

14 Business: Commercial and Industrial Chapter

14.1 Introduction / Resource Description

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

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

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

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



Business: Commercial - Mangawhai



Business: Industrial - Maungaturoto

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

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

14.2 How to Use This Chapter of the District Plan

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

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

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

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

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

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 14.10 in this Chapter. If you don't meet these standards your proposal, will 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 14.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity 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'.

Start at Section 14.10
Sections 14.5 and 14.6
Part A of the District Plan

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

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 each Chapter of the Plan are presented in no particular order of importance.

14.3 Business Growth Outside the Business Zones

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

Growth areas outside Business Zone identified in Chapter 3

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).

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

Chapter 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.

Chapter 3

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

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

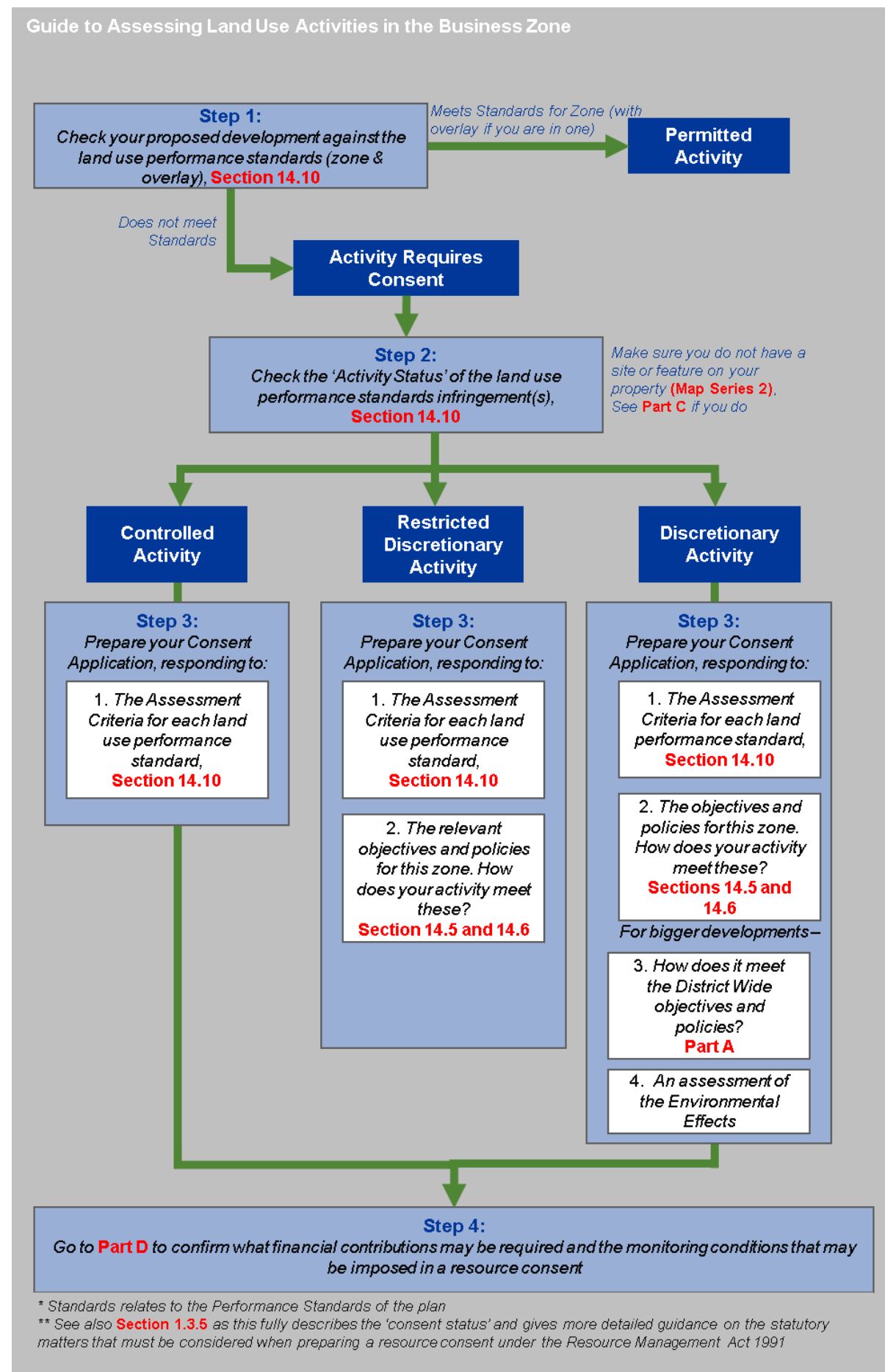
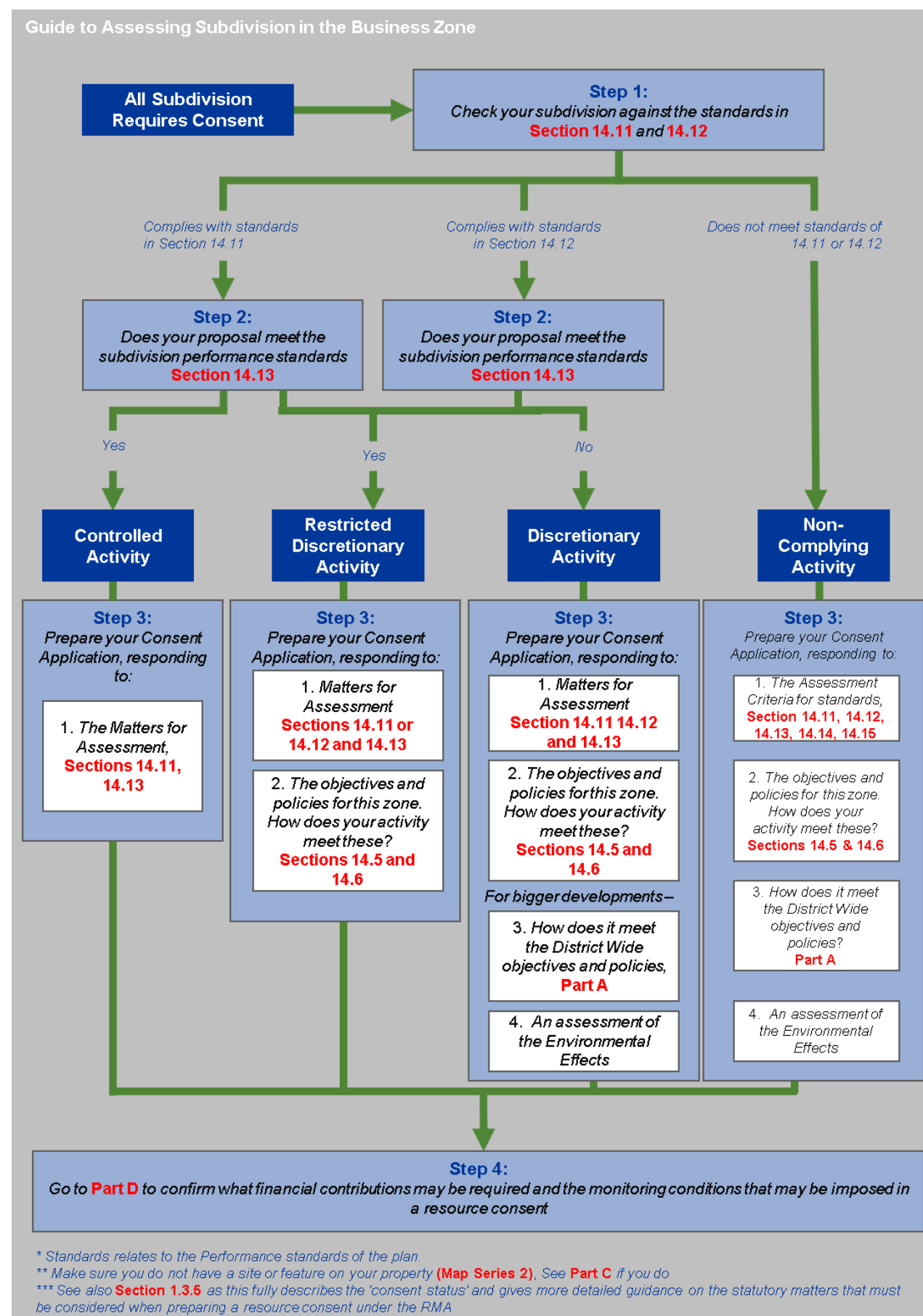


