the quantity specified in Table 1 (Permitted Quantities) in Appendix 25D: Hazardous Substances; or</li> <li>c) The hazardous substances stored or used on the <b>site</b> are: <ul style="list-style-type: none"> <li>i) <b>Trade waste</b> in a wastewater or waste treatment facility; or</li> <li>ii) <b>Road</b> materials within a road reserve; or</li> <li>iii) Domestic storage and use of consumer products for domestic purposes; or</li> <li>iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or</li> <li>v) Gas or oil pipelines and ancillary equipment; or</li> <li>vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or</li> <li>vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or</li> <li>viii) Fire-fighting substances on emergency vehicles; or</li> <li>ix) Electricity transformers, capacitors and switches up to 600 litres; or</li> <li>x) Storage and application of agrichemicals and pesticides provided that NZS 8409:2004 <i>Management of Agrichemicals</i> and any applicable Regional Plan(s) are adhered to; or</li> <li>xi) Fertiliser temporarily stored (note: the storage is a temporary use) on-site when stored and applied in accordance with the Fert Research Code of Practice for Nutrient Management (2007); or</li> </ul> </li> </ul>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. <b>child care</b>, education facilities, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) The presence or otherwise of <b>natural hazards</b> which could adversely influence the inherent risks from a hazardous facility to the environment;</li> <li>x) The extent to which alternative locations and methods have been considered;</li> <li>xi) Hazard and risk analysis;</li> <li>xii) Management of wastes containing hazardous substances;</li> <li>xiii) Proposed contingency measures and emergency plans;</li> <li>xiv) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xv) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>d) The activity is a service station with a maximum storage for retail sale of any or all of: 100,000 litres of petrol in underground storage tanks; 50,000 litres of diesel in underground storage tanks; 6 tonnes of LPG (single vessel storage); or</p> <p>e) It is an activity operating as part of a Dairy Factory that has a third party certified environmental management system in respect of environmental management of hazardous substances for the Activity on the site (for example ISO 14001:2004 accreditation); or</p> <p>f) It is the activity of storage and disposal of animal effluent or the storage and disposal of milk on farms, when stored and disposed of in accordance with the provisions for the Regional Water and Soil Plan, or consent(s) granted pursuant to that Plan.</p> <p><b>Note 1:</b> For the avoidance of doubt, the risks associated with the storage and disposal of animal effluent and the storage and disposal of milk are considered to be adequately managed through the provisions of the Regional Water and Soil Plan.</p> <p><b>Note 2:</b> Compliance with the permitted activity criterion above does not remove the need for any necessary resource consents for hazardous substances to be obtained pursuant to any rule in any relevant Regional Plan.</p>		
12.10.22	Radioactive materials	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>b) Radioactive materials are confined to domestic appliances.</p>	<p>Controlled Activity if:</p> <p>a) Radioactivity does not exceed 100 terabecquerels.</p> <p>Discretionary Activity if:</p> <p>b) Radioactivity exceeds 100 terabecquerels.</p>	<p>Where an activity is not permitted by this Rule, the following are the matters over which the Council reserves its control:</p> <p>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</p> <p>ii) Location, type and quantities of <b>hazardous substances</b> involved;</p> <p>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</p> <p>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</p> <p>v) Transport of hazardous substances on and off the site, mode and route selection;</p> <p>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</p> <p>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. <b>child care</b>, education facilities, rest homes, <b>hospitals</b>);</p> <p>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</p> <p>ix) Hazard and risk analysis;</p> <p>x) Management of wastes containing hazardous substances;</p> <p>xi) Proposed contingency measures and emergency plans;</p> <p>xii) Proposed monitoring and <b>maintenance</b> schedules; and</p> <p>xiii) Any consultation, assessment or responses received from the New Zealand Fire Service.</p>
12.10.23	Lighting and Glare	<p>Any activity is permitted if between the hours of 22:00 and 07:00 any artificial lighting does not exceed 10 <b>lux</b>, measured at any point on the <b>boundary</b> of any Residential Zoned <b>site</b> or at the <b>notional boundary</b> of any Rural or Maori Purpose Zoned site.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The orientation, strength, intensity, colour, or frequency of flashing of the light;</p> <p>ii) <b>Effects</b> on traffic and pedestrian safety;</p> <p>iii) The separation distances from neighbouring activities and people, including consideration of the proximity of people-oriented activities (e.g. rest homes or <b>hospitals</b>);</p> <p>iv) Effects on amenity and character of the surrounding area; and</p> <p>v) Proposed monitoring and <b>maintenance</b> schedules.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.24	Signage (including signs on and adjacent to roads and on buildings)	<p><b>(1) The following signs are Permitted:</b></p> <p>a) Any business <b>sign</b> not exceeding 3m<sup>2</sup> that is not within an Outstanding Natural Landscape (identified on Map Series 2), advertising or providing information on the owner or occupier of the <b>site</b>, or facilities, goods or services available from it, provided that no more than two such signs shall be erected on any site; and</p> <p>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or <b>requiring authority</b>, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; and</p> <p>c) Any temporary sign not exceeding 3m<sup>2</sup>, advertising or providing information on any central or local government elections, cultural, social or sporting events, sites for <b>development</b>, sale or auction, provided that any such sign shall only be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</p> <p><b>(2) Provided the following conditions are met:</b></p> <p>a) No sign, other than a public sign or <b>verandah</b> sign, shall be displayed or erected on or over any <b>road</b> reserve unless the Consent of <b>Council</b> is obtained; or</p> <p>b) Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway the approval of the NZ Transport Agency is also required.</p> <p><b>Note 1:</b> For Network Utilities, the Rule 10.11.15 for Signs will take precedence over the standards in this Rule if relevant.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The visual impact of the <b>sign</b> and the <b>effect</b> on the amenity of the locality and surrounding area (including consideration of proposed lighting / illumination of the sign);</p> <p>ii) The number and location of other signs in the local vicinity;</p> <p>iii) The extent to which the sign is likely to unduly distract or restrict motorists vision or interfere with the effective functioning of any traffic sign;</p> <p>iv) The extent to the which the sign is likely to unduly effect pedestrian safety;</p> <p>v) The likely cumulative visual effect of allowing the sign to be erected;</p> <p>vi) Whether the sign is visible from the State Highway, and if so that approval from the NZ Transport Agency has been obtained;</p> <p>vii) The extent to which the sign provides information on facilities and services of public interest;</p> <p>viii) The extent to which the sign is relevant to activities occurring on the subject <b>site</b>;</p> <p>ix) Whether and extent to which any adverse effects on traffic safety can be mitigated through the appropriate positioning or placement of the sign on a site;</p> <p>x) Whether and the extent to which the design of vehicle accesses and <b>driveways</b> meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access); and</p> <p>xi) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> 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).</p>
12.10.25	Vehicle Access and Driveways	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>b) For new <b>vehicle crossings</b> on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or</p> <p>For new or upgrades to vehicle crossings on to roads controlled by Kaipara District Council all <b>Council</b> engineering requirements have been satisfied (e.g. compliance with the Kaipara District Council Engineering Standards 2011 or other engineering standards with the agreement of Council);</p> <p>c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane;</p> <p>d) Each site shall be provided with and maintain a <b>driveway</b> to the following standard:</p> <ul style="list-style-type: none"> <li>– Formed with an all-weather surface;</li> <li>– For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</li> <li>– For a driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</li> <li>– The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</li> <li>– Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a <b>road</b> or shared driveways (in accordance with 90th percentile</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Whether and the extent to which the vehicle access and <b>driveway</b> meets the performance standards in Rule 12.10.24 or the <b>Kaipara District Council Engineering Standards 2011</b> ;</p> <p>ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled and vehicular;</p> <p>iii) The expected vehicle operating speeds and methods of controlling vehicle speeds;</p> <p>iv) The ease of access to and from, and within the site.</p> <p>v) Adequacy of sight distances at the <b>vehicle crossing</b> and along the access;</p> <p>vi) Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>vii) Possible adverse <b>effects</b> on Council <b>infrastructure</b> or adjoining properties;</p> <p>viii) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;</p> <p>ix) Any traffic safety or congestion problems in the area;</p> <p>x) Any foreseeable future changes in traffic patterns in the area;</p> <p>xi) If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained;</p> <p>xii) Whether and the extent to which the design of vehicle access and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access); and</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standards);</p> <ul style="list-style-type: none"> <li>Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010);</li> <li>Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens toward the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);</li> <li>All gated driveways shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road; and</li> <li>Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse effects to adjoining properties or roads.</li> </ul> <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p><b>Note 1:</b> Any changes in land use on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>Note 2:</b> Where land adjoins a limited access road under the Government Rounding Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p> <p><b>Note 3:</b> Council will confirm engineering approval for Council controlled roads, as per clause (b) above.</p> <p><b>Note 4:</b> For Permitted Activities, approvals required for this performance standard can be provided at the time of Building Consent.</p> <p><b>Note 5:</b> Roads and tracks internal to a site for farming and forestry use are not 'driveways' for the purpose of this Rule.</p>		<p>xiii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> 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).</p>
