

## 15A Maori Purposes: Maori Land

### 15A.1 Introduction / Resource Description

Maori Land is land owned by Maori and administered by the Maori Land Court under Te Ture Whenua Maori Act 1993 (Maori Land Act). It is essentially land which has never passed out of Maori ownership and is often held by a particular hapu or whanau. The term Maori Land refers to both Maori Customary Land and Maori Freehold Land. Maori Customary Land is that for which the ownership has never been determined and is accordingly not held in a Title. It is vested in the Crown but held by Maori and managed accordingly to tikanga Maori (traditional customs and uses). Maori Freehold Land is land owned by Maori people but is not Maori Land in the technical sense although it is sometimes administered by the Maori Land Court under Sections of the Maori Land Act. Transactions involving Maori Land are required to be dealt with by the Maori Land Court and the land cannot be removed from Maori ownership without the Court's approval.

Accordingly, Maori Land is administered and regulated under a separate system to land held in general Title. The unique nature of Maori Land is characterised by:

- Additional legislative requirements and controls under the Maori Land Act;
- Uncertainties in land succession;
- Multiple ownership;
- Difficulty in access;
- Cultural and spiritual values and the relationship of Maori to their ancestral land; and
- Land uses unique to the Maori culture.

Council is committed to working with others including government, Maori Land Court, Quotable Value NZ, other Councils and Te Puni Kokiri to find solutions to the challenges facing Maori Land. Given the unique legislative, managerial and cultural requirements of Maori Land, a separate Zone for Maori Land has been applied in the Kaipara District. Council is committed to working with others including government, Maori Land Court, Quotable Value NZ, other Councils and Te Puni Kokiri to find solutions to the challenges facing Maori Land.

Hapu and iwi consider all land within their traditional rohe to be ancestral land even though the vast majority has been progressively alienated from Maori ownership since the time of colonisation. This alienation is a major contributing factor in the position of Maori in most socio-economic statistics.

Council recognises Maori have a special relationship with their ancestral land. It is not seen in terms of its productive or commercial value alone. For Maori it is taonga tuku iho, heritage from the past for present and future generations, establishes tribal and personal identity, is a resting place for the dead and an important source of spiritual strength.

The Kaipara District contains around 230 blocks of Maori Land. They vary in size with the largest being the 2,981ha Pouto Topu A Block on the Pouto Peninsula. The combined area of Maori Land is around 9,600ha which represents just over 3% of the total District Land Area. Although blocks of Maori Land are present across the District they tend to be concentrated in a few localities. These localities are Waipoua, Kaihu, Pouto, Ounawhao, Tinopai and Oruawharo.



### 15A.2 How to Use This Chapter of the District Plan

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

As long as the Standards are met, landowners have flexibility on what activities they do on their property. For example, Marae and Papakainga are permitted on Maori Land so long as they meet the Performance Standards for matters such as noise, density, setbacks, height, access, traffic generation, earthworks etc. However, if someone proposes development or activities that do not meet the Standards, they will need to apply to do the work (lodge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done.

Maori Land in the Kaipara District has Rules specifically designed to address the unique characteristics of Maori Land

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

- ☑ That the property for development is located in this Zone (Map Series 1).
- ☑ If the property has an environmental overlay on it (Map Series 1); and
- ☑ 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 15A-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Maori Land Zone.

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 15.10 in this Chapter. If you don't meet these Standards your proposal will need Resource Consent to allow you to do it.

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 15A.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'.

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

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.

### 15A.3 Providing for Maori Activity

Specific Maori activities anticipated in the Maori Land Zone include marae and papakainga. These activities support the trend in recent years of the return of Maori people to their land. This trend is expected to continue.

Papakainga is generally a cluster of homes on Maori Land and is traditionally viewed as being more than housing, rather it is a place provided to enhance whanau or hapu economic, social, cultural and environmental wellbeing.

It is expected that papakainga will be supported by buildings, facilities or structures which enable Maori to live on their land including kaumatua housing, kohanga reo or kura, recreational facilities, whare karakia or urupa as well as small scale retail/commercial use.

It is noted that the Maori Land Court is responsible for determining applications for partition or subdivision of Maori Land under Te Ture Whenua Act 1993, accordingly, no subdivision provisions are included in the District Plan for Maori Land.

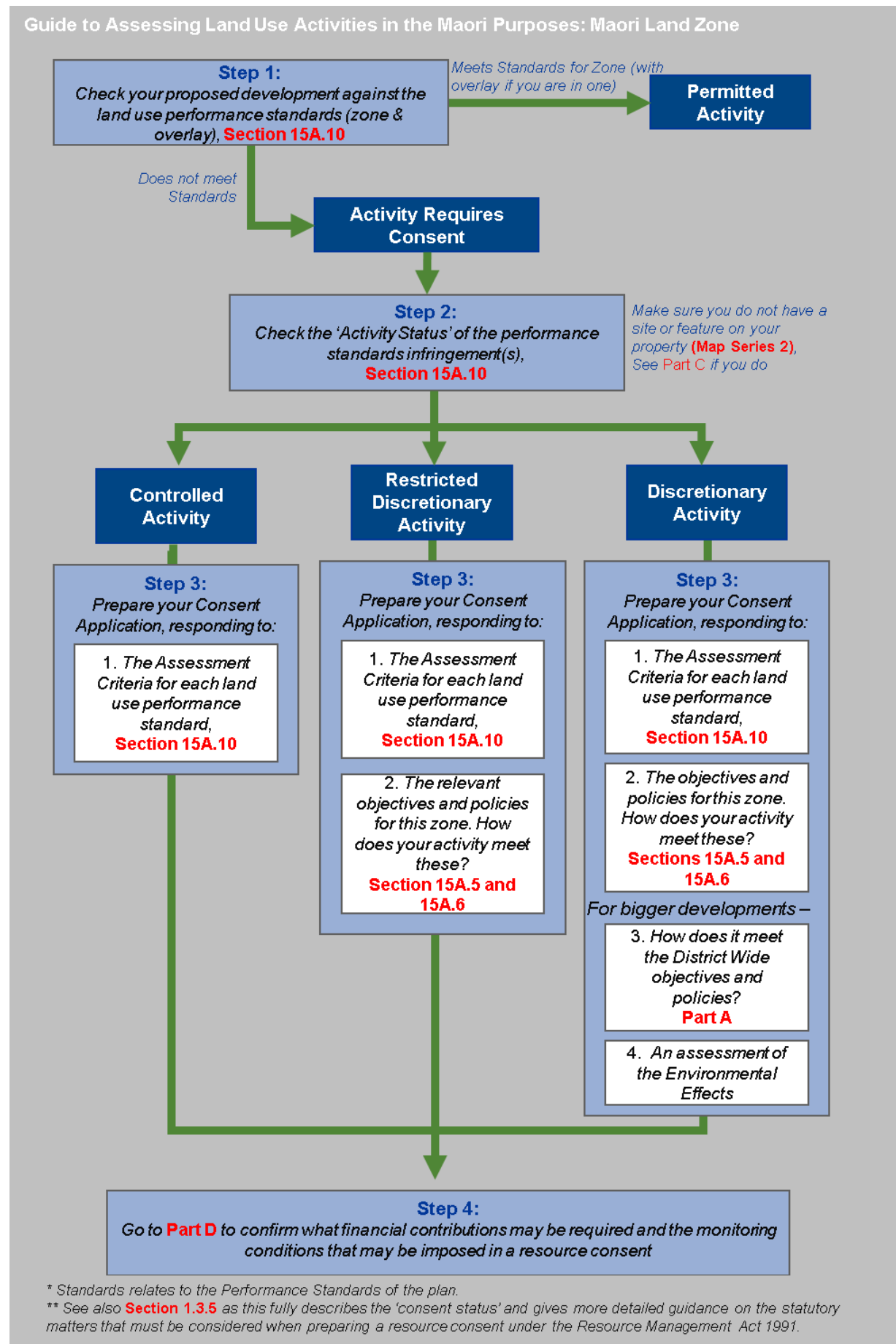
Chapters 3 and 4 identify the outcomes being sought in the Zones and Overlays

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

Specific Maori Land uses anticipated on Maori Land include Marae and Papakainga

Papakainga is housing for Maori on Maori Land

Figure 15A-1: How to Use this Chapter: Activity



## 15A.4 Maori Land Issues

### 15A.4.1 Current use of Maori Land may not provide for the social and economic wellbeing of Tangata Whenua over time.

*Under-utilisation of Maori Land often occurs as a result of complex tenure arrangements, a shortage of empowered kaitiaki and restricted access. A shortage of empowered kaitiaki to actively manage Maori Land does not help matters. Rules need to provide a flexible approach to enable the most sustainable land use.*

### 15A.4.2 Marae are for the community in partnership with mana whenua and need to provide for a mix of activities to enable them to function as centres of cultural, social and economic activity.