Figure 14-2: How to Use this Chapter: Subdivision



- 14.4 Business Issues**
- 14.4.1 Environments, particularly sensitive receiving environments (e.g. harbour, coast and lake environs) need to be protected from the potential adverse effects of business activities (such as discharges and visual pollution).** *See also the issues for Overlays in Chapter 4*
- Industry can generate a specific range of environmental effects. In particular the effects of noise, odour, ground and water discharges, and dust are common to many of the District's industrial processing operations. The impacts of these activities are potentially more adverse in sensitive receiving environments such as adjacent to the Mangawhai and Kaipara harbours, coastal environments and the Kai Iwi Lake areas.*
- 14.4.2 The importance of diverse and appropriate business activities to support the social and economic wellbeing of the community.**
- Business activities are vital to support the economic and social wellbeing of the community. If the District Plan does not provide for these activities, the social and economic wellbeing of the community could be adversely affected.*
- 14.4.3 Business activities support the economic and social wellbeing of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential).**
- A number of key business operations in the District are located adjacent to residential areas. The potential exists for generated effects of business activity (noise, glare, traffic movements, vibration and air discharges) to adversely affect residential amenity. However, a number of these business activities were established prior to the residential activity and their ability to operate needs to be protected.*
- 14.5 Business Objectives**
- 14.5.1 To manage the effects of business activities (e.g. industrial activities) that pose the greatest threat to the natural environment, particularly sensitive receiving environments.** *Issue 14.4.1*
- 14.5.2 To continue to provide for a mix of business activities around and within existing settlements, while avoiding adverse environmental effects on natural and physical resources and adverse effects impacts on existing surrounding land uses.** *Issue 14.4.2*
- 14.5.3 To provide for a range of business activities which are located, designed and operated in such a way as to avoid potential reverse sensitivity effects and protect these from reverse sensitivity impacts.** *Issue 14.4.3*
- 14.6 Business Policies**
- 14.6.1 By encouraging new business developments, which have potential discharge impacts, to avoid areas adjacent to sensitive receiving environments (unless this location is integral to the business activity).** *Objective 14.5.1
Chapter 4 – Overlays
Objectives 4.4.2, and 4.4.8,*
- Business activities with the potential to generate adverse effects on the District's harbour, coast and lake environments will be directed to establish in areas that are remote from sensitive adjacent sites, unless this is inappropriate to the business activity.*
- 14.6.2 By requiring new business developments to be developed, sited, designed and operated so as to avoid discharges which could adversely affect the natural environment, particularly sensitive receiving environments.** *Objective 14.5.1
Chapter 4 – Overlays
Objectives 4.4.2 and 4.4.8*
- Discharges from land uses located a significant distance from the coast, lakes or rivers can find their way into these environments through the stormwater system or watercourses. In conjunction with the Northland Regional Council, the Council will seek to ensure that new business developments provide appropriate wastewater and stormwater systems to ensure that discharges from business land uses do not result in adverse effects on sensitive receiving environments.*
- 14.6.3 By providing clear direction on the appropriate scale and location of business activities across the District.** *Objective 14.5.2*
- The Council will seek to manage the effects of activities and provide direction on where they are most appropriately located by establishing thresholds for types of effects that are considered acceptable in certain areas of the District.*
- 14.6.4 By requiring business activities to avoid adverse effects beyond the boundaries of the Zone (such as noise, dust, odour and other emissions) that are not compatible with surrounding and / or adjacent environments / Zones.** *Objective 14.5.2*
- The establishment of buffers and screening or landscaping provide effective mechanisms to reduce the potential interface conflicts between incompatible activities. Buffering may take the form of strip planting or solid fencing and may also involve the restriction of adjoining uses to low impact ancillary activities such as car parking or office/administration activities.*
- 14.6.5 By ensuring that appropriate protection (from reverse sensitivity issues) is provided to major business activities that make a significant contribution to the District's economy, while encouraging them to reduce the effects they generate beyond the boundaries of their site.** *Objective 14.5.3*
- The District Plan seeks to continue to provide for existing industrial and commercial land uses in the District which allow the Kaipara community to provide for their social and economic wellbeing, while encouraging them to achieve a steady reduction in the effects that they generate, particularly on sensitive receiving environments.*
- 14.6.6 By maintaining opportunities for the diversity of business land use, without significant interference from adjacent residential and other sensitive activities for business activities.** *Objective 14.5.3*
- Performance Standards will be developed which allow sensitive activities to establish in Business Zones within the District provided that they can be located at sufficient distance from existing business activities, so that noise, dust, vibration, building dominance or overshadowing effects can be mitigated to an acceptable level, which provides for the health and safety of residents. This includes consideration for residential uses. However, some activities, particularly places of assembly and habitation are recognised as potentially incompatible with industrial land use activities.*
- 14.6.7 By promoting self-regulation through the adoption of industry codes of practice relating to production processes, buffer requirements, emission controls and mitigation.** *Objectives 14.5.1, 14.5.2. 14.5.3*
- The promotion of self-regulation via the voluntary adoption of codes of practice is an effective means of encouraging improved environmental management in industrial areas without the need for direct Council intervention. Codes of Practice can be utilised by industry in a pro-active manner and encourage industry to plan for and monitor their own effects and those of their peers in terms of practical Standards formulated by the industry itself.*
- 14.6.8 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.** *Objective 14.5.2*
- Where a method, or other connection to a public reticulated system will be used to provide new sites with a water supply, or a means of disposing of wastewater or stormwater from sites, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.*
- 14.6.9 By requiring the provision of safe and practicable vehicular access from a public road to each site.** *Objective 14.5.2
Objective 11.5.1*
- Vehicular access to sites must be practicable, safe and convenient for vehicles to use, and should avoid adverse effects on the environment. This may require the upgrading of existing roads or the provision of new roads within the subdivision to connect the subdivision to the District roading network.*
- 14.6.10 Subdividers and developers shall be required to accommodate within the design and layout of any subdivision or development any road or utilities that have been identified on an approved Structure Plan within any proposed new urban development area.** *Objective 14.5.2, see also the outcomes for the Growth Areas Chapter 3*
- In order to ensure the orderly and efficient development of the proposed new Growth Areas the Council will identify, where necessary, key roads and utilities. The general route and construction standards will be identified on an approved Structure Plan and subdivisions or development shall be required to make provision for them.*
- 14.6.11 By requiring the establishment of esplanade reserves and strips when land is subdivided in the Residential and Business Zones of the District.** *Objective 14.5.2, see also the Objectives for Overlays Chapter 4*
- An esplanade reserve or strip with a width of 20m will be taken on the creation of any site less than 4ha an acquisition will be considered on any site more than 4ha which is created when land is subdivided in the Residential or Business Zones, and where it abuts the margin of any lake over 8ha, any river greater than 3m in width, or the sea. This will ensure that where intensive subdivision occurs, a continuous reserve alongside waterbodies or the coast can be provided which will give effect to the New Zealand Coastal Policy Statement. As set out in Rule 14.13.9 consideration will be given in certain circumstances to waivers and reductions of esplanade reserves or strips for lots both under and over 4ha.*
- 14.6.12 By facilitating the provision of public access to existing esplanade reserves and strips in the District which are currently land locked or isolated from other public access areas.** *Objective 14.5.2, see also the Objectives of Section 11.5.1*
- There are a number of existing esplanade reserves in the District that are landlocked and have no legal access. The Council will identify these esplanade reserves and will endeavour to facilitate access to them, where appropriate. This may include the addition of a condition on some Subdivision Consents for the provision of access strips in order to provide access to existing esplanade reserves.*

14.7 Methods

The above Policies will be implemented through the following Methods.

14.7.1 District Plan Methods

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

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

14.7.1.3 Conditions imposed on approved Resource Consents.

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

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

14.7.1.6 On-going monitoring of approved Resource Consent requirements.

14.7.2 Other Methods

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

14.7.2.2 Liaison with the Northland Regional Council

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

14.7.2.4 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.

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

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

14.7.2.7 The Kaipara District Council Engineering Standards 2011.

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

14.7.2.9 Requirements under other legislation, including:

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

14.7.2.10 Other relevant documents:

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

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

14.7.2.12 Providing access to geological databases:

- Inventory and Maps of Important Geological Sites and Landforms in the Northland Region shown on the NZ Land Inventory NZMS 290 (1996);

- Use of Climate, Soil and Crop Information for Identifying Potential Land-Use Change in the Hokianga and Western Kaipara Region (2003).