12.10.26	Fire Safety	<p>Any <b>building</b> is permitted if:</p> <p>a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes;</p> <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service recommends:</p> <ul style="list-style-type: none"> <li>The dwellings should be at least 20m away from scrub, woodlot or forestry; and</li> <li>That a fire sprinkler system is installed in accordance with either the ; <ul style="list-style-type: none"> <li>NZS 4517:2010 (Fire Sprinkler Systems for Houses); or</li> <li>NZS 4541:2013 (Automatic Fire Sprinkler Systems); or</li> <li>NZS 4515:2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.27	Parking	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each <b>site</b> provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site; and</li> <li>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</li> <li>c) Each parking space shall be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%; and</li> <li>d) Parking spaces may be situated within a <b>building</b> provided the <b>Council</b> is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the <b>gross floor area</b> of that building for the purposes of assessing the total number of spaces required; and</li> <li>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, any lake with an area greater than 8ha or the <b>Coastal Marine Area</b>, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet; and</li> <li>f) Each parking space shall have adequate physical access to a <b>road</b>, street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site in accordance with the Figures in Appendix 25C: Parking, Loading and Manoeuvring ; and</li> <li>g) <b>Control of Access</b> - Any <b>parking area</b> associated with a Commercial or <b>Industrial Activity</b> which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's <b>frontage</b> not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided; and</li> <li>h) <b>Control of Reversing</b> - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent <b>road</b> or street; and</li> <li>i) <b>Screening of Parking Areas</b> - Any parking associated with a Commercial or Industrial Activity shall be screened from residential sites by landscaping, fencing or other suitable screening at least 2m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity;</li> <li>j) <b>Control of Stormwater</b> - Each parking area shall be provided with a stormwater drainage system that is designed for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge does not result in adverse effects to adjoining properties or roads; and</li> <li>k) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</li> <li>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</li> <li>iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</li> <li>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</li> <li>v) The hours of operation of the proposed use and number of staff employees on shift work;</li> <li>vi) The size and number of vehicles expected to use the site; and</li> <li>vii) Whether and the extent to which the proposed <b>parking area</b> is designed, constructed and adequately drained in accordance with the requirements of the performance standards in Rule 12.10.27 or the <b>Kaipara District Council Engineering Standards 2011</b> .</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p>In granting any application the Council may require as a condition of Consent either that:</p> <ul style="list-style-type: none"> <li>ix) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</li> <li>x) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</li> </ul> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p> <p><b>Note 2:</b> 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).</p>
12.10.28	Loading	<p><b>(1) For Commercial Activities in a Rural Zone</b></p> <p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each <b>site</b> provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site; and</li> <li>b) The number of onsite loading spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards ; and</li> <li>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile two axled truck illustrated in the Figure in Appendix 25C: Parking, Loading and Manoeuvring Standards ; and</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</li> <li>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</li> <li>iii) The adequacy of loading facilities in the immediate vicinity of the site;</li> <li>iv) The nature of any landscaping or pedestrian design features to be developed on the site;</li> <li>v) The hours of operation of the proposed use and number of staff employees on shift work;</li> <li>vi) The size and number of vehicles expected to use the site; and</li> </ul>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum <b>height</b> of 4.25m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m; and</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the <b>building</b> which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile two axle truck curve in the figures in Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>f) Loading bay pavements shall be designed and constructed so that the maximum gradient on any area used for loading and manoeuvring shall be 6%; and</p> <p>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p>		<p>vii) Whether and the extent to which the proposed loading area meets the requirements of the performance standards in Rule 12.10.28 or the <b>Kaipara District Council Engineering Standards 2011</b>; and</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p>In granting any application the Council may require as a condition of Consent either that:</p> <p>ix) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>x) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p> <p><b>Note 2:</b> 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).</p>
12.10.29	Electricity Transmission Corridor No Build Area: Existing Specified Sites, and Buildings and/or Structures	<p>(1) Any building / structure is permitted if:</p> <p>a) It is a building and/or structure located outside the Electricity Transmission Corridor No Build Area as shown in Appendix 12.1; or</p> <p>b) It is an alteration of any existing building that does not extend outside the envelope or footprint of the existing building, if it is located on the following sites:</p> <ul style="list-style-type: none"> <li>– 116 Gordon Street (Lot 2 DP 365004), 118 Gordon Street (Lot 353 DP 859), 120 Gordon Street (Lot 354 DP 859), 122 Gordon Street (Lot 355 DP 859), 124 Gordon Street (Lot 356 DP 859), 126 Gordon Street (Lot 2 DP 365261) and 126A Gordon Street (Lot 1 DP 365261), 37 Onslow Street (Lot 3 DP 365004 &amp; Lot 1 DP 73886) and 73 Awakino Road (Lot 2 DP 189062), Dargaville; or</li> </ul> <p>c) It is a horticultural support or crop protection structure, which can be located in the area 8m – 12m from the outer edge of a single pole (not tower), provided:</p> <ul style="list-style-type: none"> <li>i. It is no more than 2.5m high; and</li> <li>ii. It is removable or temporary, to allow a clear working space 12m from the pole when necessary for maintenance purposes; and</li> <li>iii. It maintains allowance for all-weather access at any time to the pole and a sufficient area for maintenance equipment, including a crane; or</li> </ul> <p>d) It is a fence, which can be located no closer than 5m to the outer edge of an electricity support structure, provided that it complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); or</p> <p>e) It is a horticultural building or structure, which can be no closer than 10m from the conductor associated with an electricity line shown on the Planning Maps, or otherwise complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); or</p> <p>f) It is a structure associated with a network utility, which is otherwise permitted in this Plan.</p>	Non-Complying Activity	<p>Where a building and/or structure is located within the Electricity Transmission Corridor No Build Area (as shown in Appendix 12.1) the proposal will be assessed against, but the assessment will not be restricted to, the matters set out below, the objectives and policies of the District Plan and the effects of the activity on the environment:</p> <ul style="list-style-type: none"> <li>i) The risk to the structural integrity of the transmission line;</li> <li>ii) The effects on the ability of the transmission line owner to operate, maintain and upgrade the high-voltage transmission network;</li> <li>iii) The proximity of buildings and structures to electrical hazards;</li> <li>iv) The risk of electrical hazards affecting public safety, and risk of property damage;</li> <li>v) The risk of electrical faults causing disruption to electricity supply;</li> <li>vi) The siting of buildings in relation to transmission lines (to minimise visual effects from transmission line);</li> <li>vii) The risk of radio interference or earth potential rise;</li> <li>viii) Any other matters set out in plans for buildings; and</li> <li>ix) Extent of compliance with NZECP 34:2001.</li> </ul> <p><b>Note 1:</b> Transpower New Zealand Limited will be considered an affected party in relation to any Resource Consent applications.</p> <p><b>Note 2:</b> Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that Code. Such activities need to be checked for compliance even if they are permitted by the District Plan. Engineering advice may be required in some circumstances.</p> <p><b>Note 3:</b> Any vegetation will also need to be in compliance with the Electricity (Hazards from Trees) Regulations 2003. To discuss such vegetation works (including tree planting near any electricity lines) contact the relevant network utility operator. Such activities need to be checked for compliance even if they are permitted by the District Plan.</p>
12.10.30	Electricity Transmission Corridor Assessment Area:	<p>(1) Any activity is permitted if:</p> <p>a) It is a building and/or structure located outside the Electricity Transmission Corridor Assessment Area as shown in Appendix 12.1;</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The risk to the structural integrity of the transmission line;</li> </ul>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	<b>Buildings and/or Structures</b>	<p>b) b) It is a horticultural support or crop protection structure, which can be located in the area 8m – 12m from the outer edge of a single pole (not tower), provided:</p> <ul style="list-style-type: none"> <li>i. It is no more than 2.5m high; and</li> <li>ii. It is removable or temporary, to allow a clear working space 12m from the pole when necessary for maintenance purposes; and</li> <li>iii. It maintains allowance for all-weather access at any time to the pole and a sufficient area for maintenance equipment, including a crane; or</li> </ul> <p>c) It is a fence, which can be located no closer than 5m to the outer edge of an electricity support structure, provided that it complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); or</p> <p>d) It is a horticultural building or structure, which can be no closer than 10m from the conductor associated with an electricity line shown on the Planning Maps, or otherwise complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); or</p> <p>e) It is a structure associated with a network utility, which is otherwise permitted in this Plan.</p>		<p>ii) The effects on the ability of the transmission line owner to operate, maintain and upgrade the high-voltage transmission network;</p> <p>iii) The proximity of buildings and structures to electrical hazards;</p> <p>iv) The risk of electrical hazards affecting public safety, and risk of property damage;</p> <p>v) The risk of electrical faults causing disruption to electricity supply;</p> <p>vi) The siting of buildings in relation to transmission lines (to minimise visual effects from transmission line);</p> <p>vii) The risk of radio interference or earth potential rise;</p> <p>viii) Any other matters set out in plans for buildings; and</p> <p>ix) Extent of compliance with NZECP 34:2001.</p> <p><b>Note 1:</b> Transpower New Zealand Limited will be considered an affected party in relation to any Resource Consent applications.</p>
<b>12.10.31</b>	<b>Special Provisions</b>	<p><b>(1) Land Administered by the Te Ture Whenua Maori Act 1993</b></p> <p>Land administered under the Te Ture Whenua Maori Act 1993, but not identified as being within the Maori Purposes: Maori Land Zone on the District Plan Maps can be considered under Chapter 15A: Maori Purposes - Maori Land Zone, without the need for a Plan Change to rezone the land.</p>		