*Marae are not used exclusively by Maori but are also used as meeting places, evacuation centres or social support service areas during emergencies such as floods and severe storms and as venues for a wide range of community events. A mix of activities is required to enable the marae to develop its focus as the centre of te ora tangata (social, educational, health, cultural and economic) activities.*

### 15A.4.3 In order for Tangata Whenua to return to their ancestral land in a safe and sustainable manner appropriate employment, housing and associated infrastructure is required.

*Many buildings in the Maori Land Zone are old and in disrepair, often with inadequate infrastructure. New development should address inadequacies in existing infrastructure where possible, including safe access for emergency vehicles and the effective disposal of treated wastewater. Investment in infrastructure is required as to fully realise economic opportunities.*

### 15A.4.4 The ability of Tangata Whenua to exercise their rights under Te Tiriti o Waitangi and to be kaitiaki under the Resource Management Act 1991.

*For Te Uri o Hau and Te Roroa the exercise of rangatiratanga and kaitiaki through the ability to manage and care for their lands and waters and their treasures, ecosystems, waahi tapu and other taonga using their own practices and customs is paramount. Tangata Whenua have a special relationship with their ancestral lands and need a degree of autonomy as long as adverse effects beyond the boundaries of Maori Land are avoided, remedied or mitigated as appropriate.*

### 15A.4.5 The ability of Tangata Whenua to utilise matauranga maori and tikanga to avoid, remedy and mitigate actual or potential effects on the environment resulting from changes in land use and development.

*If not undertaken appropriately any change in land use or development has the potential for adverse effects. Maori have numerous mechanisms for managing adverse effect on their land resulting from land use activity and development. These include rahui, used as dictated by matauranga maori (traditional environmental knowledge) and tikanga (policies, procedures and processes for implementation). These should be considered by Council when assessing applications for Resource Consent for use or development of Maori Land.*

## 15A.5 Maori Land Objectives

### 15A.5.1 To enable Maori of the District to maintain and enhance their culture, traditions, economy and society, in order that their wellbeing (mauri), health (waiora) and ability to implement the Principles of the Treaty of Waitangi.

Issues 15A.4.1 and 15A.4.4 and 15A.4.5

### 15A.5.2 To enable the development and maintenance of new and existing papakainga and marae.

Issues 15A.4.2 and 15A.4.3 and 15A.4.4

### 15A.5.3 To enable the use and development of Maori Land in a manner which allows Tangata Whenua to provide for their social, economic, and cultural wellbeing while safeguarding ecosystems and sustaining important sites and resources.

Issues 15A.4.1 and 15A.4.5

## 15A.6 Maori Land Policies

### 15A.6.1 By encouraging the settlement and utilisation of Maori Land in accordance with matauranga maori and tikanga.

*Traditional environmental practices such as rahui, used as dictated by matauranga maori (traditional environmental knowledge) and tikanga (policies, procedures and processes for implementation) have been used by Tangata Whenua to guide settlement patterns in the Kaipara District for centuries.*

*The active use of these practices will also support the improvement of cultural knowledge and wellbeing between generations and the concept of Maori kaitiakitanga over the land.*

Objectives 15A.5.1 and 15A.5.3

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

### 15A.6.2 To provide Tangata Whenua the opportunity to establish papakainga and marae as they consider appropriate, subject to compliance with relevant Performance Standards, particularly Health and Safety Standards, while ensuring that the physical needs of the settlement, in terms of access, water supply and stormwater and wastewater disposal can be met without adverse effects on the environment.

Objective 15A.5.2

*Papakainga and marae, can be designed and managed in a manner that avoids remedies or mitigates effects external to the site. Appropriately designed papakainga and marae are necessary for Maori to be re-associated with their ancestral lands. Existing papakainga and marae need to be able to expand and existing housing stock to be upgraded or replaced as families return home. By returning control of internal design, amenity and living environments as far as possible to Tangata Whenua, and assessing any effects on amenity generally in terms of effects beyond the boundaries of the site, Council will provide Tangata Whenua with the opportunity to exercise their kaitiakitanga over their lands.*

### 15A.6.3 By recognising existing and future marae as central and essential to Maori culture, tradition, society and economy and of benefit to the District as a whole.

Objectives 15A.4.2 and 15A.4.3

*Marae on Maori Land are central to Maori culture and recognition of the role they play in this regard is a matter of national importance in Part 2 of the Resource Management Act 1991. They play an important part in supporting the social and cultural wellbeing of Maori.*

### 15A.6.4 By providing assistance to landowners to protect and enhance sites, resources and features of cultural value (e.g. waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga kaimoana and taonga raranga).

Objectives 15A.5.1 and 15A.5.3

*Providing for the protection and enhancement of sites, resources and features of cultural value is important to Maori and the wider community. This policy will be effective during the development of land containing aspects of value to Maori where proactive dialogue between Council and iwi concerning the protection and management of valued resources and features will be initiated.*

### 15A.6.5 By providing for a range of activities, particularly where they can demonstrate a better environmental outcome than the existing land use, including enhancement of significant habitats and sites (e.g. waahi tapu) and protection of important values and characteristics.

Objectives 15A.5.1 and 15A.5.3

*Tangata Whenua desire improved environmental outcomes during development of Maori Land. This will be achieved through Resource Consent conditions that are respectful of traditional practices and access to incentives such as the biodiversity fund.*

### 15A.6.6 By empowering kaitiaki to monitor the environmental effects of Maori Land use and development using culturally appropriate mechanisms and processes

Objectives 15A.5.1 and 15A.5.3

*Monitoring the effects of established development is an important part of providing Maori with Kaitiakitanga over Maori Land. This gives Tangata Whenua more flexibility and autonomy in managing the effects of established development on their land. Kaitiakitanga is of high importance to Tangata Whenua and specifically provided for in the Resource Management Act 1991.*

### 15A.6.7 By providing flexibility for use and development of Maori Land that results in a pattern and density of land use appropriate to the locality (including sensitive receiving environments and neighbours) and in accordance with matauranga maori and tikanga.

Objectives 15A.5.1 and 15A.5.3

*Kaitiakitanga is also further provided for when utilising traditional practices in the development of Maori Land. This gives Tangata Whenua more flexibility and autonomy in managing their land. This is of high importance to Tangata Whenua and specifically provided for in the Resource Management Act 1991.*

## 15A.7 Methods

The above Policies will be implemented through the following Methods:

### 15A.7.1 District Plan Methods

**15A.7.1.1 The use of Rules which provide for papakainga and marae expansion, upgrade and development, subject to compliance with relevant Performance Standards and Assessment Criteria.**

**15A.7.1.2 The use of Rules which allow for a range of activities within the Maori Land Zone, subject to compliance with relevant Performance Standards and Assessment Criteria.**

**15A.7.1.3 Conditions imposed on approved Resource Consents where appropriate.**

**15A.7.1.4 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).**

**15A.7.1.5 On-going monitoring of approved Resource Consent requirements.**

**15A.7.2 Other Methods**

**15A.7.2.1 Provide information on values associated with properties e.g. landscapes, cultural, ecological sites etc.**

**15A.7.2.2 Promotion of voluntary protection mechanisms regarding heritage, cultural, ecological and landscape areas/items (e.g. Biosecurity Fund and Heritage Assistance Fund) as identified in the Kaipara District Council's Annual Plan and Long Term Plan.**

**15A.7.2.3 Educational material/guidelines that demonstrate methods for avoiding, remedying or mitigating potential adverse effects of subdivision and development.**

**15A.7.2.4 The Kaipara District Council Engineering Standards 2011.**

**15A.7.2.5 Industry Codes of Practice or Environmental Manuals relevant in the Maori Land Zone, which can be used as guidelines for setting conditions on Resource Consents.**

**15A.7.2.6 Assistance with investigations into the sustainable utilisation of Maori Land.**

**15A.7.2.7 Requirements under other legislation, including:**

- Local Government Act 2002;
- Local Government (Rating) Act 2002;
- Building Consents under the Building Act 2004;
- National Environmental Standards;
- Kaipara District Council Bylaws;
- Te Uri o Hau Claims Settlement Act 2002; and
- Te Roroa Claims Settlement Act 2008.

**15A.7.2.8 Other relevant documents:**

- The Kaipara Long Term Plan;
- Historic Places Act 1993;
- Regional Plans / Policy Statements;
- Kaipara District Council Reserves and Open Space Strategy;
- Te Uri o Hau Deed of Settlement 2000;
- Te Roroa Deed of Settlement 2005;
- Draft Te Roroa Iwi Environmental Policy Document 2008; and
- Memoranda of Understanding with Te Uri o Hau and Te Roroa.