14.8 Business Outcomes

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

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

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

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

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

14.9 Business Rules

In any instance where your property is subject to any site feature or unit (Map Series 2), and the Rules in the relevant Part C Chapter overlap with (or duplicate) a Rule in this Zone Chapter, the Rules in the Part C Chapter will take precedence; and /or

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

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

14.9.1 Permitted Activities

The following shall be Permitted Activities in the Business Zones:

- a) Any activity complying with the Performance Standards listed in 14.10 of this Chapter; and

Any activity which is not identified elsewhere in this District Plan as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity.

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

14.9.2 Controlled Activities

The following shall be Controlled Activities in the Business Zones:

- a) Any activity that does not meet any Performance Standard listed in Section 14.10 that is listed as a Controlled Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 14.11 and the Performance Standards listed in Section 14.13 of this Chapter.

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

14.9.3 Restricted Discretionary Activities

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

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

Any subdivision complying with the Restricted Discretionary Activity Terms for Subdivision listed in Section 14.12 and the Performance Standards listed in Section 14.13.

Note 1: Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Section 14.10 of this Chapter and the relevant Objectives and Policies that relate to the matters for which discretion has been restricted.

14.9.4 Discretionary Activities

The following shall be Discretionary Activities in the Business Zones:

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

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

14.9.5 Non-Complying Activities

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

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

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

14.10 Performance Standards Business Land Use

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.1	Excavation and Fill	<p>(1) All Overlay Areas Only Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) It is part of an approved Building Consent issued under the Building Act 2004; or b) The site is not within any area known to be erosion prone, subject to instability or flood hazard; and c) The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and d) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height, and e) All bare earth areas including excavation and fill batter faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and f) Revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed. <p>(2) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays and are excluded from the Standards of 14.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> i) Whether Building Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be recognised here); ii) Machinery to be used and hours of operation; iii) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses; iv) Effects on ecological values and in particular any Sites of Ecological Significance as defined by the criteria listed in Appendix 25G; v) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land; vi) Effects on landscape and heritage values; vii) The extent to which the works meet the requirements of the performance standards in Rule 14.10.1 or the Kaipara District Council Engineering Standards 2011; viii) Effects of dust and noise on sensitive receivers; ix) Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed; 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; xi) Effects on cultural and heritage values (as defined in Chapter 17), including any consultation has been undertaken with Tangata Whenua as appropriate; xii) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17. <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"> i) Details of the location and form of earthworks proposed on a site, including volume, area affected and height of any excavation or fill; ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and wetland areas, water bodies and the Coastal Marine Area; iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic places, historic areas and waahi tapu, and the need for an archaeological-historic places site survey of the area to be developed; iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area; v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds; vi) A record of any consultation with any property owners or occupiers whose property is within 200m of the proposed activity; vii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and viii) Details of methods proposed to manage construction traffic. <p>For the purposes of this rule an Excavation and Fill Management Plan shall include:</p> <ul style="list-style-type: none"> 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,

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>areas and/or buildings to be used for retailing, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site;</p> <p>ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>x) A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners;</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by normal rural practice.</p> <p>Note 1: A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding.</p>
14.10.2	Vegetation Clearance	<p>Subject to the exceptions provided in (3) below the clearance or removal of indigenous vegetation within Overlay Areas is a Permitted Activity if:</p> <p>(1) All Overlay Areas (excluding Mangawhai Harbour)</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 5 hectares in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area.</p> <p>(2) Mangawhai Harbour Overlay</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 50m² in area.</p> <p>(3) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays, and are excluded from the Standards of 14.10.2(1) and 14.10.2(2);</p> <p>a) The removal is in accordance with an existing use right (note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or</p> <p>b) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>c) The removal is for the construction of a fire break by a fire authority; or</p>	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> <p>i) Extent of vegetation clearance proposed relative to total vegetated area;</p> <p>ii) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development;</p> <p>iii) Effects on the locality, particularly the character and amenity values of adjoining sites / land uses;</p> <p>iv) Effects on ecological values, in particular its significance as a Site of Ecological Significance by reference to the criteria listed in Appendix 25G;</p> <p>v) Effects on landscape and heritage values;</p> <p>vi) Effects on water bodies, including wetlands, and particularly sensitive receiving environments of the harbours and lakes;</p> <p>vii) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps;</p> <p>viii) The extent to which the activity may adversely affect cultural and spiritual values;</p> <p>ix) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform;</p> <p>x) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area or establishment of new plantings / ecological areas;</p> <p>xi) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy;</p> <p>xii) 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>xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes</p>

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		<p>d) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</p> <p>e) It is part of the operation and maintenance of network utilities or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2003.</p> <p>Note 1: The Northland Regional Councils Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a consent is required.</p> <p>Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>		<p>to an ecological corridor;</p> <p>xiv) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District, including but not limited to Chapters 2, 3, 6, 7, 8 and 17.</p>
14.10.3	Sensitive Activities	<p>(1) Industrial Zone Only</p> <p>Any activity is a Permitted Activity if it complies with all of the Performance Standards of the Industrial Zone except the following 'sensitive' activities:</p> <p>a) Places of Assembly;</p> <p>b) Communal dwellings or places of habitation (e.g. retirement facilities); and</p> <p>c) Dwellings (public or private).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The extent to which adequate measures have been undertaken to separate the activity from the actual or potential effects of the surrounding industry;</p> <p>ii) The extent to which alternative sites or locations have been considered;</p> <p>iii) The impact of the scale and intensity of the use and its compatibility with surrounding activities;</p> <p>iv) If the establishment of the activity would adversely affect the efficient functioning of the Industrial Zone or other Zones or result in significant social or economic impacts;</p> <p>v) The extent to which the activity serves the needs of an industrial area, or is more appropriate to an industrial location than to other areas;</p> <p>vi) The extent to which the internal noise level in any habitable room does not exceed 35 dB_{L_{Aeq} 24 hours} while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code; and</p> <p>vii) Whether the activity is of a nature that is not unduly sensitive to potential impacts from neighbouring industrial activities.</p>
14.10.4	Dwellings	<p>(1) Commercial Zone Only</p> <p>A dwelling is a Permitted Activity if:</p> <p>a) The private open space meets the following:</p> <ul style="list-style-type: none"> - Is capable of accommodating one circle of no less than 5m in diameter when the dwelling is at ground floor level; and - Is located on the east, north or west side of the dwelling when the dwelling is at ground floor; and - Has direct access from the main living area of the dwelling; and - Is unobstructed by vehicle access or parking areas; and - Is adequately screened from adjoining dwellings and adjacent sites, except in the case of reserves; or <p>b) When the dwelling is not located on ground floor, a balcony must be provided instead of a court, with a minimum area of 10m² and a minimum dimension of 2m; and</p> <ul style="list-style-type: none"> - Has direct access from the main living area of the dwelling; and - Is adequately screened from adjoining dwellings and adjacent sites; and 	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The building shall be designed to ensure safe and convenient access to each dwelling;</p> <p>ii) Size and shape of the site;</p> <p>iii) Building locations including alternatives considered;</p> <p>iv) All habitable rooms and outdoor areas are to be designed to provide for adequate sunlight access;</p> <p>v) The extent to which the design and layout of the premises will achieve and promote the Objectives of the Zone;</p> <p>vi) The privacy and amenity of the occupants on-site;</p> <p>vii) The impact of any dwelling on the ability of existing or future commercial activities to operate or establish within the Zones;</p> <p>viii) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and</p> <p>ix) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.</p>

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		<p>c) The site meets the Performance Standards of Section 14.13 and the Kaipara District Council Engineering Standards 2011.</p> <p>Note 1: For Permitted Activities, approvals required for this Performance Standard can be provided at the time of Building Consent.</p> <p>Note 2: Council will confirm engineering approval of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer approved by Council.</p> <p>Note 3: Engineering drawings for the design, formation and access to parking spaces are outlined in Appendix 25C.</p> <p>Note 4: The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply and subject to the Building Act.</p>		
14.10.4a	Dwelling Levels Floor	<p>(1) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> – Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and <p>b) In addition to the minimum floor level any new dwelling shall be:</p> <ul style="list-style-type: none"> – 5.0m above mean sea level in the West Coast and East Coast Overlays; or – 3.0m above mean sea level in the Mangawhai Harbour Overlay; or – 3.5m above mean sea level in the Kaipara Harbour Overlay; or – 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009 <p>Note 1: Minimum floor levels have been determined using One Tree Point 1964 datum.</p> <p>Note 2: 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> <p>i) Safety of the dwelling and people using during flood events or tidal inundation including possible egress during flood events or tidal inundation.</p>
14.10.5	Maximum Height	<p>(1) Commercial Zone Only</p> <p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 12m in height except on Lot 1 DP 341981, area marked A on Planning Map 55 where the Special Provisions in 14.10.30 apply. This is the site at the corner of Molesworth Drive, Estuary Drive and Norfolk Drive at Mangawhai.</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> <p>i) The form and location of the building and associated site development layout relative to neighbouring buildings and streetscape;</p> <p>ii) Whether the design of the building compromises any significant vistas;</p> <p>iii) The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;</p> <p>iv) Effects on landscape values;</p> <p>v) Effects on availability of daylight to other properties;</p> <p>vi) Effects on amenity values of adjoining properties; and.</p> <p>vii) The functional requirements of the building.</p>