# 12.11 User Guide to Subdivision – What Lot Sizes are you considering?

Figure 12-3a: User Guide to Subdivision - not in an Overlay

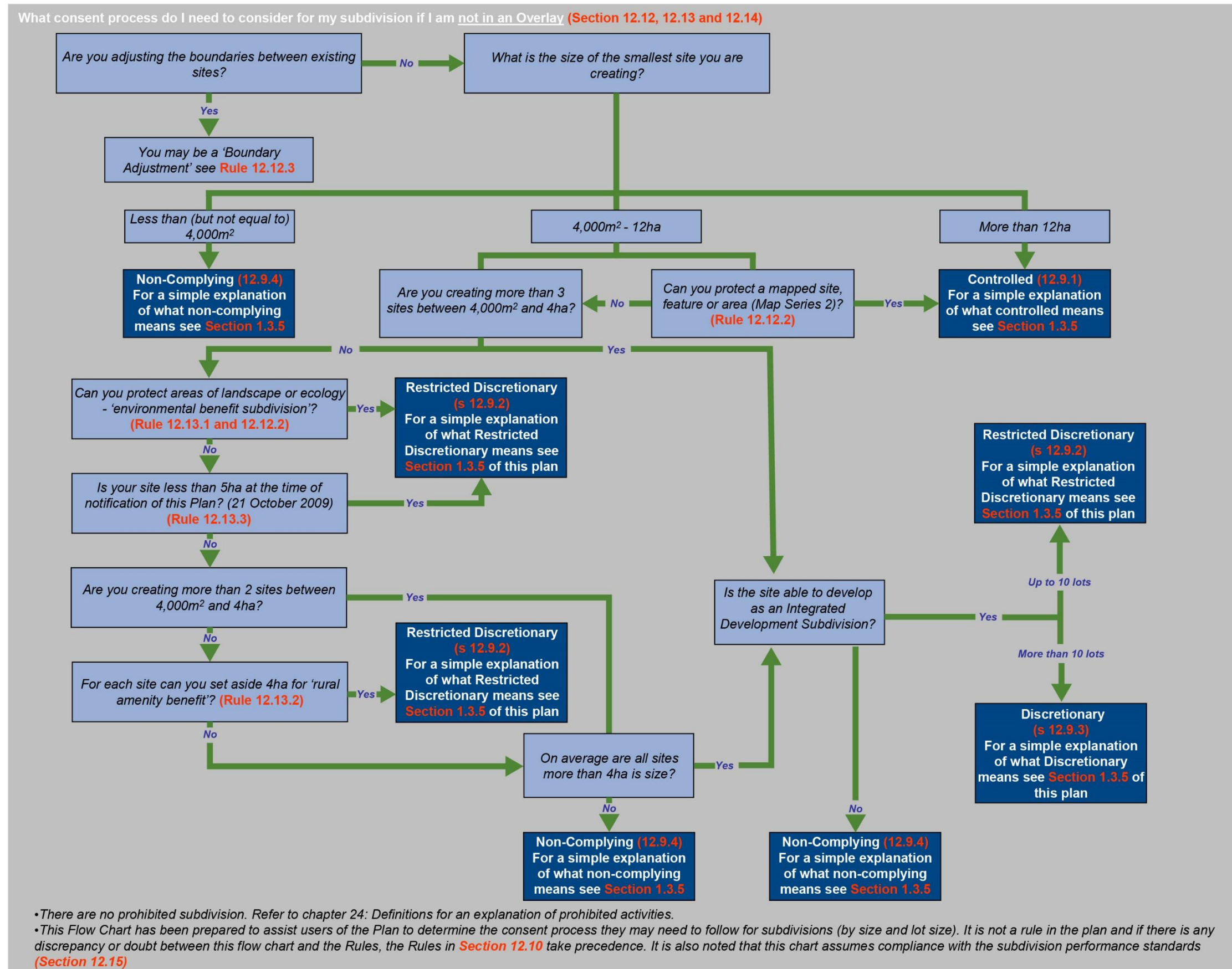
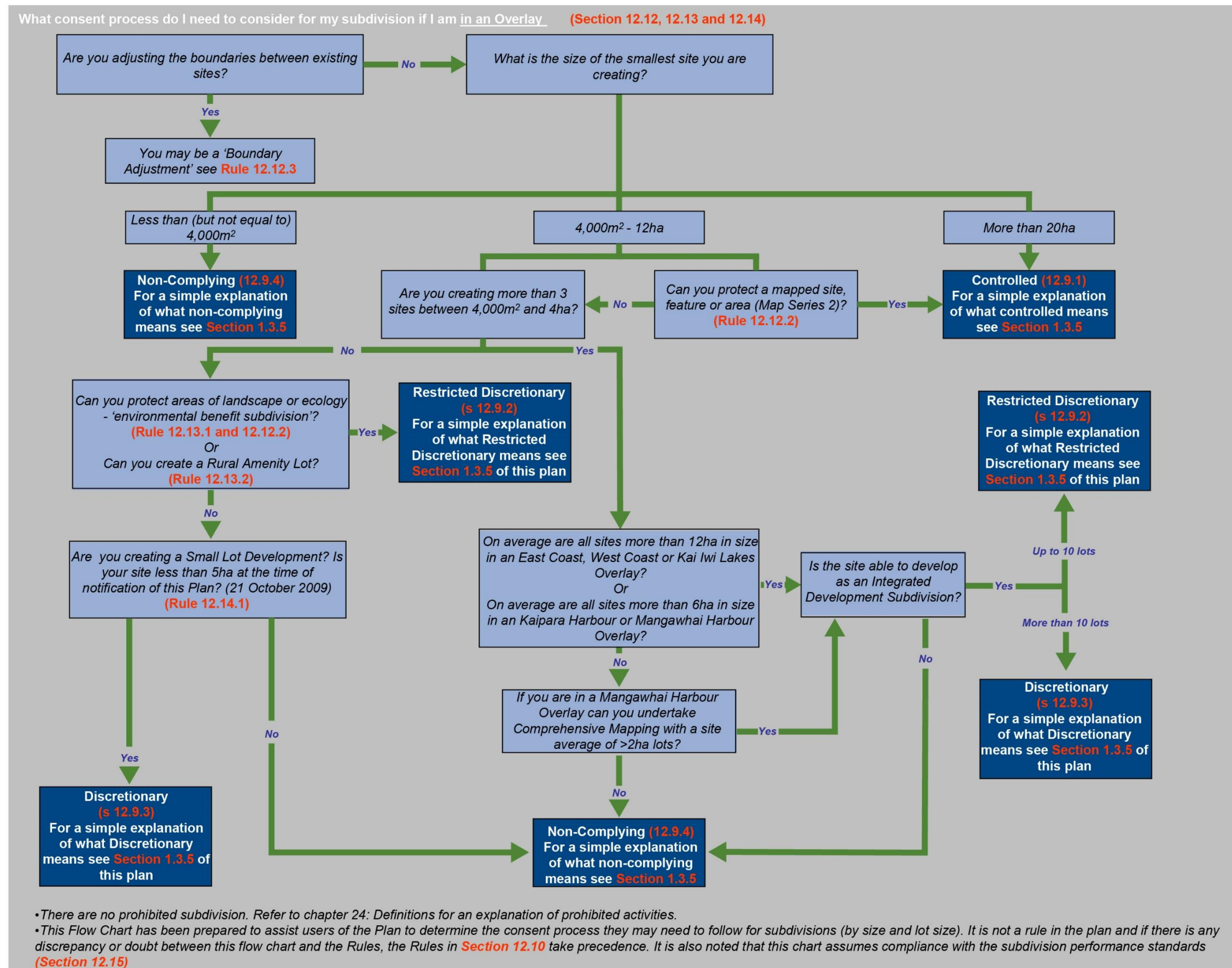




Figure 12-3b: User Guide to Subdivision - in an Overlay



## 12.12 Controlled Rural Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 12.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	General Rural Subdivision	<p><b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p><b>(1) Rural Zone (excluding Overlay Areas)</b></p> <p>a) Every proposed <b>allotment</b> has a minimum <b>net site area</b> of 12 hectares (excluding Network Utilities allotments);</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>c) The proposed allotment is not within an Outstanding Natural landscape, as identified in Map Series 2.</p> <p><b>(2) Overlay Areas (Kai Iwi Lakes, East Coast, West Coast, Mangawhai Harbour and Kaipara Harbour Overlays)</b></p> <p>a) Every proposed allotment has a minimum net site area of 20 hectares (excluding Network Utilities allotments);</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>c) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> If you cannot meet the above general rural subdivision terms you can either seek a non-complying resource consent or you may be able to create smaller lots, if the site to be subdivided meets any of the following:</p> <ul style="list-style-type: none"> <li>You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules;</li> <li>You can protect areas of heritage, landscape or ecology – check the Environmental Benefit and Integrated Development subdivision rules;</li> <li>You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules;</li> <li>You can create an area of Environmental Benefit on your site – check the Rural Amenity Lot and Integrated Development subdivision rules;</li> <li>Your site is 5 hectares or less and existed at the time of notification of the Plan – check the Small Lot Development rules.</li> </ul> <p><b>Note 2:</b> While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.</p> <p><b>Note 3:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control:</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</p> <p>ii) That site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li><b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li><i>Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8).</i></li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10;</p> <p>iv) That appropriate development within the site(s) is proposed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>The proposed lots are able to comply with the Land Use Performance Standards in Section 12.10;</li> <li>The location of <b>building</b> areas or site accesses can avoid dominating the natural landscape or detracting from visual <b>amenity values</b> in the area;</li> <li>Any building areas or earthworks required for building areas or sites accesses will avoid or minimise impacts from <b>natural hazards</b>;</li> <li>The location of proposed <b>allotment</b> boundaries, building areas and driveways or right of ways avoid potential conflicts between incompatible land use activities;</li> <li>The location of proposed allotment boundaries, building areas and driveways or right of ways avoids Maori heritage <b>sites</b> and features.</li> </ul> <p>v) That there is safe and efficient access to and from the site(s), in particular the extent to which:</p> <ul style="list-style-type: none"> <li>The number and location of <b>entrance ways</b> along a public <b>road</b> does not result in adverse effects on the safe and efficient operation of the roading network;</li> <li>Direct vehicle access to a State Highway or a regional arterial road is avoided by using alternative access to a lower order road where such access exists or can be readily obtained;</li> </ul> <p>vi) The extent to which provision has been made for the exercise of <b>matauranga maori</b> and tikanga on sites which contain mapped features or areas (see Chapter 17);</p> <p>vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including:</p> <ul style="list-style-type: none"> <li>Financial contributions (refer to Chapter 22: Financial Contributions);</li> <li>Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed;</li> <li>Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements;</li> <li>Provision for <b>Esplanade Reserves</b> and Strips;</li> </ul> <p>viii) Timing of consent, including consideration to extend the duration of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991; and</p> <p>ix) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> Where activities do not comply with the Performance Standards in Section 12.15 the specific assessment criteria for the standard infringed contained within Section 12.15 will need to be considered. This will result in the activity being assessed as a <b>Discretionary Activity</b>;</p> <p><b>Note 2:</b> Where activities do not comply with the Performance Standards in Section 12.10 the specific assessment criteria and activity status contained within Section 12.10 will need to be considered.</p>



Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<p><b>Note 3:</b> It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design is undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect.</p> <p><b>Note 4:</b> Where these matters for control are identified in other Rules, such as 12.13.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will exercise its discretion.</p> <p><b>Note 5:</b> The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.</p> <p><b>Note 6:</b> Administrative charges will be required to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.</p> <p><b>Note 7:</b> 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).</p> <p><b>Note 8:</b> For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at a time of development of the lot; and</li> <li>• Accessible and available all year round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</li> </ul>
OR			
12.12.2	Preservation of Natural and Cultural Heritage	<p><b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>a) Permanent physical and legal protection of the heritage feature is achieved; and</p> <p>b) The lot created for the preservation of heritage shall contain one or more of the following:</p> <ul style="list-style-type: none"> <li>– Any historic <b>site</b> or feature listed in Chapter 17: <b>Historic Heritage</b>, Schedule 17.1; or</li> <li>– An 'Area of Significance to Maori' listed in Chapter 17: Historic Heritage, Schedule 17.2; or;</li> <li>– A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the District Plan was notified (21 October 2009);</li> <li>– A <b>Notable Tree</b> identified in Schedule 19.1;</li> </ul> <p>c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and</p> <p>d) On the lot on which the heritage feature is located, the minimum <b>net site area</b> shall be 4,000m<sup>2</sup> and an area of at least 2,500m<sup>2</sup> exclusive of the heritage area being permanently protected, shall be made available to accommodate a <b>dwelling</b> and associated wastewater treatment and disposal system (and this area will enable a <b>building</b> compliant with the relevant performance standards of 12.10 of this Chapter); and</p> <p>e) Any balance lot created must be a minimum net site area of 4 hectares;</p> <p>f) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>g) The site is not within an Outstanding Natural landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 12.12.1; and</p> <p><b>Preservation of Heritage</b></p> <p>ii) The method for the continued preservation of an historic <b>site</b>, <b>building</b> or object, or <b>archaeological site</b>;</p> <p>iii) The <b>effects</b> of any <b>allotment</b> boundaries and/or identified building areas on the integrity of the heritage feature being protected;</p> <p>iv) Where an application is made under this provision, the following are considered affected parties in terms of Section 95E of the Resource Management Act 1991:</p> <p>v) For an historic site, building or object, or archaeological site, the New Zealand Historic Places Trust and the Department of Conservation;</p> <p>vi) For a site of significance to Maori, the Iwi;</p> <p>vii) The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection; and</p> <p>viii) At the time of creation the Council will also require that the owner enter into a binding covenant to preserve the natural or cultural heritage feature with one of the following:</p> <ul style="list-style-type: none"> <li>– Heritage Covenant (New Zealand Historic Places Trust);</li> <li>– A Maori Reservation under Sections 338 and 340 of Te Ture Whenua Maori (<b>Maori Land</b>) Act 1993; and</li> <li>– Conservation Covenants (Conservation Act 1987).</li> </ul> <p><b>Note 1:</b> Generally covenants for heritage features would be by way of a heritage covenant with the New Zealand Historic Places Trust or a conservation covenant with the Department of Conservation or the Council.</p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
OR			
12.12.3	Boundary Adjustment	<p><b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) The size and/or boundaries of two or more adjacent <b>allotments</b> are adjusted; and</li> <li>b) No additional allotments will be created; and</li> <li>c) One of the following are met: <ul style="list-style-type: none"> <li>i. The <b>net site area</b> of any proposed allotment created by the <b>boundary</b> adjustment is the same as, or does not differ by more than 15% of, the net site area of that allotment as it existed prior to the boundary adjustment; or</li> <li>ii. The area of each adjusted lot complies with the minimum lot size specified for the relevant zone as a controlled activity, except where an existing lot size is already non-complying, then the degree of non-compliance shall not be increased as a result of the boundary adjustment; and</li> </ul> </li> <li>d) Any on-site utilities, existing building sites, and the access within the properties to those building sites are not adversely affected by the change; and</li> <li>e) Access from the public road for each of the lots is not affected; and</li> <li>f) It does not create a lot which can accommodate a dwelling, where previously it was too small to accommodate a dwelling in compliance with the District Plan Performance Standards of Section 12.10 of this Chapter; and</li> <li>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters for control listed in Rule 12.12.1; and</li> <li>ii) The extent to which a proposed <b>boundary</b> will provide for compliance with the performance standards in Section 12.10 in relation to the existing <b>buildings, structures</b> and services on <b>site</b>.</li> </ul>

**12.13 Restricted Discretionary Rural Subdivision**

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
<b>12.13.1</b>	<b>Environmental Benefit</b>	<p><b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Restricted Discretionary Activity</b> if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) Permanent physical and legal protection of an ecological, public access, landscape or riparian margin <b>Environmental Benefit</b>(s) within the <b>site</b> shall be achieved; and</li> <li>b) The entire feature shall be protected; and</li> <li>c) The Environmental Benefit meets the minimum size requirements relevant to the type of Environmental Benefit proposed listed below: <ul style="list-style-type: none"> <li>i. An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; or</li> <li>ii. A 'Landscape' Environmental Benefit shall result in the whole of the portion of the identified landscape located on the parent lot;</li> <li>iii. Where the total land of the Landscape to be protected is 9.0 hectares being physically and legally protected; and or more, two Environmental Benefits lots can be obtained; and</li> </ul> </li> <li>d) No more than three Environmental Benefit Lots can be created per site in perpetuity (these can be created by either one subdivision consent or up to three consecutive consents), and</li> <li>e) Each Environmental Benefit Lot shall have a minimum <b>net site area</b> of 4,000m<sup>2</sup> with an area of at least 2,500m<sup>2</sup> exclusive of the area being permanently protected, to accommodate a <b>dwelling</b> and associated wastewater treatment and disposal system; and</li> <li>f) Any balance lot created shall be a minimum net site area of 4,000m<sup>2</sup>; and</li> <li>g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</li> <li>h) Only one Consent for a Restricted Discretionary (subdivision) Activity in terms of an Environmental Benefit subdivision can be granted in respect of a site or any specified portion of a site and the provisions contained within this rule can be used only once for each specified portion of the site (noting that as provided for by d) above, the maximum number of Environmental Benefits Lots per 'site' shall remain a maximum of three overall);</li> </ul> <p><b>Note 1:</b> The intention of c(iii) is not to preclude development opportunity of smaller lots, provided an appropriate level of environmental benefit can be realised.</p> <p><b>Note 2:</b> Where an application is made under this provision, for an area of significant <b>indigenous vegetation</b> or significant habitat of indigenous fauna, the Department of Conservation shall be included as an affected party in terms of Sections 95A to 95E of the Resource Management Act 1991.</p> <p><b>Note 3:</b> Refer to Chapter 24: Definitions for the definition of "Environmental Benefit".</p> <p><b>Note 4:</b> As an example, the minimum 'Environmental Benefit' is an ecological area of 5,000m<sup>2</sup> plus lots must be at least 4,000m<sup>2</sup> (containing a minimum of 2,500m<sup>2</sup> for a dwelling site and wastewater disposal). Therefore to obtain one 'Ecological' Environmental Benefit with two developable sites (one being the parent lot and one the new lot), a minimum parent site area of 1.3ha is required.</p> <p><b>Note 5:</b> For clarity, this rule intends that only one 'environmental benefit' lot is create per environmental benefit given, with the exception of that provided in Rule c(iii) above.</p> <p><b>Note 6:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a Restricted Discretionary Activity under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters listed in Rule 12.12.1; and</li> <li>ii) In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> <li>iii) In respect of services and/or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>– The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions;</li> </ul> </li> <li>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>– Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised;</li> <li>– The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>;</li> <li>– Revegetation using <b>eco-sourcing</b> of native plants is proposed as part of the <b>development</b>.</li> </ul> </li> <li>v) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Environmental Benefit</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <ul style="list-style-type: none"> <li>vi) The extent to which the environmental benefit proposed is in excess of measures required to avoid, remedy or mitigate the adverse effects of the proposed subdivision;</li> <li>vii) The size of the feature to be protected – for example, the size of the feature to be protected relative to the minimum site sizes required by the Rule; and</li> <li>viii) The quality of the feature proposed to be protected, in particular: <ul style="list-style-type: none"> <li>– The ecological significance (Appendix 25G);</li> <li>– The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding natural landscape or adjoins / buffers an existing protected area and whether any other features on the site make a contribution (either positive or negative) to the significance of the site to be protected;</li> <li>– The significance of the feature to the natural character of the District;</li> <li>– The rarity of the feature;</li> <li>– In the case of subdivision under this rule within the Mangawhai Harbour Overlay, the extent to which any 'ecological benefit' for riparian and waterways areas has been comprehensively identified through an assessment carried out by an appropriately qualified professional (it is noted that Council's Structure Plan has undertaken only limited mapping of these values to date); and</li> </ul> </li> <li>ix) The extent to which the feature proposed for protection has been modified and the impact this has had on its significance (including any positive impacts already resulting from restoration / rehabilitation undertaken) and the opportunities for its restoration or rehabilitation, including: <ul style="list-style-type: none"> <li>– The ability for the area to make a significant contribution to the ecology of an area;</li> <li>– The length of time required before re-vegetated areas are established and contribute an environmental benefit;</li> <li>– The future management of the feature, once protected including any future on-going management and/or restoration plans required to achieve the intent of the Environmental Benefit; and</li> </ul> </li> </ul>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
			<p>x) The type of <b>permanent protection</b> and management proposed, in particular:</p> <ul style="list-style-type: none"> <li>– The type of bond or covenant proposed and any additional requirements to ensure performance or compliance with any conditions imposed;</li> <li>– The need for restrictions on future, land use/development within proximity (but still within the <b>boundary</b> of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance;</li> <li>– The extent to which on-going management plans are in place, including any weed or pest control / eradication and their duration.</li> </ul> <p><b>Note 1:</b> The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection. This information may be in the form of a detailed report from a suitably qualified and/or experienced expert and shall assess those matters over which discretion is reserved or is a feature that has been identified through the Department of Conservation – “Protected Natural Areas Programme”.</p> <p><b>Note 2:</b> At the time of creation the Council may also require that the owner will enter into a binding covenant to preserve the environmental feature with one of the following:</p> <ul style="list-style-type: none"> <li>• Conservation Covenants (Reserves Act 1977);</li> <li>• Protected Private Land (Reserves Act 1977);</li> <li>• Open Space Covenants (Queen Elizabeth II National Trust 1977); or</li> <li>• Conservation Covenants (Conservation Act 1987).</li> </ul> <p><b>Note 1:</b> 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).</p>
OR			
12.13.2	Rural Amenity Lot (for lots existing at date of notification of the Plan)	<p><b>Subdivision</b> to create a <b>Rural Amenity Lot</b> is a <b>Restricted Discretionary Activity</b> if:</p> <ol style="list-style-type: none"> <li>The parent lot existed at the date of notification of the Plan (21 October 2009);</li> <li>No more than two additional Rural Amenity lots are created per parent site in perpetuity;</li> <li>The Rural Amenity lot created shall be a minimum <b>net site area</b> of 4,000m<sup>2</sup> (0.4 ha) and a maximum of 8,000m<sup>2</sup> (0.8 ha);</li> <li>If one Rural Amenity lot is being created, and: <ul style="list-style-type: none"> <li>– The site is in the Rural Zone (without an Overlay) the balance lot created shall be a minimum net site area of 4 ha; or</li> <li>– If the site is in the Rural Zone with an Overlay the balance lot created shall be a minimum net site area of 20ha.</li> </ul> </li> <li>If two Rural Amenity lots are being created, and the site is in the Rural Zone (without an Overlay) balance lot created shall be a minimum net site area of 8 ha;</li> <li>Only one Resource Consent for a Restricted Discretionary (subdivision) Activity in terms of a Rural Amenity Lot subdivision shall be granted in respect of a site or any specified portion of a site and the provisions contained within this rule can be used only once for each specified portion of the site (noting that as provided for by a) above, the maximum number of Rural Amenity Lots per ‘site’ shall remain a maximum of two in the Rural Zone and one in any Overlay;</li> <li>Where more than one Rural Amenity Lot from a parent site is created either: <ol style="list-style-type: none"> <li>An area of at least 0.5ha shall be re-vegetated to create a future ‘Ecological’ <b>environmental benefit</b>; or</li> <li>An equivalent financial contribution shall be made to the <b>Council</b> Biodiversity Fund;</li> </ol> </li> <li>The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter; and</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p><b>Note 1:</b> Refer to Chapter 24: Definitions for the definition of “Rural Amenity Lot”.</p> <p><b>Note 2:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in</p>	<p>Where an activity is a Restricted Discretionary Activity under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>The matters listed in Rule 12.12.1;</li> <li>In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision is in accordance with adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>– Whether the arrangement and intensity of <b>sites</b> prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> <li>In respect of services and / or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>– The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> </li> <li>In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>– Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised;</li> <li>– The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, (rather than urban character / amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>;</li> <li>– Existing vegetation can be retained</li> <li>– Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> </li> </ol>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
		Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.	
OR			
12.13.3	Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	<p>Provided that the <b>site</b> is not within an Overlay Area, any <b>subdivision</b> for Small Lot <b>Development</b> is a <b>Restricted Discretionary Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (21 October 2009);</li> <li>b) The minimum <b>net site area</b> of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision;</li> <li>c) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter;</li> <li>d) No more than three additional lots are created per site in perpetuity; and</li> <li>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a Restricted Discretionary Activity under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters listed in Rule 12.12.1;</li> <li>ii) In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision is in accordance with adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan or Reserves and Open Space Strategy;</li> <li>– Whether the arrangement and intensity of <b>sites</b> prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> <li>iii) In respect of services and/or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>– The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> </li> <li>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>– Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised, including opportunities to maximise use of common services and shared <b>driveways</b> or access points for any clusters of housing sites;</li> <li>– The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>, including consideration of opportunities for the subdivision layout and building platform locations to respond to these effects;</li> <li>– Existing vegetation can be retained; and</li> <li>– Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> </li> </ul>
12.13.4	Integrated Development (for up to 10 lots)	<p>Provided that 10 or fewer lots are being created, an Integrated <b>Development subdivision</b> is a <b>Restricted Discretionary Activity</b> where it complies with the following:</p> <p><b>(1) Rural (excluding overlay areas)</b></p> <ul style="list-style-type: none"> <li>a) The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum <b>net site area</b> of 4,000m<sup>2</sup> per lot; and</li> <li>b) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul> <p>OR</p> <p><b>(2) Coast (East and West), and Kai Iwi Lakes Overlay Areas</b></p> <ul style="list-style-type: none"> <li>a) The number of total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; and</li> <li>b) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul> <p>OR</p> <p><b>(3) Kaipara Harbour Overlay</b></p>	<p>Where an activity is a Restricted Discretionary Activity under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters for control listed in Rule 12.12.1;</li> <li>ii) In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>– The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> </ul> <p><b>Integrated Development</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p>



Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
		<p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p>b) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p>OR</p> <p><b>(4) Mangawhai Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including:</p> <ul style="list-style-type: none"> <li>– Coastal dune systems and coastal edge;</li> <li>– Estuarine wetland and saltmarsh systems;</li> <li>– Terrestrial wetland systems and associated riparian corridors;</li> <li>– Significant areas of contiguous bush remnants and regenerating bush shrubland areas;</li> <li>– Significant wildlife habitats and corridors; and</li> <li>– The Brynderwyn Range</li> </ul> <p>and these features and areas are protected and excluded from the above averaging calculations.</p> <p>c) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</p> <p><b>Note 2:</b> It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha.</p> <p><b>Note 3:</b> The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhai Structure Plan.</p> <p>AND</p> <p><b>(5) For <u>all</u> Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B;</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a <b>site</b> and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) Where an Integrated Development subdivision or development is granted in respect of a specified portion of a site, a separate title shall be obtained or amalgamated with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development. The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and</p> <p>d) The development bonuses available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining such a Consent; The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>e) The proposed subdivision results in the creation of 3 or more additional lots; and</p> <p>f) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>g) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots.</p> <p><b>Note 1:</b> Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity.</p>	<p>iii) In respect of the subdivision design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features;</li> <li>– The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on, and will be visible from public <b>roads</b>, from neighbouring properties, from public land, and from the coastal marine area;</li> <li>– The proposed lots comply with the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;</li> <li>– The proposed development is designed and/or intended to be carried out in a integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;</li> <li>– The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns;</li> <li>– Revegetation using eco-sourcing of native plants is proposed as part of the development;</li> <li>– The change in land use promotes sustainable management of natural and physical resources.</li> </ul> <p>iv) In respect of potential effects of development of sites within the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>– The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting;</li> <li>– <b>Building setbacks</b> and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential <b>effects</b> of development on natural hazards and on adjoining properties, public roads or public places;</li> </ul> <p>v) In respect of the environmental benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>– Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits;</li> <li>– Incorporates measures to provide new and enhance existing opportunities for open space and public access to the <b>Coastal Marine Area, lakes, rivers</b> and the existing reserve network;</li> <li>– Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</li> <li>– Sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land;</li> <li>– Provides for the creation of green networks – pedestrian and as appropriate cycle routes.</li> </ul>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
		<p><b>Note 2:</b> This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted.</p> <p><b>Note 3:</b> The purpose of 12.13.4(5)(g) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.</p> <p><b>Note 4:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	

#### 12.14 Discretionary Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
<b>12.14.1</b>	<b>Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)</b>	<p>If the <b>site</b> is within an Overlay Area, any <b>subdivision</b> for Small Lot <b>Development</b> is a <b>Discretionary Activity</b> if:</p> <ol style="list-style-type: none"> <li>The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (21 October 2009);</li> <li>The minimum <b>net site area</b> of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision;</li> <li>The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter;</li> <li>No more than 2 additional lots are created per site in perpetuity;</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a Discretionary Activity under this Rule, Council will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>The matters listed in Rule 12.12.1;</li> <li>In respect of the site(s) design and location, extent to which: <ul style="list-style-type: none"> <li>The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>Whether the arrangement and intensity of <b>sites</b> prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> <li>The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> <li>In respect of services and/or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> </li> <li>In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised, including consideration of opportunities to maximise use of common services, and shared <b>driveways</b> or access points for any clusters of housing sites;</li> <li>The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>, including opportunities for the subdivision layout and building platform locations to respond to these effects;</li> <li>Existing vegetation can be retained;</li> <li>Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> </li> </ol>
<b>12.14.2</b>	<b>Integrated Development</b>	<p>If more than 10 lots are being created, Integrated Development subdivision is a Discretionary Activity where it complies with the following:</p>	<p>Where an activity is a Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
	(for more than 10 lots)	<p><b>(1) Rural (excluding overlay areas)</b></p> <p>a) The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p>b) The site is not within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p>OR</p> <p><b>(2) Coast (East and West) and Kai Iwi Lakes Overlay Areas</b></p> <p>a) The number of total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p>b) The site is not within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p>OR</p> <p><b>(3) Kaipara Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p>b) The site is not within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p>OR</p> <p><b>(4) Mangawhai Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including:</p> <ul style="list-style-type: none"> <li>– Coastal dune systems and coastal edge;</li> <li>– Estuarine wetland and saltmarsh systems;</li> <li>– Terrestrial wetland systems and associated riparian corridors;</li> <li>– Significant areas of contiguous bush remnants and regenerating bush shrubland areas;</li> <li>– Significant wildlife habitats and corridors; and</li> <li>– The Brynderwyn Range.</li> </ul> <p>c) The site is not within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>Note 1:</b> this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</p> <p><b>Note 2:</b> It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha.</p> <p><b>Note 3:</b> The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhai Structure Plan.</p> <p>AND</p> <p><b>(5) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B; and</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) Where an Integrated Development subdivision or development is granted in respect of a specified portion of a site, a separate title shall be obtained or amalgamated with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development. The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and</p>	<p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 12.12.1;</p> <p>ii) In respect of the site(s) design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> <p><b>Integrated Development</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <p>iii) In respect of the subdivision design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features;</li> <li>– The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on, and will be visible from public roads, from neighbouring properties, from public land, and from the coastal marine area;</li> <li>– The proposed development is designed and/or intended to be carried out in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;</li> <li>– The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns;</li> <li>– Revegetation using eco-sourcing of native plants is proposed as part of the development;</li> <li>– The change in land use promotes sustainable management of natural and physical resources.</li> </ul> <p>iv) In respect of potential effects of development of sites within the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>– The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting;</li> <li>– Building setbacks and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential effects of development on natural hazards and on adjoining properties, public roads or public places;</li> </ul> <p>v) In respect of the environmental benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>– Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits;</li> <li>– Incorporates measures to provide new and enhance existing opportunities for open space and public access to the Coastal Marine Area, lakes, rivers and the existing reserve network;</li> <li>– Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</li> <li>– Sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land;</li> <li>– Provides for the creation of green networks – pedestrian and as appropriate cycle routes.</li> </ul>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
		<p>d) The development bonuses available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining such a Consent; The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>e) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>f) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots.</p> <p><b>Note 1:</b> Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity</p> <p><b>Note 2:</b> This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted.</p> <p><b>Note 3:</b> The purpose of 12.14.2(5)(f) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.</p> <p><b>Note 4:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	
12.14.3	Subdivision of a site within an Outstanding Natural Landscape	<p>Subdivision within the Rural Zone which otherwise meets the Terms for Subdivision of Rules 12.12, 12.13 or 12.14 <b>but</b> does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 12.13.1 is a Discretionary Activity.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Discretionary Activity</b> under this Rule, <b>Council</b> will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed under Rule 12.12.1; and</p> <p>ii) 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.</p> <p><b>Note 1:</b> 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).</p>