**15A.7.2.9 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).

**15A.8 Maori Land Outcomes**

**15A.8.1 The ability for re-association of Tangata Whenua with ancestral land.**

[Issue 15A.4.1 and 15A.4.3](#)

**15A.8.2 Maori Land is utilised in a sustainable and culturally appropriate manner.**

[Issues 15A.4.2, 15A.4.4 and 15A.4.5](#)

**15A.8.3 The cultural values associated with Maori Land are protected and enhanced.**

[Issue 15A.4.4 and 15A.4.5](#)

**15A.8.4 Maori Land is appropriately developed to provide suitable buildings served by effective infrastructure.**

[Issues 15A.4.2 and 15A.4.3](#)

**15A.8.5 Maori Land is developed in a way that provides for the social, economic and cultural benefit of Tangata Whenua.**

[Issues 15A.4.1 and 15A.4.2](#)

**15A.9 Maori Land Rules**

- a) 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
- b) 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, the Rules in Chapters 10 and 11 (respectively) will take precedence.

**15A.9.1 Permitted Activities**

The following activities shall be Permitted in the Maori Land Zone:

- a) Any activity complying with the Performance Standards listed in Section 15A.10 of this Chapter; and
- b) Any activity which is not identified elsewhere in this Plan as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity.

**15A.9.2 Controlled Activities**

The following activities shall be Controlled in the Maori Land Zone:

- a) Any activity that does not meet any Performance Standard listed in Section 15A.10 that is listed as a Controlled Activity; and
- b) Any activity which does not meet any Performance Standard listed in Section 15A.10 of this Chapter and is listed as a Controlled Activity.

**15A.9.3 Restricted Discretionary Activities**

The following shall be Restricted Discretionary Activities in the Maori Land Zone:

- a) Any activity which does not meet any Performance Standard listed in Section 15A.10 of this Chapter and is listed as a Restricted Discretionary Activity.

**Note 1:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 15A.10 of this Chapter and the relevant Objectives and Policies that relate to the matters for which discretion has been restricted.

**15A.9.4 Discretionary Activities**

The following shall be Discretionary Activities in the Maori Land Zone:

- a) Any activity which does not meet any Performance Standards listed in Section 15A.10 of this Chapter and is listed as a Discretionary Activity.

Applications for Discretionary Activities will be assessed against, but not restricted to, the assessment criteria listed in Section 15A.10 of this Chapter and the Objectives and Policies of this Chapter.

**15A.9.5 Non-Complying Activities**

No activity shall be Non-Complying in the Maori Land Zone.

## 15A.10 Performance Standards Maori Land

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.1 a	Excavation and Fill	<p><b>Subject to the exclusions in (7) below, <i>Excavation and fill</i> is a <i>Permitted Activity</i> if:</b></p> <p>a) The <b>site</b> is not within any area known to be erosion prone, subject to instability, or flood hazards; and</p> <p>b) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within 6 months of the earthworks being completed; and</p> <p>c) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; and</p> <p>d) The site is not located within an Outstanding Natural Landscape, identified on Map Series 2.</p> <p><b>(1) Maori Purposes: Maori Land Zone</b></p> <p>a) The works are within 6m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period;</p> <p>Or</p> <p>b) The works are located a minimum of 6m from the bank of any lake, river or edge of any wetland and the volume is less than 5,000m<sup>3</sup> within a site, in any 12 month period;</p> <p><b>(2) East Coast and West Coast and Harbour Overlays</b></p> <p>a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m<sup>3</sup> and the area is less than 300m<sup>2</sup> in any 12 month period; or</p> <p>b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 2,500m<sup>3</sup> and the area is less than 2,500m<sup>2</sup> in any 12 month period; and</p> <p>c) The <b>height</b> or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p><b>(3) Kaipara Harbour Overlay</b></p> <p>a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period; or</p> <p>b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 2,500m<sup>3</sup> and the area is less than 2,500m<sup>2</sup> in any 12 month period; and</p> <p>c) The <b>height</b> or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p><b>(4) Mangawhai Harbour Overlay</b></p> <p>a) The works are within 300m of the CMA and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m<sup>3</sup> and the area is less than 300m<sup>2</sup> in any 12 month period; or</p> <p>b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period; and</p> <p>c) The <b>height</b> or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p><b>(5) Kai Iwi Lakes Overlay</b></p> <p>a) The works are not within 6m of the bank of any lake, river or edge of any wetland and the volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period; and</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p><b>(6) Except that the following are Permitted Activities throughout the Maori Land Zone, including Overlays:</b></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Whether <b>Building</b> Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) Machinery to be used and hours of operation;</p> <p>iii) <b>Effects</b> on the locality, particularly the character and <b>amenity values</b> of adjoining <b>sites/land</b> uses;</p> <p>iv) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> as defined by the criteria listed in Appendix 25G;</p> <p>v) Effects of <b>excavation</b> related traffic on the safety and efficiency of the <b>road</b> network and on the amenity of <b>dwelling</b>s on adjoining land;</p> <p>vi) Effects on landscape and heritage values;</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</p> <p>viii) The extent to which the works meet the requirements of the performance standards in Rule 15a.10.1a or the <b>Kaipara District Council Engineering Standards 2011</b>;</p> <p>ix) Effects of dust and noise on sensitive receivers;</p> <p>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;</p> <p>xi) Effects on cultural and heritage values (as defined in Chapter 17), including any consultation has been undertaken with <b>Tangata Whenua</b> as appropriate;</p> <p>xii) The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6,7,8 and 17;</p> <p>xiii) Any effects on the integrity of the electricity transmission line; and</p> <p>xiv) The volume, area and location of the works, including temporary activities such as:</p> <ul style="list-style-type: none"> <li>- Stockpiles;</li> <li>- Timing of the works;</li> <li>- Site remediation;</li> <li>- The use of mobile machinery near transmission line which may put the line at risk;</li> <li>- Compliance with New Zealand Electrical Code of Practice 34:2001; and</li> <li>- Outcomes of any consultation with any relevant network operator.</li> </ul> <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> <p>xv) Details of the location and form of earthworks proposed on a site, including volume, area affected and <b>height</b> of any excavation or fill;</p> <p>xvi) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and <b>wetland</b> areas, water bodies and the <b>Coastal Marine Area</b>;</p> <p>xvii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded <b>archaeological sites</b> and registered <b>historic places</b>, historic areas and <b>waahi tapu</b>, and the need for an archaeological-historic places site survey of the area to be developed;</p> <p>xviii) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>a) Excavation and fill associated with forestry operations, is controlled by the National Environmental Standard for Planation Forestry Regulations 2017;</p> <p>b) Network utilities, except where a site or feature is identified in Part C of the Plan;</p> <p>c) Underground storage tanks except where a site or feature is identified in Part C of the Plan.</p> <p>d) <b>Normal Rural Practices.</b></p> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p> <p><b>Note 4:</b> For the purpose of clarity the standards of this Rule for the Maori Purposes: Maori Land Zone apply to Overlays unless alternative standards are explicitly stated.</p>		<p>xix) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>xx) A record of any consultation with any property owners or occupiers whose property is within 200m of the proposed activity;</p> <p>xxi) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>xxii) Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>xxiii) A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retailing, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site;</p> <p>xxiv) 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>xxv) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>xxvi) 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>xxvii) The methods for controlling erosion and sedimentation on site;</p> <p>xxviii) The staging of the mine or quarry;</p> <p>xxix) 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>xxx) The methods to be employed to control the effects of dust and debris on site;</p> <p>xxxi) The methods to be employed to control the effects of noise and vibration on site;</p> <p>xxxii) 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>xxxiii) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by “<b>normal rural practice</b>”</p> <p><b>Note 1:</b> A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding.</p> <p><b>Note 2:</b> Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent Applications.</p> <p><b>Note 3:</b> Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.</p> <p><b>Note 4:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.1b	Excavation and Fill in an Outstanding Natural Landscape	<p>(1) <b>Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</b></p> <p>a) The volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p>(2) <b>Except that Normal Rural Practices (as defined in Chapter 24 are Permitted</b></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The matters for which it has limited its discretion listed under Rule 15A.10.1a; and</p> <p>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with</p>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><b>Activities).</b></p> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>		<p>the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.2a	Indigenous Vegetation Clearance	<p>Subject to the exceptions provided in (5) below, clearance or removal of indigenous vegetation outside an overlay area is a Permitted Activity if:</p> <p><b>(1) Maori Purposes: Maori Land Zone</b></p> <p>a) It is not located within an <i>indigenous wetland</i>; and</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in <i>height</i> and over 1 hectare in area;</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(2) East Coast and West Coast and Kaipara Harbour Overlays</b></p> <p>a) It is not located within an indigenous wetland; 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 6m in height and greater than 1,000m<sup>2</sup>; and</p> <p>c) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p>d) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan.</p> <p><b>(3) Mangawhai Harbour Overlay:</b></p> <p>a) It is not located within an indigenous wetland; and</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(4) Kai Iwi Lakes Overlay</b></p> <p>a) It is not located within an indigenous wetland; and</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Extent of <i>vegetation clearance</i> proposed relative to total vegetated area;</p> <p>ii) Whether any affected area of <i>indigenous vegetation</i> is naturally occurring or has been artificially created;</p> <p>iii) <b>Effects</b> on the locality, particularly the rural character and <i>amenity values</i>;</p> <p>iv) Effects on ecological values and in particular its significance as a <i>site of ecological significance</i> or by reference to the criteria listed in Appendix 25G;</p> <p>v) Whether and the extent to which revegetation using <i>eco-sourcing</i> of native plants is proposed as part of the <b>development</b>;</p> <p>vi) Effects on landscape and heritage values;</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</p> <p>viii) Effects on water bodies, including <i>wetlands</i> and particularly sensitive <i>receiving environments</i> of the harbours and <i>lakes</i>;</p> <p>ix) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps;</p> <p>x) The extent to which the activity may adversely affect cultural and spiritual values;</p> <p>xi) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform;</p> <p>xii) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area;</p> <p>xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor;</p> <p>xiv) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy;</p> <p>xv) If located in an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>xvi) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan managing the values of the District, including but not limited to Chapters 2, 3, 6, 7, 8 and 17; and</p> <p>xvii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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		<p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(5) Except that the following are Permitted Activities throughout the Maori Purposes: Maori Land Zone, including the Overlays, and are excluded from the Standards of 15A.10.2a(1) and 15A.10.2a(2), 15A.10.2a(3) and 15A.10.2a(4):</b></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 total clearance within a site is no more than 500m<sup>2</sup> where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing <b>farming</b> or <b>forestry</b> activities; or</p> <p>c) The clearance is for the maintenance of an open or clear space within an area defined by 20m of an existing <b>dwelling</b> or <b>building</b>; or</p> <p>d) The removal is of trees that are a danger to human life or existing <b>structures</b> (including network utilities); or</p> <p>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</p> <p>f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</p> <p>g) It is part of the operation and maintenance of network utilities, or is necessary to protect electric lines required to meet the Electricity (Hazards from Trees) Regulations 2003;</p> <p>h) The clearance is for the creation and maintenance of firebreaks; or</p> <p>i) The vegetation or tree comprises the understory directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations which is controlled by the National Environmental Standard for Planation Forestry Regulations 2017; or</p> <p>j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or forest sink covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations, the latter which is controlled by the National Environmental Standard for Planation Forestry Regulations 2017 ; or</p> <p>k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland contain minimum Standards for erosion and sediment control resulting from land disturbance. <b>Vegetation clearance</b> activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> For the purpose of clarity the standards of this Rule for the Maori Land Zone apply to Overlays unless alternative standards are explicitly stated.</p> <p><b>Note 4:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>		



Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.2b	Indigenous Vegetation Clearance in an Outstanding Natural Landscape	<p>The provisions in this chapter prevail over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in relation to plantation forestry activities.</p> <p><b>(1) Subject to the exceptions provided in (1) below, clearance or removal of indigenous vegetation within an Outstanding Natural Landscape is a Permitted Activity if:</b></p> <p>a) It is not located in an indigenous wetland; or</p> <p>b) It is not part of;</p> <p style="padding-left: 20px;">i. a continuous area of <i>predominantly indigenous vegetation</i> over 1 hectare in area; or</p> <p style="padding-left: 20px;">ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area.</p> <p><b>(2) Except that the following are Permitted Activities, and are excluded from the Standards of 15A.10.2b:</b></p> <p>a) The removal is in accordance with an existing use right; or (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels)</p> <p>b) The total clearance within a site is no more than 500m<sup>2</sup> where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or</p> <p>c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or</p> <p>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</p> <p>f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</p> <p>g) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003;</p> <p>h) The clearance is for the creation and maintenance of firebreaks; or</p> <p>i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</p> <p>j) It is in accordance with the terms of a Queen Elizabeth II National Trust, or other covenant, or forest sink, covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system; or</p> <p>k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The matters for which it has limited its discretion listed under Rule 15A.10.2a; and</p> <p>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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15A.10.3a	Dwellings (excluding Papakainga)	<p>Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) After completion, it will be the only dwelling on the <b>site</b>; or</li> <li>b) It will be an additional dwelling on the site, and there is a minimum of 4ha of <b>net site area</b> associated with each dwelling in the Maori Purposes Zone; or</li> <li>c) It will be an additional dwelling on the site, where: <ul style="list-style-type: none"> <li>i) there is a minimum density of 4 ha of net site area associated with each dwelling in the Maori Purpose Zone, which is calculated over more than one site; and</li> <li>ii) the sites used to calculate the minimum density requirement (other than the site on which the additional dwelling is built) are subject to a covenant protected by a registered first ranking encumbrance, in a form that is to the satisfaction of Council.</li> </ul> </li> </ul> <p><b>Note 1:</b> This Rule also applies to buildings relocated on to site.</p> <p><b>Note 2:</b> The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: <b>Historic Heritage</b> apply and subject to the Building Act.</p> <p><b>Note 3:</b> Each dwelling is also required to be assessed against the relevant Performance Standards contained in the Plan, including within Section 15A.10.</p> <p><b>Note 4:</b> Clause 1b) above will not apply if there is an encumbrance on the property in accordance with 1d) of this Rule.</p> <p><b>Note 5:</b> Clause 1d) is intended to provide for additional dwellings to be clustered on a farm (to support the primary activities on the site), where that farm is held in more than one title.</p> <p><b>Note 6:</b> An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause d)ii) above is available from Council.</p> <p><b>Note 7:</b> For dwellings within an Outstanding Natural Landscape, Rule 15A.10.3c shall also apply.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the <b>Maori Land</b> Zone, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and <b>dwellings</b> in the Rural Zone and is in accordance with any adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly the rural character and <b>amenity values</b>;</li> <li>vi) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vii) Effects on landscape and heritage values;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>ix) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>; and</li> <li>x) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.</p> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.3b	Dwelling Infrastructure	<p><b>(1) Construction of a dwelling is a Permitted Activity if:</b></p> <ul style="list-style-type: none"> <li>a) Minimum floor levels are designed in accordance with the following Standards: <ul style="list-style-type: none"> <li>– Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>– In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>– 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>– 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>– 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>– 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> </li> <li>b) Where a Council water supply is available: <ul style="list-style-type: none"> <li>– The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling;</li> <li>– All dwellings are provided, within their net site area, with a connection to the Council water supply; and</li> <li>– The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>– All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> </li> </ul>	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"> <li>i) Whether there is sufficient control of water-borne contaminants, litter and sediment;</li> <li>ii) Whether there is sufficient land available for disposal of stormwater;</li> <li>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;</li> <li>iv) Whether and the extent to which measures are necessary in order to give effect to any drainage or Catchment Management Plan that has been prepared for the area;</li> <li>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;</li> <li>vi) Whether and the extent to which the stormwater infrastructure within the site, is able to link with existing disposal systems outside the site;</li> <li>vii) Whether and the extent to which the development meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</li> <li>viii) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of stormwater;</li> <li>ix) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels;</li> <li>x) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on site;</li> <li>xi) Whether and the extent to which the application includes the installation of all new reticulation, and</li> </ul>