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14.10.6	Height in Relation to Boundary	<p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a Residential Zone, Treaty Settlement Land Zone or reserve.</p> <p>Note 1: 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, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The form and location of the building and associated site development layout relative to neighbouring buildings and streetscape;</p> <p>ii) Whether the design of the building compromises any significant vistas;</p> <p>iii) The functional requirements of the building;</p> <p>iv) The extent to which the effects of the height in relation to boundary can be mitigated by setbacks, planting, design or the topography of the site; and</p> <p>v) Effects on availability of daylight.</p>
14.10.7	Setbacks	<p>(1) Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) Side and Rear yards - 5m where the site adjoins a reserve or Residential Zoned site;</p> <p>b) Coast / Lake / River yards - 30m from the Coastal Marine Area, or the banks of: any dune lake; any other lake whose bed has an area of 8ha or more; any river including a perennial stream whose bed has an average width of 3m or more; and</p> <p>c) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by giveway signage) within 300m;</p> <p>(2) Industrial Zone Only</p> <p>Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) Front yards - 10m;</p> <p>(3) Except that in the Mangawhai Harbour Overlay the following additional setbacks are required</p> <p>Any building is a Permitted Activity if the building is located outside of the following setback 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>Note 1: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 14.10.7(1)(b) above applies.</p> <p>(4) Except that:</p> <p>a) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water take or discharge structure or consented pump shed/station.</p> <p>Note 2: The setbacks applying in the Mangawhai Harbour Overlay are additional to the general setbacks of the Business Zones.</p> <p>Note 3: The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 4: Any changes in land use on sites that have access onto Limited Access Road's require approval from the NZ Transport Agency under the Government Roding Powers Act 1989.</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> <p>i) Extent to which landscaping prevents visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including reserves and the Coastal Marine Area, Residential Zoned sites;</p> <p>ii) Effects on public access;</p> <p>iii) Effects on natural hazards;</p> <p>iv) The functional requirements of the building and the activity;</p> <p>v) Protection of the conservation, ecological, recreation, access and hazard mitigation values of esplanade reserves or Strips;</p> <p>vi) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained.</p> <p>In addition, Council will restrict its discretion the following matters when considering an application for Resource Consent under this Rule in the Mangawhai Harbour Overlay area:</p> <p>i) The management of stormwater run-off and discharges from any storage areas to reduce potential direct discharges to waterways, lakes and the Coastal Marine Area; and</p> <p>ii) 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>
14.10.8	Screening Storage Areas of	<p>Any activity is permitted if all storage areas are screened from public places and Residential Zoned sites by appropriate planting, fencing or other suitable screen being of at least 1.8m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity.</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> <p>i) Potential effects of odour, visual and dust nuisance;</p> <p>ii) Effects on amenity values of adjoining properties; and</p> <p>iii) Effects on the health and safety of site occupiers, as well as the occupiers of adjoining sites.</p>

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14.10.9	Verandahs	<p>Commercial Zone Only</p> <p>Any building fronting a street is permitted if, upon its erection, substantial reconstruction or alteration, the building is provided with a verandah.</p> <p>a) Each verandah shall have a minimum height of 2.9m measured from the average finished floor level of the footpath to the underside of the verandah, and be so related to adjacent verandahs as to provide continuity of height and cover.</p> <p>b) It shall extend from the supporting building to a point of 0.45m behind the face of the kerb.</p> <p>c) The fascia shall have a minimum depth of 0.3m and a maximum depth of 0.45m and be of a uniform level unless otherwise approved by Council.</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> <p>i) The health and safety of pedestrians;</p> <p>ii) Effects on traffic safety; and</p> <p>iii) Visual effects of the proposed structure in relation to verandahs on adjoining sites.</p>
14.10.10	Separation Distance	<p>Any of the activities listed as follows, are permitted if it complies with all Performance Standards in Section 14.10. and a 30m separation distance is maintained between any site Zoned Residential or Rural or any site boundary to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity located in these Zones, whichever is the greater:</p> <p>a) Panel beating;</p> <p>b) Motor vehicle manufacturing;</p> <p>c) Animal boarding;</p> <p>d) Service stations;</p> <p>e) Intensive farming;</p> <p>f) Stock saleyards;</p> <p>g) Refuse recycling facilities and transfer stations;</p> <p>h) Sewerage treatment site or other site of plant or animal effluent storage or disposal;</p> <p>i) Mining or quarrying; and</p> <p>j) Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting standards, or a Discharge Consent relating to odour from the Regional Council.</p> <p>Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Business: Commercial and Industrial Zone. As such, if any of the activities listed in a) to j) above seek to establish in the Business – Commercial and Industrial Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future noise sensitive activities that are reasonably expected to establish within the Residential Zone, the Rural Zone or the values of a Reserve Management Unit.</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> <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 14.</p>
14.10.11	Buildings and Vegetation near Airfields	<p>(1) Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p> <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Whether the height of the proposed building or structure will affect airfield safety;</p> <p>ii) The extent to which the proposed development may restrict future development of the airfield/airport; and</p> <p>iii) The health and safety of current and future occupiers of the building.</p>

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14.10.12	Permeable Surfaces	<p>Any activity is permitted if a site which relies on on-site wastewater and/or stormwater disposal has an area of permeable surface:</p> <p>a) Of at least 400m² available for wastewater disposal; and/or</p> <p>b) Of at least 100m² available for stormwater disposal.</p> <p>Note 1: There is no maximum building coverage in the Business Zones.</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> <p>i) The availability of land for the disposal of effluent on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;</p> <p>ii) Whether the site can be managed such that the concentrations of contaminants in stormwater leaving the site do not pose an immediate or long-term hazard to human health or the environment;</p> <p>iii) Whether and the extent to which the activity meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011;</p> <p>iv) Effects on water quality; and</p> <p>v) The extent to which low impact design principles are utilised.</p>
14.10.13	Relocation of Buildings	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <p>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;</p> <p>b) A building inspection report shall accompany the Building Consent. The report is to identify all reinstatement work required to the exterior of the building; and</p> <p>c) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</p>	Restricted Discretionary Activity	<p>If the building infringes another Performance Standard then a Consent will be required.</p> <p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Proposed opportunities to screen the building during reinstatement;</p> <p>ii) Visibility from the road and public places;</p> <p>iii) Maintenance of the site and surrounds during reinstatement; and</p> <p>iv) Application of a bond to ensure reinstatement within a 24 month time limit.</p>
14.10.14	General Noise	<p>(1) Commercial Zone Only</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <p>a) 60dB L_{Aeq} as measured within the boundary of any other site in the same Zone:</p> <p>i. 7:00am – 7:00pm: 50dB L_{Aeq};</p> <p>ii. 7:00pm – 10:00pm: 45dB L_{Aeq}; and</p> <p>iii. 10:00pm – 7:00am: 40dB L_{Aeq} and 70dB L_{AFmax}.</p> <p>as measured within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Maori Purpose Zoned site.</p> <p>(2) Industrial Zone Only</p> <p>With the exception of (b) below any activity is permitted if noise from the site does not exceed the following limits:</p> <p>a) 75dB L_{AFmax} as measured within the boundary of any other site in the same Zone:</p> <p>i. 7:00am – 7:00pm (Mon-Sat): 55dB L_{Aeq};</p> <p>ii. 7:00pm – 10:00pm (Mon-Sat), and 7:00am to 10:00pm (Sunday and Public Holidays): 50dB L_{Aeq}; and</p> <p>iii. 10:00pm – 7:00am (any day): 45dB L_{Aeq} and 75dB L_{AFmax}.</p> <p>as measured within any other site Zoned Residential, or within the notional boundary of a residential activity in a Rural or Maori Purpose Zoned site.</p> <p>b) Any activity associated with the Maungaturoto Dairy Factory, including infrastructure, wastewater treatment, and other ancillary activities, within the Maungaturoto Dairy Factory site, is a permitted activity if noise from the site, as measured at the Noise Contour Boundary shown on Planning Maps 20 and 50 (Map Series 2) does not exceed the following limits:</p> <p>i. at all times 45dB L_{Aeq}; and</p> <p>ii. 10:00pm – 7:00am (any day): 70dB L_{AFmax}</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council 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 environment of the locality in which the activity is proposed;</p> <p>iii) Effect on sensitive activities in adjoining Residential Zones;</p> <p>iv) Length of time for which the specified noise standard will be exceeded;</p> <p>v) Likely adverse effects beyond the site;</p> <p>vi) Alternative methods to avoid noise generation; and</p> <p>vii) Mitigation measures to reduce noise generation.</p>