**12.15 Performance Standards for All Rural Subdivision**

Where activities do not comply with the Performance Standards in Section 12.16 the specific assessment criteria for the standard infringed contained within Section 12.16 need to be considered in addition to the relevant Assessment Criteria under Rule 12.10, 12.11, 12.12, 12.13 or 12.14.

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.15.1	Suitable Building Area	<p>Every <b>allotment</b> of less than 4ha on a <b>subdivision</b>:</p> <p>a) Contains a geotechnically stable <b>building</b> area of at least 150m<sup>2</sup> (10m depth required) with a practicable access on which a <b>dwelling</b> can be built so that there is compliance as a <b>Permitted Activity</b> with the relevant performance standards in Section 12.10 and 12.15 of this District Plan.</p> <p><b>Note 1:</b> <b>Council</b> may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which earthworks required for the creation of the suitable <b>building</b> platform can be minimised;</p> <p>ii) Whether and the extent to which sufficient provision for parking, loading, manoeuvring and access can be provided;</p> <p>iii) Whether the <b>subdivision</b> will initiate or exacerbate <b>natural hazards</b>, through earthworks or access provision, or result in building areas being subject to natural hazards;</p> <p>iv) Whether and the extent to which the location of building areas avoids potential conflicts between incompatible land use activities, including the avoidance of reverse sensitivity <b>effects</b>;</p> <p>v) Whether and the extent to which the location of building areas avoids Maori heritage <b>sites</b> and features; and</p> <p>vi) Where a site is within an area known to be subject to instability or flood hazard the Application for Subdivision will be required to be accompanied by an engineering assessment.</p> <p><b>Note 1:</b> General assessment of the <b>Kaipara District Council Engineering Standards 2011</b> is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these standards may be applied to the Consent as part of the Engineering Approval.</p>
12.15.2	Road, Private Way and Property Access	<p>The design and layout of the <b>subdivision</b> provides for, and takes into account:</p> <p><b>(1) Property Access</b></p> <p>a) Every <b>allotment</b> within the subdivision is capable of having vehicular access to a <b>road</b>;</p> <p>b) Property access is formed where it is shared by two or more allotments;</p> <p>c) Vehicle Access and <b>driveways</b> comply with Rule 12.10.25;</p> <p>d) No more than seven allotments are served by a private shared access;</p> <p>e) Driveways onto the <b>road</b> or <b>private way</b> are located in a manner that will allow the safe entry and exit from the <b>site</b> based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>f) Driveways onto the road or private way are located to provide adequate sight distances for the safe functioning of the <b>vehicle crossing</b> and access;</p> <p>g) The property access is of a suitable width to contain required services; and</p> <p>h) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</p> <p>Note 1: Any changes in land use, <b>development</b> or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>(2) Road, Private Way and Property Access Formation</b></p> <p>a) Road vesting in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>– Driveways serving eight or more <b>allotments</b> shall be by public road; and</li> <li>– Design and construction shall be to the satisfaction of Council's Asset Manager (in accordance with the Standards in the Kaipara District Council Engineering Standards 2011); and</li> <li>– A cul-de-sac shall be provided at the end of any no-exit public road or private access way serving four or more lots.</li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which the proposed <b>road</b> or <b>private way</b> follows the alignment of indicative roads;</p> <p>ii) Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the <b>subdivision</b>;</p> <p>iii) Whether and the extent to which there is a need for traffic control measures on the roads due to increased traffic from the subdivision;</p> <p>iv) Whether and the extent to which there is a need for footpaths;</p> <p>v) Whether and the extent to which there is a need for stormwater management associated with the provision of the new road, private way or property access;</p> <p>vi) Whether an adequate alternative access is able to be provided for the anticipated use;</p> <p>vii) Whether the access can contain required services;</p> <p>viii) The expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>ix) Adequacy of sight distances available at the <b>vehicle crossing</b> and along the access;</p> <p>x) Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>xi) Possible adverse <b>effects</b> on Council <b>infrastructure</b> on adjoining properties;</p> <p>xii) Any foreseeable future changes in traffic patterns in the area (including future congestion);</p> <p>xiii) The provision made to mitigate the effects of stormwater runoff and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;</p> <p>xiv) Whether and the extent to which the road, private way or property access complies with the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer; and</p> <p>xv) Where a new access is being provided or an existing access onto a State Highway modified, or on <b>sites</b> that have access over a railway line, whether the consent of the NZ Transport Agency and/or New Zealand Railways Corporation is obtained.</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		b) Use and construction of unformed legal roads is to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011).		<b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.
12.15.3	Provision for the Extension of Services	<p>The design and layout of the <b>subdivision</b> provides for, and takes into account:</p> <p>a) The efficient and effective future extension of water and electricity supply, stormwater, wastewater, public access, walking trails, bridal ways and <b>roads</b> to any adjoining land.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i) Whether and the extent to which the <b>subdivision</b> is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>;</li> <li>ii) Whether and the extent to which the subdivision and development avoids cumulative <b>effects</b> on the <b>environment</b> and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future;</li> <li>iii) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</li> <li>iv) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</li> <li>v) Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development;</li> <li>vi) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</li> <li>vii) Whether and the extent to which the extension of services meet the relevant performance standards or the <b>Kaipara District Council Engineering Standards 2011</b>.</li> </ul> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
12.15.4	Water Supply	<p><b>(1) Where a Council water supply is available :</b></p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p><b>(2) Where a public supply is not available, water supplies to all developments shall:</b></p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004.</li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i) Whether and the extent to which an adequate supply of water can be provided to every <b>allotment</b> being created on the <b>subdivision</b>, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;</li> <li>ii) Whether and the extent to which there is an adequate standard of water supply installed in the subdivision, and the adequacy of existing supply systems outside the subdivision;</li> <li>iii) Whether and the extent to which the water supply meets the requirements of the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</li> <li>iv) Whether and the extent to which the existing water supply systems to which the connection will be made, have sufficient capacity to service the subdivision;</li> <li>v) Whether and the extent to which it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units;</li> <li>vi) Whether and the extent to which the subdivision and <b>development</b> avoids cumulative <b>effects</b> on the <b>environment</b> and on the provision of <b>infrastructure</b> and services to the land being subdivided, and to nearby land that might be subdivided in the future;</li> <li>vii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public water supply utility required to be provided;</li> <li>viii) Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for water supply purposes;</li> <li>ix) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</li> </ul>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>x) 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.</p> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
12.15.5	Stormwater Disposal	<p><b>(1) Where available all allotments are provided, within their net site area, with:</b></p> <p>a) A connection to a <b>Council</b>-maintained stormwater system;</p> <p><b>Note 1:</b> This is only likely to apply for an Integrated <b>Development Subdivision</b> in <b>Structure Plan</b> Growth Areas);</p> <p>OR</p> <p><b>(2) Where no Council system is available:</b></p> <p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing <b>buildings</b> and from all impervious surfaces, in such a way as to avoid any adverse <b>effects</b> of stormwater runoff on the <b>receiving environment</b> in accordance with the Kaipara District Council Engineering Standards 2011.</p> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> 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.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment;</p> <p>ii) Whether there is sufficient land available for disposal of stormwater;</p> <p>iii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</p> <p>iv) Whether and the extent to which measures are necessary in order to give <b>effect</b> to any drainage or <b>catchment</b> Management Plan that has been prepared for the area;</p> <p>v) Whether and the extent to which measures proposed for avoiding or mitigating the <b>effects</b> of stormwater runoff, including low impact design principles are effective;</p> <p>vi) Whether and the extent to which the stormwater <b>infrastructure</b> within the <b>subdivision</b>, is able to link with existing disposal systems outside the subdivision;</p> <p>vii) Whether and the extent to which the <b>development</b> meets the relevant performance standards or the <b>Kaipara District Council Engineering Standards 2011</b>;</p> <p>viii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</p> <p>ix) Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for stormwater purposes;</p> <p>x) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</p> <p>xi) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater;</p> <p>xii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; and</p> <p>xiii) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland as a Permitted Activity or have a Discharge Permit from the Northland Regional Council for the activity.</p> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.</p>
12.15.6	Wastewater Disposal	<p><b>(1) Where a Council reticulated wastewater system is available:</b></p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council sewerage system can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council reticulated sewerage system;</p> <p>c) The reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council sewerage system; and</p> <p>d) All sewer pipelines vested with Council shall be protected by an Easement in favour of Council</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether the capacity, availability and accessibility of the <b>reticulated</b> system is adequate to serve the proposed <b>subdivision</b>;</p> <p>ii) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on <b>site</b>;</p> <p>iii) Whether and the extent to which the application includes the installation of all new reticulation, and that it complies with the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</p> <p>iv) Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>(2) Where a private / community reticulated sewerage system is proposed serving two or more households, the system shall be designed in accordance with AS/NZS1547:2008 “Onsite Wastewater Management Standards”.</p> <p>(3) Where no Council or private / community reticulated sewerage system is available, all allotments are provided, within their net site area, with:</p> <p>a) 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of <b>building</b> sites, <b>driveways</b> and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed on each allotment; and</p> <p>c) Applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or Consent for discharges from the Northland Regional Council has been obtained).</p> <p><b>Note 1:</b> Effluent discharges may require Consent under the <i>Regional Water and Soil Plan for Northland</i>. Applicants should contact the Northland Regional Council to determine whether or not Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p>		<p>v) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council Consent to install private rising mains within legal <b>roads</b> will be required under the Local Government Act;</p> <p>vi) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal 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;</p> <p>vii) Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title requiring individual <b>allotments</b> to connect with the system when it does become available;</p> <p>viii) Whether provision has been made by the applicant for monitoring mechanisms to ensure <b>contaminants</b> are not discharged to the <b>environment</b> from a suitable wastewater or other disposal system, together with any Consent notices to ensure compliance;</p> <p>ix) The need for and extent of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters.</p> <p>x) Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</p> <p>xi) Whether there is the provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for wastewater purposes; and</p> <p>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</p> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.</p>
12.15.7	Energy Supply	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a <b>reticulated</b> electrical supply system at the <b>boundary</b> of the <b>net site area</b>.</p>	Restricted Discretionary Activity -	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Whether the proposed reticulation system to be installed by the subdivider will have adequate capacity for the likely <b>development</b>;</p> <p>ii) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future <b>maintenance</b>;</p> <p>iii) Whether undergrounding of <b>infrastructure</b> has been undertaken;</p> <p>iv) Whether there is a need for a local purpose reserve to be set aside as a <b>site</b> for any public utility required to be provided;</p> <p>v) Whether the proposed reticulation system will have potential adverse <b>effects</b> on <b>amenity values</b>; and</p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed.</p> <p><b>Note 1:</b> General assessment of the <b>Kaipara District Council Engineering Standards 2011</b> is undertaken as part of the assessment of the <b>Subdivision</b> Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
12.15.8	Telecommunications	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a telecommunications system at the <b>boundary</b> of the <b>net site area</b>.</p>	Restricted Discretionary Activity -	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) Where the <b>subdivision</b> involves the construction of new <b>roads</b> or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost) having regard to the provisions of the <b>Kaipara District Council Engineering Standards 2011</b>; and</p> <p>ii) The ability for the <b>allotments</b> to be provided with alternate phone coverage (e.g. mobile phone coverage).</p> <p><b>Note 1:</b> Upgrading or cost sharing will be solely a matter for the <b>network utility operator</b>.</p>