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		<p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>- Meet the requirements of the Building Act 2004.</li> </ul> <p>d) All dwellings are provided with the means for the collection and disposal of collected stormwater from the roof of all associated impervious surfaces including ancillary structures and paved areas, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, in accordance with the Kaipara District Council Engineering Standards 2011; and</p> <p>e) Where no Council wastewater system is available, all dwellings are provided with:</p> <ul style="list-style-type: none"> <li>- A wastewater system for individual properties designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"; or</li> <li>- A 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas.</li> </ul> <p><b>Note 1:</b> This Rule also applies to buildings relocated on to site.</p> <p><b>Note 2:</b> Stormwater and Effluent discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 3:</b> Where parallel Resource Consent for stormwater or effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 4:</b> 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> <p><b>Note 5:</b> Minimum floor levels have been determined using One Tree Point 1964 datum.</p> <p><b>Note 6:</b> Each dwelling is also required to be assessed against the relevant Performance Standards contained in the Plan including within Section 15A.10</p> <p><b>Note 7:</b> The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p> <p><b>Note 8:</b> There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.</p>		<p>that it complies with the Performance Standards in Rule 15A.10.4 or Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's engineer;</p> <p>xii) Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</p> <p>xiii) 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>xiv) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater or other disposal system is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a Discharge Permit issued by the Northland Regional Council;</p> <p>xv) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any Consent notices to ensure compliance;</p> <p>xvi) Whether the development represents the best practicable option in respect of the provision that is made for the disposal of wastewater;</p> <p>xvii) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland or have a Discharge Consent from the Northland Regional Council for the activity;</p> <p>xviii) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits;</p> <p>xix) The effects of any new activity or development on the State Highway Network;</p> <p>xx) Whether and to the extent that the human drinking water supplied meets the requirements under clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</p> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the 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>
15A.10.3c	Erection and alterations of buildings and structures within an Outstanding Natural Landscape	<p>The Erection and Alteration of Buildings and Structures (including dwellings) located in an Outstanding Landscape is a permitted activity if:</p> <p>a) It is no more than 8m in height; and</p> <p>b) Does not exceed 50m<sup>2</sup> gross floor area; or any alteration / additions to the building or structure do not exceed 40% of the gross floor area of the dwelling or 40% of the volume of the structure (whichever is the smaller); and</p> <p>c) The exterior finish of the building or structure has a reflectance value of, or less than 30% as defined within the BS5252 standard colour palette;</p> <p>And if applicable:</p> <p>d) It is required for maintenance to the interior and exterior of the building or structure; or</p> <p>e) It is required for renovations to the interior of the dwelling or structure.</p> <p><b>Note 1:</b> To assist interpretation of this Rule, the following activities are permitted subject to compliance with the following provisions:</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent.</p> <p>i) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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		Provisions that apply	15A.10.3c(a)	15A.10.3c(b)	15A.10.3c(c)	15A.10.3c(d)	15A.10.3c(e)		
		Pump sheds	Applies	Applies	Does not apply	n/a	n/a		
		Water troughs	Applies	Applies	Does not apply	n/a	n/a		
		Water tanks	Applies	Applies	Does not apply	n/a	n/a		
		Irrigation systems (single rotary systems)	Does not apply	Does not apply	Does not apply	n/a	n/a		
		Uncovered yards (including cattle and sheep)	Applies	Does not apply	n/a	n/a	n/a		
		Wind turbines for operations of agricultural equipment (e.g. for water pumps)	Does not apply	Applies	Does not apply	n/a	n/a		
		Replacement of existing structures in ONL (like for like replacement)	Does not apply	Does not apply	Does not apply	n/a	n/a		
		One new operational farm building (non-residential) per certificate of title issued on or before 2 December 2010	Applies	Does not apply Subject instead to 100m <sup>2</sup> gross floor area limit	Applies	n/a	n/a		
* Note: where the above provisions do not apply the general provisions of the District Plan apply.									
15A.10.4	Papakainga	<p>Construction of <b>papakainga</b> is a <b>Permitted Activity</b> if:</p> <p>a) The papakainga comprises no more than 10 individual units per <b>site</b>;</p> <p>b) Each papakainga unit meets the Performance Standards of Section 15A.10; and</p> <p>c) The standards of 15A.10.3b are met.</p> <p><b>Note 1:</b> This Rule also applies to buildings relocated on to site.</p> <p><b>Note 2:</b> For dwellings within an Outstanding Natural Landscape, Rule 15A.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) <b>Building</b> location, including alternatives considered;</p> <p>ii) Size and shape of the <b>site</b>;</p> <p>iii) Extent of visual intrusion of the building from beyond the Maori Purposes Zone, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines when viewed from outside Maori Purposes Zoned land;</p> <p>iv) Effects on the locality of the adjoining rural land, particularly the rural character and <b>amenity values</b> and those values associated with Overlay Areas (as identified in the objectives and Policies for Overlays, Chapter 4);</p> <p>v) Effects on landscape and heritage values;</p> <p>vi) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B; and</p> <p>vii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> General assessment of the <b>Kaipara District Council Engineering Standards 2011</b> is</p>					

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				undertaken as part of the assessment of the Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval. <b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).
15A.10.5	Commercial and Industrial Buildings	<p><b>(1) For Commercial or Industrial Activities in the Maori Land Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The <b>gross floor area</b> of the building does not exceed 1000m<sup>2</sup>; and</p> <p>b) The building is able to comply with the relevant Performance Standards of Rule 15A.10;</p> <p>c) Where no <b>Council</b> wastewater system is available the On <b>Site</b> Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards";</p> <p>d) Where no Council wastewater system is available applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or Consent for discharges from the Northland Regional Council has been obtained).</p> <p>e) Where no Council <b>reticulated</b> stormwater disposal system is available the <b>development</b> shall comply with Rule 15A.10.3(f).</p> <p><b>Note 1:</b> Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum Standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and <b>structures</b> in the <b>Coastal Marine Area</b>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> This Rule also applies to buildings relocated on to site.</p> <p><b>Note 3:</b> For dwellings within an Outstanding Natural Landscape, Rule 15A.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) <b>Building</b> location, including alternatives considered;</p> <p>ii) Size and shape of the <b>site</b>;</p> <p>iii) Extent of visual intrusion of the building from beyond the <b>Maori Land Zone</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</p> <p>iv) Proposed landscaping in accordance with any Council adopted Design Guidelines;</p> <p>v) Whether and the extent to which the building and activity is compatible with the locality, particularly the rural and natural character and <b>amenity values</b>;</p> <p>vi) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>vii) Effects on landscape and heritage values;</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</p> <p>ix) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</p> <p>x) Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</p> <p>xi) The extent to which the <b>development</b> complies with the requirements of the relevant Performance Standards or the <b>Kaipara District Council Engineering Standards 2011</b>; The extent to which the stormwater generated from <b>impermeable surfaces</b> associated with the building may contribute to erosion or a reduction in the water quality of the <b>receiving environment</b>;</p> <p>xii) Whether a sustainable potable water supply is able to be provided to service the development; and</p> <p>xiii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.6	Maximum Height	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 10m in height, where it is not within an Overlay Area; or</p> <p>b) The building does not exceed 8m in height, where it is within an Overlay Area.</p> <p><b>Note 1:</b> For dwellings within an Outstanding Natural Landscape, Rule 15A.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</p> <p>ii) The functional requirements of the building;</p> <p>iii) The extent to which the <b>effects</b> of the height infringement beyond the <b>Maori Land Zone</b> can be mitigated by setbacks, planting, design or the topography of the site;</p> <p>iv) Effects on the locality, particularly the rural character and <b>amenity values</b>;</p> <p>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p>

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				vi) Effects on availability of sunlight to other properties; and vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.  <b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).
15A.10.7	Height in Relation to Boundary	Any <b>building</b> is a <b>Permitted Activity</b> if: a) The building does not exceed 3m in <b>height</b> plus the shortest horizontal distance between that part of the building and any <b>site boundary</b> adjoining the Rural Zone.  <b>Note 1:</b> Refer to Chapter 24: Definitions for the definition of <b>Recession Plane</b> .	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The scale and bulk of the <b>building</b> in relation to the <b>site</b> ; ii) The functional requirements of the building; iii) The extent to which the <b>effects</b> beyond the <b>Maori Land</b> Zone of the height in relation to <b>boundary</b> infringement can be mitigated by <b>setbacks</b> , planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and <b>amenity values</b> ; v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; vi) Effects on availability of sunlight to other properties; and vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.  <b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).
15A.10.8	Setbacks	<b>(1) Maori Land Zone (including Overlays except as provided for in (3) below)</b> Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following <b>setback</b> distances ( <b>yards</b> ): a) <b>Front yard</b> - 3m, except where the building is for industrial purposes, where the set back shall be 20m; and b) Side and <b>Rear yards</b> - 3m; and c) Coast - 30m from the <b>Coastal Marine Area</b> ; and d) <b>Lake / River</b> - 30m from the banks of any dune lake; any other lake whose <b>bed</b> has an area of 8ha or more, any river including a <b>perennial stream</b> whose bed has an average width of 3m or more; and e) Any building is set back 30m from a railway line where there is an intersection of <b>road</b> and rail (level crossing controlled by give-way signage) within 300m; and f) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road); and g) Wetland - 30m from the banks of any indigenous wetland. <b>(2) In addition to the setbacks above, in the Mangawhai Harbour and Kai Iwi Lakes Overlays</b> Any building is a Permitted Activity if it is located outside the following additional setback distances (yards): a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.  <b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 15A.10.8(1)(d) above applies.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The outlook and privacy of adjacent and adjoining neighbours in the Rural Zone; ii) Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>Maori Land</b> Zone, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines; iii) Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines; iv) Effects on adjoining Rural Zoned land, particularly the rural and natural character and <b>amenity values</b> ; v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values; vi) Effects on landscape and heritage values; vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B; viii) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> as defined by the criteria listed in Appendix 25G; ix) Effects on public access; x) Effects on <b>natural hazards</b> , including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b> ;