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		<p>(3) Commercial and Industrial Zone</p> <p>Any dwelling is permitted if the internal noise level in any habitable room does not exceed 35 dB $L_{Aeq\ 24\ hours}$ while at the same time complying with the ventilation requirements of Clause G4 of the New Zealand Building Code.</p> <p>Note 1: 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>																																																																																																													
<p>14.10.15</p>	<p>Construction Noise and Temporary Activities</p>	<p>Construction noise and other temporary activities as defined in Chapter 24: Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise".</p> <table border="1" data-bbox="566 743 1433 1579"> <thead> <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 (dBA)</th> <th colspan="2">Short-term duration (dBA)</th> <th colspan="2">Long-term duration (dBA)</th> </tr> <tr> <th>Leq</th> <th>Lmax</th> <th>Leq</th> <th>Lmax</th> <th>Leq</th> <th>Lmax</th> </tr> </thead> <tbody> <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> </tbody> </table>	Time of week	Time period	Duration of work						Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)		Leq	Lmax	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	<p>Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> i) Maximum level of noise likely to be generated; ii) The noise environment of the locality in which the activity is proposed; iii) Effect on the occupiers of dwellings and other buildings affected by construction noise; iv) Length of time for which the specified noise standard will be exceeded; v) Likely adverse effects beyond the site; vi) Alternative methods to avoid noise generation; and vii) Mitigation measures to reduce noise generation.
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14.10.16	Wind Generation Noise	Wind turbines are permitted if 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.	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> i) Maximum level of noise likely to be generated; ii) The existing background noise environment of the locality in which the activity is proposed; iii) Noise effect on adjoining or adjacent residential dwellings; iv) Length of time for which the specified noise standard will be exceeded; v) Likely adverse effects of noise beyond the site; vi) Effects of noise generation on character and amenity beyond the site; vii) Alternative methods to avoid noise generation; and viii) Mitigation measures to reduce noise generation. 															
14.10.17	Vibration	<p>Any activity is permitted if vibration from the activity does not exceed the following average levels:</p> <p>a) Within a dwelling on any adjacent site zoned Residential, Maori Purpose or Rural Zone:</p> <table border="1" data-bbox="596 873 1427 1079"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7:00am - 6:00pm</td> <td>0.045m/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> </tbody> </table> <p>b) Within a building on any adjacent site Zoned Business:</p> <table border="1" data-bbox="596 1157 1427 1297"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>At All times</td> <td>0.06 m/s²</td> <td>2.0 m/s²</td> </tr> </tbody> </table> <p>Note 1: 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)	Monday to Saturday 7:00am - 6:00pm	0.045m/s ²	1.0 m/s ²	All other times	0.015 m/s ²	0.05 m/s ²	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s ²	2.0 m/s ²	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> i) Maximum level of vibration likely to be generated; ii) The effects on sensitive receptors or adjacent land uses; iii) Effect on adjoining or adjacent residential dwellings; iv) Length of time for which the specified vibration standard will be exceeded; v) Likely adverse effects beyond the site; vi) Effects on character and amenity beyond the site; vii) Alternative methods to avoid vibration generation; and viii) Mitigation measures to reduce vibration generation.
Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)																	
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At All times	0.06 m/s ²	2.0 m/s ²																	
14.10.18	Traffic Intensity	<p>Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 200 Daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Except that single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</p> <p>Note 1: Traffic Intensity Factor 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 Council for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one way movements.</p> <p>Note 2: As part of an application for Certificate of Compliance or Resource Consent under this Rule Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p>Note 3: This calculation only applies when establishing a new activity on a site. However, the</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> i) The time of day when any extra vehicle movements will occur; ii) The distance between the location of vehicle movements and adjacent Residential Zones; iii) The width and capacity of any road to be able to cope safely with vehicle movements; iv) The nature of the surface (sealed or otherwise) on the adjoining road network; v) The potential for dust nuisance to be generated from the site and its effects on adjoining properties; vi) The safety and efficiency of the vehicle access onto the road; vii) The volume and speed of traffic on the roads affected; viii) The hierarchy of roads affected; ix) Any congestion or safety issues on roads affected; 															

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		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 effects .		<ul style="list-style-type: none"> x) Proximity to sensitive receiving environments; xi) Whether the level of traffic generated is consistent with that generated by surrounding business activities; xii) The type and number of vehicles expected to access the site; xiii) The vehicle crossing layout; xiv) Financial contributions for road upgrading; and xv) The requirements of the Kaipara District Council Engineering Standards 2011.
14.10.19	Potentially Contaminated Land – Removing or replacing a fuel storage system, Sampling the soil, Disturbing the soil and Change of 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> <ul style="list-style-type: none"> 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. <p>Note 1: Refer to Appendix 25E for further information concerning the HAIL.</p> <p>Note 2: 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. Any activity on land on which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	Controlled Activity / Restricted Discretionary Activity / Discretionary Activity	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.
14.10.20	Contaminated Land Remediation	<p>Any activity is a Permitted Activity if remediation of contaminated land:</p> <ul style="list-style-type: none"> a) Does not cause a greater risk to the environment than if the work was not done; and b) Disposes of removed material in a location approved for the receipt of such material; and c) Is reported to the Council by the landowner at the completion of the work detailing: <ul style="list-style-type: none"> – The work done and the results obtained; and – The nature and location of remaining contaminated material on-site; and – As-built plans and specifications of any permanent containment structure. 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. <p>Note 1: 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>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> i) The extent and nature of any contamination of land or ground water and the potential sources of contamination; ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of contaminants into the environment (e.g. sediment control, site covering and dust control); iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of; iv) The degree to which measures will be employed to avoid remedy or mitigate any adverse effects on water quality or the receiving environment; v) Whether the land is suitable for its intended end use; 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; vii) The extent to which the effects of remediation are acceptable; and viii) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land. <p>Note 1: Reference to the Ministry for the Environment's Contaminated Land Management Guidelines No.'s 1-5 will assist applicants in achieving compliance with the criteria set out above.</p>

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14.10.21	Hazardous Substances	<p>Any activity is a Permitted Activity if:</p> <p>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:</p> <p>b) The aggregate quantity of hazardous substances 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</p> <p>c) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i. Trade waste in a wastewater or waste treatment facility; or ii. Road materials within a road reserve; or iii. Domestic storage and use of consumer products for domestic purposes; or iv. Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v. Gas or oil pipelines and ancillary equipment; or vi. Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii. Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii. Fire-fighting substances on emergency vehicles; or ix. Electricity transformers, capacitors and switches up to 600 litres; or 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 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 <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>Note 1: 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>Note 2: 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>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ol style="list-style-type: none"> i) The proposed site and layout, with a description of the nature and scale of the proposed facility and associated operations; ii) Location, type and quantities of hazardous substances involved; iii) Site drainage and off-site infrastructure (e.g. drainage type and capacity); iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the environment potentially affected; v) Transport of hazardous substances on and off the site, mode and route selection; vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies); vii) Separation distances from water bodies, coastal water, neighbouring activities and people potentially at risk from the hazardous facility, including consideration of the proximity to people-oriented activities (e.g. child care, education facilities, rest homes, hospitals); viii) Potential cumulative or synergistic effects within the site and the locality; ix) The presence or otherwise of natural hazards which could adversely influence the inherent risks from a hazardous facility to the environment; x) The extent to which alternative locations and methods have been considered; xi) Hazard and risk analysis; xii) Management of wastes containing hazardous substances; xiii) Proposed contingency measures and emergency plans; xiv) Proposed monitoring and maintenance schedules; and xv) Any consultation, assessment or responses received from the New Zealand Fire Service.