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				<b>Note 2:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent Application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.
<b>12.15.9</b>	<b>Esplanade Management for Lots Less Than 4ha</b>	<p>Where an <b>allotment</b> of less than 4ha is created on <b>subdivision</b> of land which adjoins the sea, <b>rivers</b> over 3m in width or <b>lakes</b> over 8ha in area, an <b>esplanade reserve</b> or strip of 20m in width shall be set aside, except where:</p> <p>a) The subdivision involves only a minor <b>boundary</b> adjustment and no additional <b>building sites</b> will be created; and</p> <p>b) The proposed subdivision activity arises solely due to land being acquired for any <b>road designation</b> or a site to be created only for a <b>network utility</b>.</p> <p><b>Note 1:</b> No esplanade reserve or strip shall be required where a lot is associated with the provision of a utility service.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or strip:</p> <ul style="list-style-type: none"> <li>i) The topography of the land concerned including a plan showing contours where appropriate;</li> <li>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</li> <li>iii) The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</li> <li>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> <li>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</li> <li>vi) The water quality enhancement values of the land and associated vegetation cover;</li> <li>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</li> <li>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</li> <li>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as: <ul style="list-style-type: none"> <li>– A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>– A Conservation Covenant under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody);</li> <li>– A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement.</li> </ul> </li> <li>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and creation of an esplanade reserve or strip and associated public access would be inappropriate; and</li> <li>xi) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act 1991.</li> </ul> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <ul style="list-style-type: none"> <li>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an Esplanade Reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision; or</li> <li>xiii) Where unrestricted public access could adversely affect conservation management programmes;</li> <li>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</li> <li>xv) Council's ability to maintain a reserve.</li> </ul>
<b>12.15.10</b>	<b>Esplanade Management for Lots More Than 4ha</b>	<p>The <b>Council</b> has determined in accordance with the empowering provisions in Section 77 of the Resource Management Act 1991 that a 20m wide <b>esplanade reserve</b> or strip is to be set aside where an <b>allotment</b> of 4ha or more is created in the following circumstances:</p> <p>a) The lot itself contains land, or adjoins a section of the <b>Coastal Marine Area</b>, a <b>lake</b> or <b>river</b>, which has important recreational values and where;</p> <ul style="list-style-type: none"> <li>– Public access is either currently available to the water body and associated margins or where there is reasonable likelihood of such access being available in the future from a <b>road, access strip</b> or reserve including an adjacent esplanade reserve; or</li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or strip:</p> <ul style="list-style-type: none"> <li>i) The topography of the land concerned including a plan showing contours where appropriate;</li> <li>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</li> <li>iii) The conservation values of the land and adjacent water body including a description of the vegetation and associated wildlife present;</li> <li>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> </ul>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<ul style="list-style-type: none"> <li>In respect of the Coastal Marine Area public access is currently available to the <b>foreshore</b> from the water and it can be used for the landing of small craft.</li> </ul> <p>b) The lot adjoins a section of the Coastal Marine Area which is subject to serious wave or wind induced erosion or other <b>natural hazard</b> processes and where;</p> <ul style="list-style-type: none"> <li>Formal reservation of the land is considered appropriate by the Council following consultation with the Northland Regional Council.</li> </ul> <p>c) The lot itself contains land, or adjoins a portion of the Coastal Marine Area, a lake or river which has significant <b>indigenous vegetation</b> and significant habitats of indigenous fauna or supports the habitat of trout, and where;</p> <ul style="list-style-type: none"> <li>formal reservation of the land is considered appropriate by the <b>Council</b> following consultation with the Department of Conservation; and</li> <li>where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act.</li> </ul> <p>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where;</p> <ul style="list-style-type: none"> <li>formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> <li>The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> <p><b>Note 1:</b> For the purpose of this Rule, "significant" refers to either:</p> <ul style="list-style-type: none"> <li>All those <b>sites</b> containing indigenous vegetation or habitat ranked moderate, moderate-high, high or outstanding on the Sites of Special Biological Interest database or equivalent under the Protected Natural Areas programme; or</li> </ul> <p>In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology (see Appendix 25G).</p>		<p>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</p> <p>vi) The water quality enhancement values of the land and associated vegetation cover;</p> <p>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</p> <p>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</p> <p>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as:</p> <ul style="list-style-type: none"> <li>A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>A conservation covenant under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a water body);</li> <li>A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement.</li> </ul> <p>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and the creation of an esplanade reserve or strip and associated public access would be inappropriate; and</p> <p>xi) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act 1991.</p> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <p>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision;</p> <p>xiii) Where unrestricted public access could adversely affect conservation management programmes;</p> <p>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</p> <p>xv) Council's ability to maintain an esplanade reserve.</p>
12.15.11	Esplanade Areas on Road Stopping	<p>a) Circumstances when an <b>esplanade strip</b> may be used instead of an <b>esplanade reserve</b></p> <p>The requirements in Section 345 of the Local Government Act 1974 relating to the setting aside of an esplanade reserve when a <b>road</b> is stopped may be replaced by a requirement to create an esplanade strip where unrestricted public access could restrict conservation.</p> <p>b) Circumstances when an esplanade reserve or strip less than 20m wide or where no esplanade reserve or Strip may be required</p> <p>The width of any esplanade reserve or strip required under Section 345 of the Local Government Act 1974 or this District Plan when a road is stopped may be reduced from 20m or waived altogether where the esplanade strip can be equally or better achieved through alternative means.</p> <p>c) Circumstances when an esplanade reserve or strip more than 20m wide may be required</p> <p>The width of any esplanade reserve or strip required when a road is stopped under Section 345 of the Local Government Act or this District Plan may be increased from 20m when erosion is likely to reduce the width of the <b>esplanade reserve</b>.</p>	Discretionary Activity	Any request to <b>Council</b> to consider provision of an <b>esplanade reserve</b> or strip greater or less than 20m wide when a <b>road</b> is stopped is to be made taking into account the Assessment Criteria in Rule 12.16.9 (i)-(xv) and Rule 12.16.10 (i)-(xv) inclusive.
12.15.12	Electricity Transmission Corridor No Build Area	Subdivision is located outside the Electricity Transmission Corridor No Build Area (as shown in Appendix 12.1).	Discretionary Activity	<p>For subdivision that is within the Electricity Transmission Corridor No Build Area, Council will at its discretion have regard to the following additional matters when considering an application for Resource Consent under this Rule:</p> <p>i) The extent to which the <b>subdivision</b> design mitigates the effects on transmission lines;</p> <p>ii) The ability for maintenance or inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;</p>