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		<p><b>(3) Except that:</b></p> <p>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><b>Note 1:</b> The Regional Water and Soil Plan for Northland also require setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><b>Note 2:</b> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway.</p> <p><b>Note 3:</b> Any changes in land use on <b>sites</b> that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.</p>		<p>xi) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves or strips</b>;</p> <p>xii) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective roading or rail control authority has been provided and the extent to which the placement of the building affects traffic and/or rail safety; and</p> <p>xiii) The functional requirements of the building and activity.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.9	Permeable Surfaces	<p><b>(1) For any site of 5ha or less, an activity is a Permitted Activity if:</b></p> <p>a) In any one hectare, the area of any <b>site</b> covered by <b>buildings</b> and other <b>impermeable surfaces</b> is less than 15% in the <b>Maori Land Zone</b> where it is not within an Overlay; and</p> <p>b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Maori Land Zone where it is within an Overlay.</p> <p><b>(2) For any site over 5ha in size, an activity is a Permitted Activity if:</b></p> <p>a) Water collected from impermeable surfaces is disposed of on-site or discharged to an existing watercourse.</p> <p><b>Note 1:</b> The intention of this Rule is to avoid large areas of continuous seal / hardstand.</p> <p><b>Note 2:</b> Discharge consents may be required from the Northland Regional Council.</p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Control of stormwater run-off;</p> <p>ii) The <b>effects</b> of increased stormwater flows downstream;</p> <p>iii) Methods of attenuating stormwater flows to pre-development rates;</p> <p>iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</p> <p>v) Effects on water quality; and .</p> <p>vi) The extent to which low impact design principles are utilised.</p>
15A.10.10	Separation Distance for Noise Sensitive Activities in the Maori Purposes: Maori Land Zone	<p>Any <b>noise sensitive activity</b> including <b>marae</b> or <b>papakāinga</b> (as defined in Chapter 24: Definitions) is permitted if a 300m separation is maintained between the noise sensitive activity and activities listed as follows on a <b>site</b> under separate ownership:</p> <p>a) Sewerage treatment or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems);</p> <p>b) <b>Building</b> used for an <b>industrial activity</b>;</p> <p>c) Intensive feed lot or feed storage area;</p> <p>d) <b>Intensive farming</b>;</p> <p>e) Dairying shed;</p> <p>f) Mining or <b>quarrying</b>; and</p> <p>g) Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent relating to odour from the Regional Council.</p> <p><b>Note 1:</b> This Rule is intended to protect the opportunity for rural activities. As such, if there is an existing lawfully established activity as listed in a) to g) above, then a noise sensitive activity wishing to develop would be required to maintain the appropriate separation from this to avoid future land use conflicts.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The extent to which alternative locations have been considered;</p> <p>ii) Mechanisms in place to avoid future <b>reverse sensitivity</b> conflicts (including covenants on titles) or other physical mitigation works;</p> <p>iii) <b>Effects</b> on the health and safety of the community;</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 15A and 2.</p>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.11	Separation Distance between Activities in the Maori Purposes: Maori Land Zone and Adjoining Zones	<p>Any of the activities listed as follows, are permitted if a separation distance of at least 30m is maintained between any <b>site</b> zoned Residential, Business - Commercial or any site <b>boundary</b> to a mapped Reserve Management Unit, or a 300m distance to any existing <b>noise sensitive activity</b> (as defined in Chapter 24: Definitions) located in these Zones, whichever is the greater:</p> <p>a) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land disposal effluent application);</p> <p>b) <b>Building</b> used for an <b>industrial activity</b>;</p> <p>c) Intensive feed lot or feed storage area;</p> <p>d) <b>Intensive farming</b>;</p> <p>e) Dairying shed;</p> <p>f) Mining or <b>quarrying</b>; and</p> <p>g) Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent relating to odour from the Regional Council.</p> <p><b>Note 1:</b> This Rule is intended to protect boundary <b>effects</b> while maintaining reasonable opportunity for a wide scope of activities within the Maori Purposes: <b>Maori Land Zone</b>. As such, if any of the activities listed in a) to g) above seek to establish within the Maori Purposes: Maori Land Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future noise sensitive activities that are reasonably expected to establish within the Residential Zone, Business – Commercial Zone, or the values of a Reserve Management Unit.</p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Protection of the character and amenity of the relevant adjoining Zone or Reserve Management Unit;</p> <p>ii) The extent to which alternative locations have been considered;</p> <p>iii) The likelihood of the activity causing adverse environmental <b>effects</b> regarding noise, odour, dust, nuisance or other amenity effects, considering factors such as wind direction and opportunities to mitigate the potential for such effects by screening, bunding or similar;</p> <p>iv) Effects on health and safety of communities;</p> <p>v) Any relevant industry Codes of Practice;</p> <p>vi) Any consultation with relevant property owners or occupiers; and</p> <p>vii) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15A and 2.</p>
15A.10.12	Buildings and near Vegetation and Airfields	<p>(1) <b>Any building, structure or aerial is a Permitted Activity unless part of it would fall within either:</b></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) <b>All trees and other natural projections shall be maintained so that no part shall fall within either:</b></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, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Whether the <b>height</b> of the proposed <b>building</b> or <b>structure</b> will affect airfield safety;</p> <p>ii) The extent to which the proposed <b>development</b> 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>
15A.10.13	General Noise	<p>Any activity is permitted if noise from the <b>site</b> does not exceed the following limits, as measured either at or within any other site Zoned Residential, or within the '<b>notional boundary</b>' of a <b>dwelling</b> in the Rural or Maori Purpose Zoned site:</p> <p>a) 7:00am – 7:00pm: 50 <b>dB</b> L<sub>Aeq</sub>;</p> <p>b) 7:00pm - 10:00pm: 45dB L<sub>Aeq</sub>;</p> <p>c) 10:00pm – 7:00am: 40dB L<sub>Aeq</sub> and 70 <b>dB</b> L<sub>AFmax</sub>.</p> <p><b>Note 1:</b> Provided that the abovementioned <b>noise limits</b> may be exceeded for activities periodically required by <b>farming</b> and <b>forestry</b> practice, such as crop protection and harvesting that may need to be carried out for these activities. When assessing the noise level permitted within plantation forestry Council will apply the provisions of Clause 98 and 99 of the Resource Management National Environmental Standard for Planation Forestry Regulations 2017. <b>Note 2:</b> Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule in terms of the National Environmental Standard for Plantation Forestry Regulation, Council's discretion is restricted over the following matters when considering an application for resource consent;</p> <p>(a) The timing, duration, and location of noise or vibration-generating activities;</p> <p>(b) The effects on noise-sensitive activities;</p> <p>(c) Measures to avoid, remedy, or mitigate the adverse noise and vibration effects;</p> <p>(d) The information and monitoring requirements.</p> <p>Where an activity is not permitted or restricted discretionary activity by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) Maximum level of noise likely to be generated;</p> <p>ii) The noise <b>environment</b> of the locality in which the activity is proposed;</p> <p>iii) <b>Effect</b> on adjoining or adjacent residential <b>dwellings</b>;</p> <p>iv) Length of time for which the specified Noise Standard will be exceeded;</p> <p>v) Likely adverse effects beyond the <b>site</b>;</p>



Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria																																																																																																							
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15A.10.14	Construction Noise and Temporary Activities	Construction noise and other temporary activities (as defined in Chapter 24: Definitions of this Plan) 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 NZS 6803: 1999 "Acoustics – Construction Noise"  <table border="1"> <thead> <tr> <th rowspan="3">Time of week</th> <th rowspan="3">Time period</th> <th colspan="2">Duration of work</th> <th colspan="2">Short-term duration (dBA)</th> <th colspan="2">Long-term duration (dBA)</th> </tr> <tr> <th colspan="2">Typical duration (dBA)</th> <th rowspan="2">Leq</th> <th rowspan="2">Lmax</th> <th rowspan="2">Leq</th> <th rowspan="2">Lmax</th> </tr> <tr> <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		Short-term duration (dBA)		Long-term duration (dBA)		Typical 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	Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:  i) Maximum level of noise likely to be generated; ii) The noise <b>environment</b> of the locality in which the activity is proposed; iii) <b>Effect</b> on the occupiers of <b>dwelling</b> s and other <b>building</b> s affected by construction noise; iv) Length of time for which the specified noise standard will be exceeded; v) Likely adverse effects beyond the <b>site</b> ; vi) Effects on character and amenity beyond the site; vii) Alternative methods to avoid noise generation; and viii) Mitigation measures to reduce noise generation.
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15A.10.15	Wind Noise Generation	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	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:  i) Maximum level of noise likely to be generated; ii) The existing background noise <b>environment</b> of the locality in which the activity is proposed; iii) Noise <b>effect</b> on adjoining or adjacent residential <b>dwelling</b> s; iv) Length of time for which the specified Noise Standard will be exceeded; v) Likely adverse effects of noise beyond the <b>site</b> ; 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.																																																																																																							
15A.10.16	Vibration	Any activity is permitted if vibration from the activity does not exceed the following average levels: a) Within a <b>dwelling</b> on any adjacent <b>site</b> Zoned Residential or Maori Purpose or Rural Zone:  <table border="1"> <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></td> <td></td> <td></td> </tr> </tbody> </table>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)				Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:  i) Maximum level of vibration likely to be generated; ii) The <b>effects</b> on sensitive receptors or adjacent land uses; iii) Effect on the <b>structure</b> and stability of adjoining or adjacent residential <b>dwelling</b> s or <b>building</b> s; iv) Length of time for which the specified Vibration Standard will be exceeded; v) Likely adverse effects beyond the <b>site</b> ;																																																																																																	
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		<table border="1" data-bbox="670 325 1433 468"> <tr> <td>Monday to Saturday 7:00am - 6:00pm</td> <td>0.045m/s<sup>2</sup></td> <td>1.0 m/s<sup>2</sup></td> </tr> <tr> <td>All other times</td> <td>0.015 m/s<sup>2</sup></td> <td>0.05 m/s<sup>2</sup></td> </tr> </table> <p data-bbox="611 485 1228 510">i) Within a <b>building</b> on any adjacent site Zoned Business:</p> <table border="1" data-bbox="670 510 1377 644"> <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/s<sup>2</sup></td> <td>2.0 m/s<sup>2</sup></td> </tr> </tbody> </table> <p data-bbox="611 661 1578 762"><b>Note 1:</b> Vibration levels shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.</p>	Monday to Saturday 7:00am - 6:00pm	0.045m/s <sup>2</sup>	1.0 m/s <sup>2</sup>	All other times	0.015 m/s <sup>2</sup>	0.05 m/s <sup>2</sup>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s <sup>2</sup>	2.0 m/s <sup>2</sup>		<ul style="list-style-type: none"> <li>vi) Effects on character and amenity beyond the site;</li> <li>vii) Alternative methods to avoid vibration generation; and</li> <li>viii) Mitigation measures to reduce vibration generation.</li> </ul>
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15A.10.17	Traffic Intensity	<p>Any activity is permitted if the cumulative traffic generated on any <b>road</b> does not exceed:</p> <p>a) 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Except that single <b>dwelling</b>s, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</p> <p><b>Note 1:</b> <b>Traffic Intensity factor</b> guidelines are included in Appendix 25F of this Plan and can be used to calculate the likely traffic generation of particular activities. The traffic Intensity Factor is based on the average daily one way traffic movements for a particular activity (and therefore allows for seasonal variations). Applicants may be required to apply to the <b>Council</b> for a Certificate of Compliance where an activity has the potential to generate 50 or more daily one way movements.</p> <p><b>Note 2:</b> As part of an application for Certificate of Compliance or Resource Consent under this Rule Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p><b>Note 3:</b> This calculation only applies when establishing a new activity on a site. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative <b>effects</b>.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The time of day when any extra vehicle movements will occur;</li> <li>ii) The distance between the location of vehicle movements and adjacent properties;</li> <li>iii) The width and capacity of any <b>road</b> to be able to cope safely with vehicle movements;</li> <li>iv) The <b>effect</b> of traffic on the amenity and character of the surrounding area;</li> <li>v) The effect of changing capacity on the amenity and character (including natural character) of the adjoining Rural Zone;</li> <li>vi) The nature of the surface (sealed or otherwise) on the adjoining road network;</li> <li>vii) The potential for dust nuisance to be generated from the <b>site</b> and its effects on adjoining properties and prevailing wind direction;</li> <li>viii) The safety and efficiency of vehicle access onto the road;</li> <li>ix) The volume and speed of traffic on the roads affected;</li> <li>x) The hierarchy of the roads affected;</li> <li>xi) Any congestion or safety issues on roads affected;</li> <li>xii) The type and number of vehicles expected to access the site;</li> <li>xiii) The <b>vehicle crossing</b> layout;</li> <li>xiv) Financial contributions for road upgrading;</li> <li>xv) The requirements of the <b>Kaipara District Council Engineering Standards 2011</b>; and</li> <li>xvi) The effects of any new activity or development on the State Highway Network.</li> </ul>												
15A.10.18	Potentially Contaminated Land – Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and Change of land use	<p>Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <p>b) 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> <p><b>Note 1:</b> Refer to Appendix 25E for further information concerning the HAIL.</p> <p><b>Note 2:</b> This rule does not apply to activities or land not covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>	Controlled Activity / Restricted Discretionary Activity / Discretionary Activity	<p>Where an activity is not permitted by this Rule, a land use consent must be obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>												

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.19	Contaminated Land Remediation	<p>Any activity is a <b>Permitted Activity</b> if <b>Remediation of contaminated land</b>:</p> <p>a) Does not cause a greater risk to the <b>environment</b> than if the work was not done; and</p> <p>b) Disposes of removed material in a location approved for the receipt of such material; and</p> <p>c) Is reported to the <b>Council</b> by the landowner at the completion of the work detailing:</p> <ul style="list-style-type: none"> <li>– The work done and the results obtained; and</li> <li>– The nature and location of remaining contaminated material on-<b>site</b>; and</li> <li>– As-built plans and specifications of any permanent containment <b>structure</b>.</li> </ul> <p>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> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Remediation activities relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of that land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) may require a land use consent under the Regulations.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The extent and nature of any contamination of land or ground water and the potential sources of contamination;</p> <p>ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of <b>contaminants</b> into the <b>environment</b> (e.g. sediment control, <b>site</b> covering and dust control);</p> <p>iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of;</p> <p>iv) The degree to which measures will be employed to avoid remedy or mitigate any adverse <b>effects</b> on water quality or the <b>receiving environment</b>;</p> <p>v) Whether the land is suitable for its intended end use;</p> <p>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;</p> <p>vii) The extent to which the effects of remediation are acceptable; and</p> <p>viii) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land.</p> <p><b>Note 1:</b> Reference to the Ministry for the Environment's <b>Contaminated Land</b> Management Guidelines No.'s 1-5 will assist applicants in achieving compliance with the criteria set out above.</p>
15A.10.20	Hazardous Substances	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The aggregate quantity of <b>hazardous substances</b> of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 25D (Hazardous Substances – Permitted Quantities Table 1); or</p> <p>b) The hazardous substances stored or used on the <b>site</b> are:</p> <ul style="list-style-type: none"> <li>i. <b>Trade waste</b> in a wastewater or waste treatment facility; or</li> <li>ii. <b>Road</b> materials within a road reserve; or</li> <li>iii. Domestic storage and use of consumer products for domestic purposes; or</li> <li>iv. Consumer products, held for resale to the public and stored in the manufacturers' packaging; or</li> <li>v. Gas or oil pipelines and ancillary equipment; or</li> <li>vi. Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or</li> <li>vii. Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or</li> <li>viii. Fire-fighting substances on emergency vehicles; or</li> <li>ix. Electricity transformers, capacitors and switches up to 600 litres; or</li> </ul> <p>c) 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); and</p> <p>d) Storage or use of hazardous substances complies with Appendix 25D (Hazardous Substances – Permitted Conditions Table 2).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</p> <p>ii) Location, type and quantities of <b>hazardous substances</b> involved;</p> <p>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</p> <p>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</p> <p>v) Transport of hazardous substances on and off the site, mode and route selection;</p> <p>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</p> <p>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. <b>child care</b>, education facilities, rest homes, <b>hospitals</b>);</p> <p>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</p> <p>ix) The presence or otherwise of <b>natural hazards</b> which could adversely influence the inherent risks from a hazardous facility to the environment;</p> <p>x) The extent to which alternative locations and methods have been considered;</p> <p>xi) Hazard and risk analysis;</p> <p>xii) Management of wastes containing hazardous substances;</p> <p>xiii) Proposed contingency measures and emergency plans;</p> <p>xiv) Proposed monitoring and <b>maintenance</b> schedules; and</p> <p>xv) Any consultation, assessment or responses received from the New Zealand Fire Service.</p>