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14.10.22	Radioactive materials	<p>Any activity is a Permitted Activity 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 site 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 hazardous substances involved;</p> <p>iii) Site drainage and off-site infrastructure (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 environment 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, coastal water, neighbouring activities and people potentially at risk from the hazardous facility, including consideration of the proximity to people-oriented activities (e.g. child care, education facilities, rest homes, hospitals);</p> <p>viii) Potential cumulative or synergistic effects 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 maintenance schedules;</p> <p>xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; and</p> <p>xiv) Proposed methods to achieve Hazardous Substances and New Organisms compliance.</p>
14.10.23	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 lux, measured at any point on boundary of any Residential Zoned site or at the notional boundary of any Rural or Maori Purpose Zoned site.</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> <p>i) The orientation, strength, intensity, colour, or frequency of flashing of the light; and</p> <p>ii) Effects on traffic and pedestrian safety.</p>
14.10.24	Signage (including signs on and adjacent to roads)	<p>The following signs are permitted:</p> <p>a) Any business sign advertising or providing information on the owner or occupier of any site, or any facilities, goods or services available from it; or</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 requiring authority. Any sign created by or with the written approval of the abovementioned authority for the purposes of carrying out its statutory functions; or</p> <p>c) Any temporary sign advertising or providing information on central or local government elections, cultural, social or sporting events, sites for development sale or auction; or</p> <p>d) Any verandah sign providing information on the owner or occupier of any site, or any facilities, goods or services available from it, provided that:</p> <ul style="list-style-type: none"> • Any 'under verandah' sign shall: <ul style="list-style-type: none"> – Be located at least 2.4m above ground level; – Have a maximum vertical dimension of not more than 450mm; – Extend no closer than a distance of 150mm to the fascia of the verandah; and – Be located not less than 2m from any other such sign or less than 1m from any part of a verandah on an adjoining property. • Any 'above verandah' sign shall: 	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> <p>i) The appropriateness of the type, location and size of the sign with regard to the character of the locality and surrounding area;</p> <p>ii) Whether the area of the sign is in scale with the activities or building development with which it is associated;</p> <p>iii) The number and location of other signs in the local vicinity;</p> <p>iv) The extent to which the sign is likely to unduly distract, or restrict motorists vision or interfere with the effective functioning of any traffic sign;</p> <p>v) The extent to which the sign is likely to unduly affect pedestrian safety;</p> <p>vi) The likely cumulative visual effect of allowing the sign to be erected; and</p> <p>vii) Whether the sign is visible from the State Highway and if so, NZ Transport Agency approval has been obtained.</p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<ul style="list-style-type: none"> - Be set back at least 300mm from the front of the fascia. • Any verandah fascia sign shall: <ul style="list-style-type: none"> - Not protrude more than 50mm from the fascia. <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> e) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained; or f) Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway network the approval of the NZ Transport Agency is also required. g) No sign shall be displayed or erected on a site in such a manner or position as to adversely affect traffic safety. 		
14.10.25	Vehicle Access and Driveways	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site; and b) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or <p>For vehicle crossings on to roads controlled by Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</p> <ul style="list-style-type: none"> c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane; and d) Each site shall be provided with and maintain a driveway to the following Standard: Formed with an all-weather surface; <ul style="list-style-type: none"> - For driveway of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m; - For an accessway or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m; - The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway; - Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standards); - Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010); - Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens towards the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with); - All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road; and - 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. <p>Note 1: 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</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> i) Whether and the extent to which the vehicle access and driveway meets the requirements of Performance Standards in Rule 14.10.25 or the Kaipara District Council Engineering Standards 2011; ii) The provision of safe, practical access for all persons and vehicles likely to need access to the site, including pedestrian, cycle, disabled, vehicular; iii) The expected vehicle operating speeds and methods of controlling speeds; iv) The adequacy of the Engineering Standards proposed and the ease of access to and from, and within, the site; v) Adequacy of sight distances at the vehicle crossing and along the access; vi) Possible measures or restrictions on vehicle movements in and out of the access; vii) Possible adverse effects on Council infrastructure or adjoining properties; 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; ix) Any traffic safety or congestion problems in the area; x) 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; xi) Any foreseeable future changes in traffic patterns in the area; and xii) Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010).

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>Agency.</p> <p>Note 2: Any changes in land use on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p>Note 3: Council will confirm engineering approval, as per Clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer.</p>		
14.10.26	Fire Safety	<p>Any building 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>Note 1: For fire safety, the New Zealand Fire Service recommends:</p> <ul style="list-style-type: none"> • That a fire sprinkler system is installed in accordance with either the ; <ul style="list-style-type: none"> ○ NZS 4517:2010 (Fire Sprinkler Systems for Houses); or ○ NZS 4541:2013 (Automatic Fire Sprinkler Systems); or ○ NZS 4515:2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m²) • That a sufficient water supply is provided if a sprinkler system is not being installed. <p>Fire and Emergency New Zealand can be contacted for further advice (www.fireandemergency.nz).</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> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment.</p>
14.10.27	Parking	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site;</p> <p>b) The number of on-site parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>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</p> <p>d) Parking spaces may be situated within a building provided the Council 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 gross floor area of that building for the purposes of assessing the total number of spaces required;</p> <p>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, any lake with an area greater than 8ha or the Coastal Marine Area or any mapped waterway or wetland in the Valued Natural Environments of Mangawhai, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet;</p> <p>f) Each parking space shall have adequate physical access to a road, 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 25: Parking, Loading and Manoeuvring;</p> <p>g) Control of Access - Any parking area 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 frontage not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided;</p> <p>h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street;</p>	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> <p>The nature of street or service land access available to the proposed parking and/or loading facilities;</p> <p>i) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent site;</p> <p>ii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</p> <p>iii) The nature of any special landscaping or pedestrian design features to be developed on the site;</p> <p>iv) The hours of operation of the proposed use and number of staff employees on shift work;</p> <p>v) The size and number of vehicles expected to use the site; and</p> <p>vi) Whether and the extent to which the proposed parking area is designed, constructed and adequately drained in accordance with the Performance Standards in Rule 14.10.27 or the Kaipara District Council Engineering Standards 2011.</p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <p>i) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>ii) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p>Note 1: Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or building to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p>

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>i) Screening of Parking Areas - Any parking associated with a Commercial or Industrial Activity shall be screened from residential sites by landscaping, fencing or other suitable screening at least 1.8m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity; and</p> <p>j) Formation of Parking Areas - Each parking area shall be formed and maintained with an all-weather surface which does not create a dust nuisance or permit vehicles to carry gravel, mud, stone or other deleterious material onto the road or street provided that any parking area within or adjoining a Residential Zone or Reserve shall be formed and maintained with a concrete or sealed surface;</p> <p>k) Control of Stormwater - 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 shall discharge into the Council's stormwater system or other approved outlets.</p>		
14.10.28	Loading	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site provides and maintain spaces for the loading and unloading of all goods generally associated with activities on the site;</p> <p>b) The number of on-site loading spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>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 Figures of Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum height of 4.25m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m;</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the building 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; and</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%.</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> <p>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</p> <p>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent site;</p> <p>iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</p> <p>v) The hours of operation of the proposed use and number of staff employees on shift work;</p> <p>vi) The size and number of vehicles expected to use the site; and</p> <p>vii) Whether and the extent to which the proposed loading area meets the requirements of the Kaipara District Council Engineering Standards 2011.</p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <ul style="list-style-type: none"> • The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or • A cash contribution to is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities. <p>Note 1: Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or building to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p>
14.10.29	Special Provisions	<p>(1) Land Administered by the Te Ture Whenua Maori Act 1993</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>		