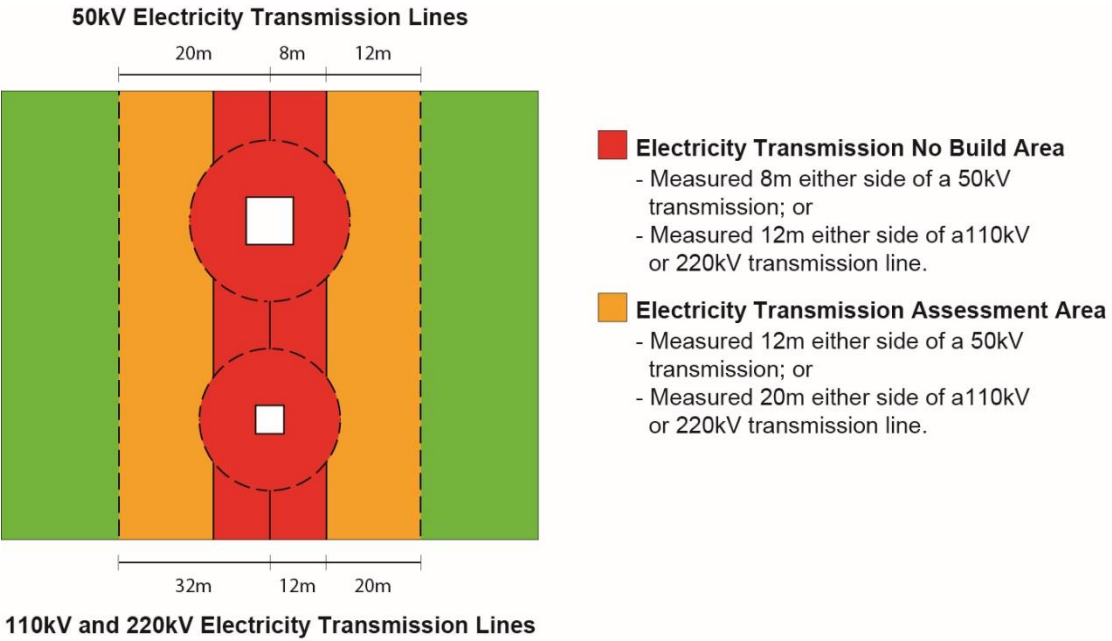
Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet Performance Standard	Assessment Criteria
				<p>iii) The extent to which potential adverse effects including visual impact are mitigated (e.g. through the location of building platforms);</p> <p>iv) Compliance with the New Zealand Electricity Code of Practice for Electrical Safe Distances (NZECP 34:2001); and</p> <p>v) The outcomes of consultation with the affected utility operator.</p> <p><b>Note 1:</b> The relevant network operator will be considered an affected party in relation to any resource consent applications.</p> <p><b>Note 2:</b> Where an activity requires resource consent due to non-compliance with these Performance Standards, then the application need not be publicly notified and need not be served on any affected party other than the relevant network operator.</p>
12.15.13	Electricity Transmission Corridor Assessment Area	Subdivision is located outside the Electricity Transmission Corridor Assessment Area (as shown in Appendix 12.1).	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>The extent to which the <b>subdivision</b> design mitigates the effects on transmission lines;</p> <p>vi) The ability for maintenance or inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;</p> <p>vii) The extent to which potential adverse effects including visual impact are mitigated (e.g. through the location of building platforms);</p> <p>viii) Compliance with the New Zealand Electricity Code of Practice for Electrical Safe Distances (NZECP 34:2001); and</p> <p>ix) The outcomes of consultation with the affected utility operator.</p> <p><b>Note 1:</b> The relevant network operator will be considered an affected party in relation to any resource consent applications.</p> <p><b>Note 2:</b> Where an activity requires resource consent due to non-compliance with these Performance Standards, then the application need not be publicly notified and need not be served on any affected party other than the relevant network operator.</p>
12.15.14	Maungaturoto Dairy Factory Noise Contour Boundary	<p>The subdivision is located outside the Noise Contour Boundary surrounding the Maungaturoto Dairy Factory site as shown on Planning Maps 20 and 50 (Map Series 2).</p> <p><b>Note 1:</b> For clarity, any subdivision within the Noise Contour Boundary of the Maungaturoto Dairy Factory will require Resource Consent under this performance standard.</p>	Restricted Discretionary	<p>For <b>subdivision</b> that is within the Maungaturoto Dairy Factory Noise Contour Boundary, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The extent to which the subdivision design mitigates the effects on operation of the Maungaturoto Dairy Factory particularly in respect of potential reverse sensitively effects; and</p> <p>ii) The response to any issues or concerns raised as an outcome of consultation with the operators of the Maungaturoto Dairy Factory (if any has been undertaken).</p> <p><b>Note 1:</b> The operators of the Maungaturoto Dairy Factory will be considered an affected party in relation to any resource consent applications.</p>
12.15.15	Maungaturoto Dairy Factory Pipeline Corridor Assessment Area	<p>Subdivision of new lots is located outside the defined Assessment Area (see Appendix 12.1b: Maungaturoto Dairy Factory Pipeline Corridor Assessment Area) of the Maungaturoto Dairy Factory Pipeline as shown on the Planning Maps 20 and 50 (Map Series 2).</p> <p><b>Note 1:</b> For clarity, any subdivision for new lots to be created in the defined Assessment Area (see Appendix 12.1b: Maungaturoto Dairy Factory Pipeline Corridor Assessment Area) of the Maungaturoto Dairy Factory Pipeline will require Resource Consent under this performance standard.</p>	Restricted Discretionary	<p>For <b>subdivision</b> that is within the Maungaturoto Dairy Factory Pipeline Assessment Area, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The extent to which building platforms, paved areas and earthworks avoid effects of the Maungaturoto Dairy Factory Pipeline;</p> <p>ii) The extent to which the subdivision design mitigates the effects on operation of the pipeline and breather, particularly in respect of:</p> <ol style="list-style-type: none"> <li>Slope stability; and</li> <li>Operational access; and</li> </ol>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>iii) The response to any issues or concerns raised as an outcome of consultation with the operators of the Maungaturoto Dairy Factory (if any has been undertaken).</p> <p><b>Note 1:</b> The operators of the Maungaturoto Dairy Factory will be considered an affected party in relation to any resource consent applications.</p>



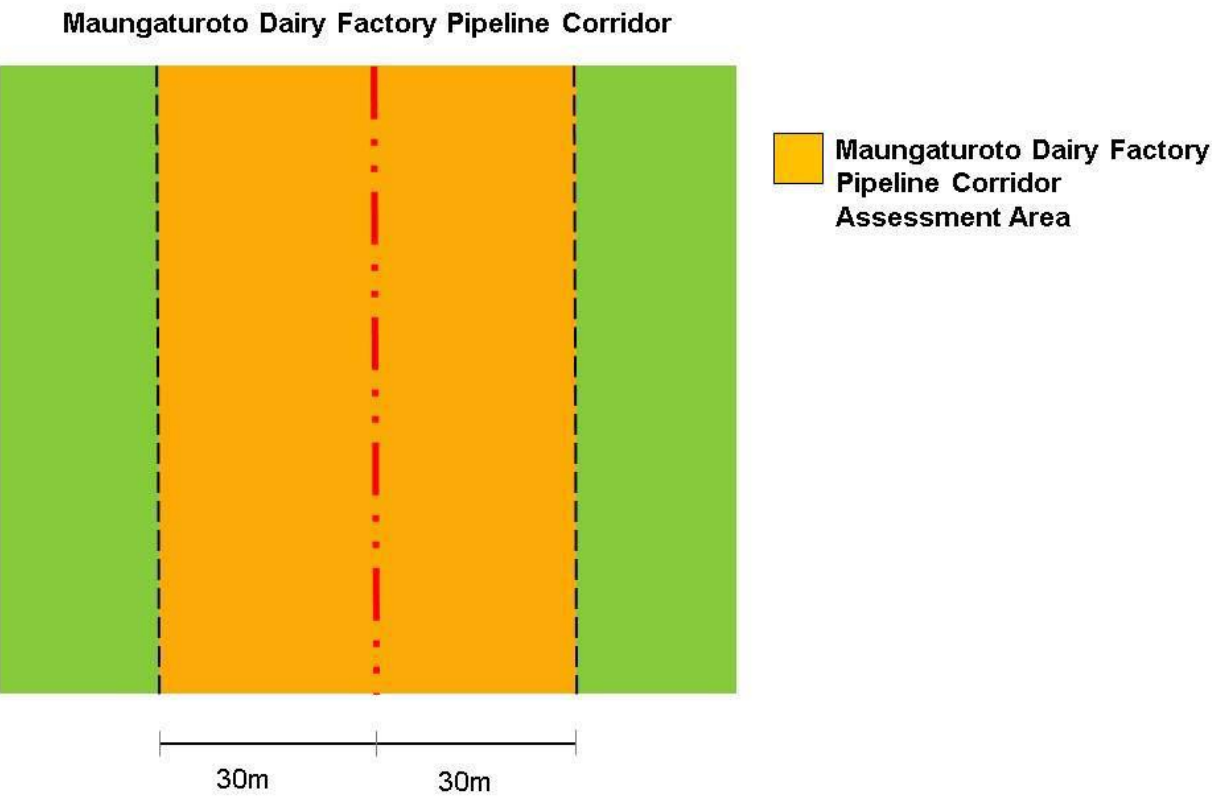
Appendix 12.1: Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area

The areas for the Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area for 50kV, 110kV and 220kV lines are as follows:



The 50kV, 110kV and 220kV electricity transmission lines are shown on Map Series 2 of the Planning Maps.

Appendix 12.1b: Maungaturoto Dairy Factory Pipeline Corridor Assessment Area



The Maungaturoto Dairy Factory Pipeline is shown on Map Series 2 of the Planning Maps (Maps 20 and 50).