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15A.10.21	Radioactive materials	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>b) Radioactive materials are confined to domestic appliances.</p>	<p>Controlled Activity if:</p> <p>a) Radioactivity does not exceed 100 terabecquerels.</p> <p>Discretionary Activity if:</p> <p>b) Radioactivity exceeds 100 terabecquerels.</p>	<p>Where an activity is not permitted by this Rule, the following are the matters over which the <b>Council</b> reserves its control:</p> <p>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</p> <p>ii) Location, type and quantities of <b>hazardous substances</b> involved;</p> <p>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</p> <p>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</p> <p>v) Transport of hazardous substances on and off the site, mode and route selection;</p> <p>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</p> <p>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. <b>child care</b>, education facilities, rest homes, <b>hospitals</b>);</p> <p>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</p> <p>ix) Hazard and risk analysis;</p> <p>x) Management of wastes containing hazardous substances;</p> <p>xi) Proposed contingency measures and emergency plans;</p> <p>xii) Proposed monitoring and <b>maintenance</b> schedules; and</p> <p>xiii) Any consultation, assessment or responses received from the New Zealand Fire Service.</p>
15A.10.22	Lighting and Glare	<p>Any activity is permitted if between the hours of 22:00 and 07:00 any artificial lighting does not exceed 10 <b>lux</b>, measured at any point on <b>boundary</b> of any Residential Zoned <b>site</b> or at the <b>notional boundary</b> of any Rural or Maori Purpose Zoned site.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The orientation, strength, intensity, colour, or frequency of flashing of the light;</p> <p>ii) <b>Effects</b> on traffic and pedestrian safety;</p> <p>iii) The separation distances from neighbouring activities and people, including consideration of the proximity of people-oriented activities (e.g. rest homes or <b>hospitals</b>);</p> <p>iv) Effects on amenity and character of the surrounding area; and</p> <p>v) Proposed monitoring and <b>maintenance</b> schedules.</p>
15A.10.23	Signage (including signs on and adjacent to roads and on buildings)	<p>The following <b>signs</b> are Permitted:</p> <p>c) Any business sign not exceeding 3m<sup>2</sup> that is not within an Outstanding Natural Landscape (identified on Map Series 2), advertising or providing information on the owner or occupier of the <b>site</b>, or facilities, goods or services available from it, provided that no more than two such signs shall be erected on any site; and</p> <p>c) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or <b>requiring authority</b>, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; and</p> <p>d) Any temporary sign not exceeding 3m<sup>2</sup>, advertising or providing information on any central or local government elections, cultural, social or sporting events, sites for <b>development</b>, sale or auction, provided that any such sign shall only be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</p> <p>Provided the following conditions are met:</p> <p>e) No sign, other than a public sign or <b>verandah</b> sign, shall be displayed or erected on or over any <b>road</b> reserve unless the consent of <b>Council</b> is obtained; or</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The visual impact of the <b>sign</b> and the <b>effect</b> on the amenity of the locality and surrounding area (including consideration of proposed lighting / illumination of the sign);</p> <p>ii) The number and location of other signs in the local vicinity;</p> <p>iii) The extent to which the sign is likely to unduly distract or restrict motorists vision or interfere with the effective functioning of any traffic sign;</p> <p>iv) The extent to which the sign is likely to unduly effect pedestrian safety;</p> <p>v) The likely cumulative visual effect of allowing the sign to be erected;</p> <p>vi) Whether the sign is visible from the State Highway, and if so that approval from the NZ Transport Agency has been obtained;</p> <p>vii) The extent to which the sign provides information on facilities and services of public interest;</p> <p>viii) The extent to which the sign is relevant to activities occurring on the subject <b>site</b>;</p> <p>ix) Whether and extent to which any adverse effects on traffic safety can be mitigated through the appropriate positioning or placement of the sign on a site; and</p>

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		<p>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 the approval of the NZ Transport Agency is also required.</p> <p><b>Note 1:</b> For Network Utilities, the Rule 10.11.15 for Signs will take precedence over the standards in this Rule if relevant.</p>		<p>x) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15A.10.24	Vehicle Access and Driveways	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>b) For new <b>vehicle crossings</b> on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to <b>roads</b> controlled by Kaipara District Council, all council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</p> <p>c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane;</p> <p>d) Each site shall be provided with an maintain a <b>driveway</b> to the following Standard: Formed with an all-weather surface;</p> <ul style="list-style-type: none"> <li>- For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</li> <li>- For a driveway servicing up to 6 dwellings, the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</li> <li>- The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</li> <li>- Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standards);</li> <li>- Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010).;</li> <li>- Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road corridor (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 to road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);</li> <li>- 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</li> <li>- Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse <b>effects</b> to adjoining properties or roads.</li> </ul> <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p><b>Note 1:</b> Where land adjoins a limited access road under the Government Rounding Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p> <p><b>Note 2:</b> Any changes in land use on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>Note 3:</b> Council will confirm engineering approval for Council controlled roads, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Whether and the extent to which the road, private way or property access complies with the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</p> <p>ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled, vehicular;</p> <p>iii) The expected vehicle operating speeds and methods of controlling vehicle speeds;</p> <p>iv) The ease of access to and from, and within, the site;</p> <p>v) Adequacy of sight distances at the <b>vehicle crossing</b> and along the access;</p> <p>vi) Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>vii) Possible adverse <b>effects</b> on Council <b>infrastructure</b> or adjoining properties;</p> <p>viii) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;</p> <p>ix) Any traffic safety or congestion problems in the area;</p> <p>x) Any foreseeable future changes in traffic patterns in the area;</p> <p>xi) If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained;</p> <p>xii) Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010); and</p> <p>xiii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> 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> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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		Engineering Standards 2011 or by review from an independent appropriately qualified engineer. <b>Note 4:</b> For Permitted Activities, approvals required for this performance standard can be provided at the time of Building Consent.		
15A.10.25	Fire Safety	Any <b>building</b> is permitted if: a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes; <b>Note 1:</b> For fire safety, the New Zealand Fire Service recommends: <ul style="list-style-type: none"> <li>• The dwellings should be at least 20m away from scrub, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the ; <ul style="list-style-type: none"> <li>o NZS 4517:2010 (Fire Sprinkler Systems for Houses); or</li> <li>o NZS 4541:2013 (Automatic Fire Sprinkler Systems); or</li> <li>o NZS 4515:2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> Fire and Emergency New Zealand can be contacted for further advice ( <a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a> ).  This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The accessibility for fire service vehicles, taking into account a risk-based assessment.
15A.10.26	Parking	Any activity is permitted if: a) The owner or occupier of each <b>site</b> provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site. b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards. 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 d) Parking spaces may be situated within a <b>building</b> provided the <b>Council</b> is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the <b>gross floor area</b> of that building for the purposes of assessing the total number of spaces required. e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, any <b>lake</b> with an area greater than 8ha or the <b>Coastal Marine Area</b> or any mapped waterway or <b>wetland</b> 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. f) Each parking space shall have adequate physical access to a <b>road</b> , street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site in accordance with the Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards. g) Control of Access - Any <b>parking area</b> associated with a Commercial or <b>Industrial activity</b> which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's <b>frontage</b> not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided. 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. i) Screening of Parking Areas - Any parking area which is adjacent to a Residential Zone shall be screened from residential sites by landscaping, fencing or other suitable screening at least 1.8m in <b>height</b> . Any landscaping is to be provided and maintained in such a manner	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The nature of street or service lane access available to the proposed parking and/or loading facilities; ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b> ; iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site; iv) The nature of any special landscaping or pedestrian design features to be developed on the site; v) The hours of operation of the proposed use and number of staff employees on shift work; vi) The size and number of vehicles expected to use the site; vii) Whether and the extent to which the proposed <b>parking area</b> is designed, constructed and adequately drained in accordance with the Performance Standards in Rule 15A.10.26 or the <b>Kaipara District Council Engineering Standards 2011</b> ; and viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.  In granting any application the Council may require as a Condition of Consent either that: ix) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or x) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.  <b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.  <b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).

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		<p>as to create and preserve a good standard of visual amenity.</p> <p>j) 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 <b>effects</b> to adjoining properties or roads and shall discharge into the Council's stormwater system or other approved outlets.</p> <p>k) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1: <i>Marae</i> and <i>papakāinga</i> are exempt from this Standard.</b></p>		
15A.10.27	Loading	<p><b>(1) For Commercial Activities in a Maori Land Zone</b></p> <p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site.</p> <p>b) The number of onsite 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 be designed to accommodate the 90 percentile two axle truck illustrated in 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 <b>height</b> of 4.25m provided that where articulated trucks are likely to visit the site each loading space shall have a minimum depth of 18m.</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the <b>building</b> which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile two axle truck curve illustrated in Appendix 25.</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> <p>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The 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 <b>site</b>;</p> <p>iii) The adequacy of loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any 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;</p> <p>vii) Whether and the extent to which the proposed loading area meets the requirements of the <b>Kaipara District Council Engineering Standards 2011</b>; and</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <p>ix) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>x) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction</p>