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.30	Special Provisions	<p>(1) Lot 1 DP 341981, area marked A on Planning Map 55</p> <p>Any building or establishment of an activity of Lot 1 DP 341981 notated on Planning Map 55 as "A" will be a restricted discretionary activity and the Council's discretion will be limited to the matters over which the Council has retained discretion, and the assessment criteria set out in this Rule 14.10.30.</p>	Restricted Discretionary Activity	<p>Council will restrict its discretion to the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> a) Provision of infrastructure; b) Geotechnical issues; c) Access, parking and traffic management; d) Pedestrian and cycleway safety, connections and linkages; e) Landscape, visual connections and residential amenity; f) Reverse sensitivity; and g) Crime prevention through environmental design. <p>The Council will consider the following assessment criteria when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> a) Whether any built development (including car parking) is supported by a design statement (report) prepared by a suitably qualified professional; b) Whether the proposed development is serviced by adequate infrastructure for wastewater, stormwater, potable water, power and telephone; c) Whether the proposed development is supported by adequate geotechnical reports; d) Whether the design and layout of the proposed development provides for adequate access to the proposed buildings, sufficient onsite parking, internal access capability and access/egress from the main entrance(s) and whether such arrangements avoid adverse effects on the road network and neighbouring properties; e) The extent to which pedestrian and cycleway connections and visual links between Estuary, Molesworth and Norfolk Drives are provided for; f) Whether a landscape plan has been provided to demonstrate the provision of landscape amenity and/or to avoid remedy or mitigate adverse visual amenity effects for areas fronting the road boundaries, and/or the residential boundaries of the site; g) Whether buildings fronting the road boundaries of the site have active street frontages, and whether appropriate amenity is provided for with activities to be established in those areas; h) Whether the buildings are consistent with the Mangawhai Design Guidelines (sections 5 and 6 in particular); i) Whether the design of any building ensures that infrastructure services and communication devices are concealed and/or treated as part of the overall design of any building; j) Whether reverse sensitivity effects on adjacent residential areas are considered and addressed; k) Whether the Ministry of Justice National Guidelines on Crime Prevention through Environmental Design (CPTED) have been implemented in the design of buildings and infrastructure on the site; l) Whether opening hours sufficiently acknowledge the neighbouring residential area and whether there are measures to address any potential for disturbance and loss of amenity; m) Whether the use of those parts of the site lying closest to the neighbouring residential area recognises the potential to impact on those residents by for example, measures such as opening and/or operating hours, service deliveries and collection and lighting; and n) The extent of consultation that has been carried out with the local Iwi authority regarding any proposed removal of the former wastewater facility from the site.

(THE NEXT PAGE NUMBER WILL BE 14-21)

14.11 Controlled Business Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 14.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision - Serviced	<p>Subdivision within the Business Zone is a Controlled Activity if it meets the following terms for subdivision:</p> <p>(1) Commercial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay)</p> <p>a) Every proposed allotment has a minimum net site area of 250m² (excluding Network Utilities allotments); and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p>(2) Industrial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay)</p> <p>a) Every proposed allotment has a minimum net site area of 500m²(excluding Network Utilities allotments); and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p>(3) Industrial and Commercial Zones in an Overlay, where a connection to reticulated wastewater infrastructure is available</p> <p>a) Every proposed allotment has a minimum net site area of 1,000m²; and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.</p> <p>Note 1: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.</p> <p>Note 2: 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 Controlled Activity under this Rule, the following are the matters over which the Council reserves its control:</p> <p>General Subdivision</p> <p>i) Compliance with the Performance Standards for all subdivision contained in Section 14.13;</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"> - The subdivision complies with the requirements of the relevant Performance Standards in the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer; - Reticulated services, including telephone are able to be placed underground with minimal disturbance to vegetation and landform. Where possible, this will include electricity. 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. - Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8). <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity effects 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"> - The proposed lots to be able to comply with the Land Use Performance Standards in Section 14.10; - Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards; - The location of proposed allotment boundaries, building areas and driveways or right of ways avoids potential conflicts between incompatible land use activities; - The location of proposed allotment boundaries, building areas and driveways or right of ways avoids Maori heritage sites and features - Vegetated areas and riparian margins are protected from buildings and storage areas in the Mangawhai Harbour Overlay. <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"> - The number of entrance ways along a public road does not result in adverse effects on the safe and efficient operation of the roading network; - 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; <p>vi) The extent provision has been made for the exercise of matauranga maori 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"> - Financial contributions (refer to Chapter 22: Financial Contributions); - Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed; - Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements; - Provision for Esplanade Reserves and Strips; - 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; <p>Note 1: Where activities do not comply with the Performance Standards in Section 14.13, the specific assessment criteria for the Standard infringed contained within Section 14.13 need to be considered. This will result in the activity being assessed as a Discretionary Activity.</p> <p>Note 2: Where activities do not comply with the Performance Standards in Section 14.10 the specific assessment criteria and activity status contained within Section 14.10 will need to be considered.</p> <p>Note 3: 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>Note 4: Where these matters for control are identified in other Rules, such as 14.13.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will exercise its discretion.</p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<p>Note 5: The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.</p> <p>Note 6: 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>Note 8: 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"> • Within 90metres of an identified building platform on each lot; and • Existing or likely to be available at a time of development of the lot; and • Accessible and available all year round; and <p>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</p>
14.11.2	Boundary Adjustment	<p>Subdivision is a Controlled Activity if it meets the following terms for subdivision:</p> <ol style="list-style-type: none"> a) The minimum net site area of any proposed allotments created by the boundary adjustment is 250m² in the Commercial Zone or 500m² in the Industrial Zone, where sites can be connected to reticulated wastewater infrastructure; or b) The minimum net site area of any proposed allotments created by the boundary adjustment is 2,000m² where sites are not connected to reticulated wastewater infrastructure; and c) No additional allotments will be created; and d) The boundaries of two or more adjacent allotments are adjusted; and e) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and f) The proposed boundary adjustment can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. Any existing buildings or activities on the created lots comply with the Performance Standards of Section 14.10 of this Chapter. <p>Note 1: 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 Controlled Activity under this Rule, the following are the matters over which the Council reserves its control:</p> <p>General Subdivision</p> <ol style="list-style-type: none"> i) The matters for control listed in Rule 14.11.1; and ii) The extent to which a proposed boundary will provide for compliance with the Performance Standards in Section 14.10 in relation to the existing buildings, structures and services on site.

14.12 Restricted Discretionary Business Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
14.12.1	Subdivision Unserviced –	<p>Subdivision within the Business Zones is a Restricted Discretionary Activity if it meets the following terms for subdivision:</p> <p>Commercial and Industrial Zone (excluding Overlays)</p> <ol style="list-style-type: none"> a) While there is no minimum site area for sites with no connection to reticulated wastewater infrastructure, Performance Standard 14.13.6 will apply; and b) The proposed subdivision can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. <p>Note 1: 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, Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent.</p> <p>General Subdivision</p> <ol style="list-style-type: none"> i) The matters listed in Rule 14.11.1; ii) In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> – The subdivision is in accordance with adopted Design Guidelines; – 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; – The subdivision meets the Objectives of the Plan, particularly those of Chapter 3 and 14.

14.13 Performance Standards for All Business Subdivisions

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

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.1	Suitable Area Building	<p>Every allotment of less than 4ha on a subdivision:</p> <p>a) Contains a geotechnically stable building platform with a practicable access on which a building or structure and associated provision for parking and loading can be built so that there is compliance as a Permitted Activity with the relevant Performance Standards in Section 14.10 of this District Plan.</p> <p>Note 1: Council may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p>Council 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 building 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 subdivision will initiate or exacerbate natural hazards, 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 effects;</p> <p>v) Whether and the extent to which the location of building areas avoids Maori heritage sites and features;</p> <p>vi) If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay; and</p> <p>vii) Where a site is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment.</p> <p>Note 1: 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>
14.13.2	Road, Private Way and Property Access	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>(1) Property Access</p> <p>a) Every allotment within the subdivision is capable of having vehicular access to a road;</p> <p>b) Property access is formed where it is shared by two or more allotments;</p> <p>c) Vehicle access and driveways comply with Rule 14.10.25;</p> <p>d) No more than seven allotments are served by a private shared access;</p> <p>e) Driveways onto the road or private ways are located in a manner that will allow for the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>f) Driveways onto the road or private ways are located to provide adequate sight distances for the safe functioning of the vehicle crossing 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, development or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p>(2) Road, Private Way, Cycle Way and Property Access Formation</p> <p>a) Road vesting in accordance with the following requirements:</p> <ul style="list-style-type: none"> – Driveways serving eight or more allotments shall be by public road ; and – 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 – A cul-de-sac shall be provided at the end of any no-exit public road. 	Discretionary Activity	<p>Council 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 road or private way 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 subdivision;</p> <p>iii) Whether and the extent to which there is a the need for traffic control measures on the roads due to increased traffic from the subdivision;</p> <p>iv) Whether and the extent to which there is a the need for footpaths;</p> <p>v) Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;</p> <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 vehicle crossing 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 effects on Council infrastructure on adjoining properties;</p> <p>xii) Any foreseeable future changes in traffic patterns in the area (including future congestion);</p> <p>xiii) The provision made to mitigate the effects of stormwater runoff and any impact on roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;</p> <p>xiv) Whether and the extent to which the road, private way or property access complies with the Kaipara District Council Engineering Standards 2011 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 whether the consents of the NZ Transport Agency and /or New Zealand Railways Corporation is obtained.</p>

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				<p>Note 1: 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>
14.13.3	Provision for the Extension of Services	<p>The design and layout of the subdivision 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 roads to any adjoining land.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> i) Whether and the extent to which the subdivision is located close to existing settlements and avoids the need for provision of new or requirement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions; ii) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future; iii) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed; iv) Whether there is the need for land to be set aside and vested in the Council as a site for any public utility required to be provided; v) Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development; vi) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and vii) Whether and the extent to which the extension of services meet the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011. <p>Note 1: 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>
14.13.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <ul style="list-style-type: none"> a) The written approval of Council's Asset Manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the subdivision; b) All allotments are provided, within their net site area, with a connection to the Council water supply; and c) All water pipelines vested with Council shall be protected by an Easement in favour of Council. <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> a) Meet the requirements of the Building Act. 	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> i) Whether and the extent to which an adequate supply of water can be provided to every allotment being created on the subdivision, and its suitability for the likely land use, for example the installation of filtration equipment if necessary; 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; iii) Whether and the extent to which the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer; 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; 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; vi) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future; vii) Whether there is the need for land to be set aside and vested in the Council as a site for any public water supply utility required to be provided; viii) Whether there is the provision of practical vehicular access from a public road to and along any area

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				<p>vested with Council for water supply purposes;</p> <p>ix) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</p> <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>Note 1: 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>
14.13.5	Stormwater Disposal	<p>(1) Where available all allotments are provided, within their net site area, with:</p> <p>a) A connection to a Council-maintained stormwater system; or</p> <p>(2) Where no Council system is available:</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 buildings and from all impervious surfaces, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment in accordance with the Kaipara District Council Engineering Standards 2011.</p> <p>Note 1: Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p>Note 2: 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>Note 3: 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>Council 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 contaminants, 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 allotments;</p> <p>iv) Whether and the extent to which measures are necessary in order to give effect to any drainage or Catchment Integrated Development that has been prepared for the area;</p> <p>v) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</p> <p>vi) Whether and the extent to which the stormwater infrastructure within the subdivision, is able to link with existing disposal systems outside the subdivision;</p> <p>vii) Whether and the extent to which the development meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</p> <p>viii) Whether there is a need for land to be set aside and vested in the Council as a site for any public utility required to be provided;</p> <p>ix) Whether there is provision of practical vehicular access from a public road 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; and</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>Note 1: 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>
14.13.6	Wastewater Disposal	<p>(1) Where a Council reticulated sewerage system is available:</p> <p>a) The written approval of Council's Asset Manager is obtained and provided with the application to confirm that the Council wastewater system can be extended to serve the subdivision;</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system;</p>	Discretionary Activity	<p>Council 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 reticulated system is adequate to serve the proposed subdivision;</p> <p>ii) Whether there is sufficient land available for wastewater disposal on site, minimum 2,000m² for unserviced sites;</p>

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		<p>c) The reticulated-wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and</p> <p>d) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a private/community reticulated wastewater system is proposed serving two or more sites, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards".</p> <p>(3) Where no Council or private/community reticulated wastewater system is available, all allotments are provided, within their net site area, with:</p> <p>a) 1,500m² area of land per commercial activity for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed; and</p> <p>c) Applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or Consent for discharges from the Northland Regional Council has been obtained).</p> <p>Note 1: Effluent discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p>Note 2: 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>iii) Whether and the extent to which the application includes the installation of all new reticulation, and that it complies with the provisions of the Kaipara District Council Engineering Standards 2011 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> <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 roads will be required under the Local Government Act;</p> <p>vi) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal systems is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a discharge permit issued by the Northland Regional Council;</p> <p>vii) Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title pursuant requiring individual allotments 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 contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any Consent Notices to ensure compliance;</p> <p>ix) The need for and extent of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters;</p> <p>x) Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</p> <p>xi) The provision of practical vehicular access from a public road to and along any area vested with Council for wastewater purposes; and</p> <p>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</p> <p>Note 1: 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>
14.13.7	Energy Supply	<p>All allotments are provided with:</p> <p>a) A connection to a reticulated electrical supply system at the boundary of the net site area.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether the proposed reticulation system to be installed by the subdivider will have adequate capacity for the likely development;</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 maintenance;</p> <p>iii) Whether undergrounding of infrastructure has been undertaken;</p> <p>iv) Whether there is a need for a local purpose reserve to be set aside as a site for any public utility required to be provided;</p> <p>v) Whether the proposed reticulation system will have potential adverse effects on amenity values; and</p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed.</p> <p>Note 1: 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>

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

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				xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner boundary would not be appropriate; and xv) Council's ability to maintain a reserve.
14.13.10	Esplanade Reserves for Lots More Than 4ha	<p>The Council has determined in accordance with the empowering provisions in Section 77 of the Resource Management Act 1991 that a 20m wide esplanade reserve or strip is to be set aside where an allotment of 4ha or more is created in the following circumstances:</p> <p>a) The lot itself contains land, or adjoins a section of the Coastal Marine Area, a lake or river, which has important recreational values and where:</p> <ul style="list-style-type: none"> – Public access is either currently available to the waterbody and associated margins or where there is reasonable likelihood of such access being available in the future from a road, access strip or reserve including an adjacent esplanade reserve; or – In respect of the Coastal Marine Area public access is currently available to the foreshore from the water and it can be used for the landing of small craft. <p>b) The lot adjoins a section of the Coastal Marine Area which is subject to serious wave or wind induced erosion or other natural hazard processes and where:</p> <ul style="list-style-type: none"> – Formal reservation of the land is considered appropriate by the Council following consultation with the Northland Regional Council. <p>c) The lot itself contains land, or adjoins a portion of the Coastal Marine Area, a lake or river which has significant indigenous vegetation and significant habitats of indigenous fauna or supports the habitat of trout, and where:</p> <ul style="list-style-type: none"> – Formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and – 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 1991. <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"> – Formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and – The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land. <p>Note 1: For the purpose of this Rule, "significant" refers to either:</p> <ul style="list-style-type: none"> • All those sites 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 • In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology (Appendix 25G) 	Discretionary Activity	<p>Council 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 esplanade reserve or strip:</p> <ol style="list-style-type: none"> i) The topography of the land concerned including a plan showing contours where appropriate; ii) The present use of the land and the location of any structures on or adjacent to the required esplanade reserve or strip; iii) The conservation values of the land and adjacent waterbody including a description of the vegetation and associated wildlife present; iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity; v) The liability of the land to erosion, flooding and other natural hazards; vi) The water quality enhancement values of the land and associated vegetation cover; vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the subdivision where relevant; viii) Whether a waiver or reduction will ensure the security of private property or the safety of people; 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"> – A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation); – 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); – A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement; x) Where waahi tapu or other culturally significant sites are present and creation of an esplanade reserve or strip and associated public access would be inappropriate; and 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>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> <ol style="list-style-type: none"> ii) 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 xiii) Where unrestricted public access could adversely affect conservation management programmes; xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner boundary would not be appropriate; and xv) Council's ability to maintain an esplanade reserve.

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14.13.11	Esplanade Areas on Road Stopping	<p>a) Circumstances where an esplanade strip may be used instead of an esplanade reserve</p> <ul style="list-style-type: none"> - The requirements in Section 345 of the Local Government Act 1974 relating to the setting aside of an esplanade reserve when a road is stopped may be replaced by a requirement to create an esplanade strip where unrestricted public access could restrict conservation. <p>b) Circumstances when an esplanade reserve or strip less than 20m wide or where no esplanade reserve or strip may be required</p> <ul style="list-style-type: none"> - The width of any esplanade reserve or strip required under Section 345 of the Local Government Act 1974 or this District Plan when a road is stopped may be reduced from 20m or waived altogether where one or more of the circumstances in Section 14.13.10 exist. <p>c) Circumstances when an esplanade reserve or strip more than 20m wide may be required</p> <ul style="list-style-type: none"> - The width of any esplanade reserve or strip required when a road is stopped under section 345 of the Local Government Act 1974 or this District Plan may be increased from 20m when one or more of the circumstances in Section 14.13.11 exist. 	Discretionary Activity	Any request to Council to consider the provision of an esplanade reserve or strip greater or less than 20m wide when a road is stopped is to be made taking into account the Assessment Criteria in Sections 14.13.9(i)-(xv) inclusive and 14.13.10 (i)-(xv) inclusive.