

## 15B Maori Purposes: Treaty Settlement Land

### 15B.1 Introduction / Resource Description

This Chapter of the District Plan addresses land included as part of the recent Treaty Settlements between:

- Te Uri o Hau, Ngati Whatua and the Crown; and
- Te Roroa and the Crown.

The Deeds of Settlement contain Crown acknowledgements of historical grievances and apologies including the following:

*"The Crown has accepted that it had a duty under the Treaty of Waitangi to:*

- Act in the utmost good faith toward Maori;
- Ensure Maori retained sufficient land for sustenance and growth; and
- Ensure European settlement occurred in an orderly fashion;

and, that the alienation of Maori land and the operation and impact of the native land laws had a number of consequences, including:

- A significant loss of land by some Maori communities, with some becoming virtually landless;
- The removal of a key resource, contributing to a breakdown of Maori communities and hindering their effective participation in society; and
- Community dispersal, resulting from the fragmentation of land ownership."

(Te Uri O Hau Deed of Settlement Summary 2008)

and

*"The Crown apologises to Te Roroa for past dealings that breached the Crown's obligations under the Treaty of Waitangi. These include the cession of land at Te Kopuru in 1842; Crown land purchases from 1876; the operation and impact of the native land laws; and the Crown's failure to ensure that Te Roroa retained sufficient land for their present and future needs."*

(Te Roroa Deed of Settlement Summary 2008)

It is not the role of the Council to act as Treaty agents; however the Council endorses the principles of the Treaty of Waitangi and the importance of providing for the economic and social well-being of iwi by providing a flexible approach for the use of Treaty Settlement Land.

The Treaty Settlement process includes various types of settlement redress. Settlement redress may include a Crown apology, financial and commercial redress and cultural redress. Cultural redress in the Treaty Settlement context includes a number of instruments which provide for iwi or hapu ownership, management, relationship and traditional association. Some commercial and cultural redress land is covenanted under the Reserves Act 1977 and the Conservation Act 1987. It may also be subject to easements protecting public right of access. This Chapter focuses on land that has been returned in fee simple to iwi or hapu through either commercial or cultural redress.

The Settlement between the Crown and both Te Uri o Hau and Te Roroa, included a planning phase where items of notable value to the wider community, as well as to Tangata Whenua were covenanted and protected. As a result, the Deeds of Settlement provide a clear description of land that has been either returned or been registered with acknowledgements of the respective iwi's traditional, historical, cultural and spiritual association with places and sites owned by the Crown within their area of interest as a form of Cultural Redress. The overall objective of the Cultural Redress properties is to protect the cultural values of the land.

Compensation in the form of Commercial Redress has also been provided aimed at providing iwi with resources to assist in the development of their economic and social well-being. The intent of the settlements is for Te Uri o Hau and Te Roroa to manage and develop (and sell if they deem necessary) these redress properties as an economic base. Culturally important sites fall within some of the commercial redress properties and protection of these sites is paramount to Tangata Whenua. Equally, some of the cultural redress properties have potential for commercial development if carefully managed. For this reason, in partnership with the cultural and historical value assigned to the land, Treaty Settlement Land is considered sufficiently unique to warrant its own Zone within the Kaipara District.

During the Settlement process both the cultural and commercial redress properties were made subject to covenants designed to protect public access and features of natural and historic value. The covenants included land management requirements, protection of reserve values, protection of significant flora and fauna, protection of coastal landscapes, public access easements and esplanade easements.

As other iwi in the District gain Treaty Settlements, the relevant provisions of these will be incorporated into the Plan by way of a change or variation to the Plan.

While Council recognises the unique resources and resource issues of Treaty Settlement Land through this Chapter of the Plan, it is also recognised that the majority of this Zone is currently used as and adjoins the Rural Zone of the District. As such, many of the aspects of the resource description from Chapter 12 are also relevant to this Chapter of the Plan. This includes those comments relating to provision of network utilities and renewable energy generation in the rural areas of the District. This is reflected in the repetition of many of the Issues, Objectives, Policies and Methods from Chapter 12 in this Zone of the Plan.

### 15B.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 Purposes: Treaty Settlement 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. However, if someone proposes development or activities that do not meet the Standards, they will need to apply to do the work (lodge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

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

- That the property for development 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 15B-1 below sets out the steps you need to take if you propose to undertake an activity or development on a property in the Maori Purposes: Treaty Settlement Land Zone.

*In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 15B.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 15B.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.

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

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

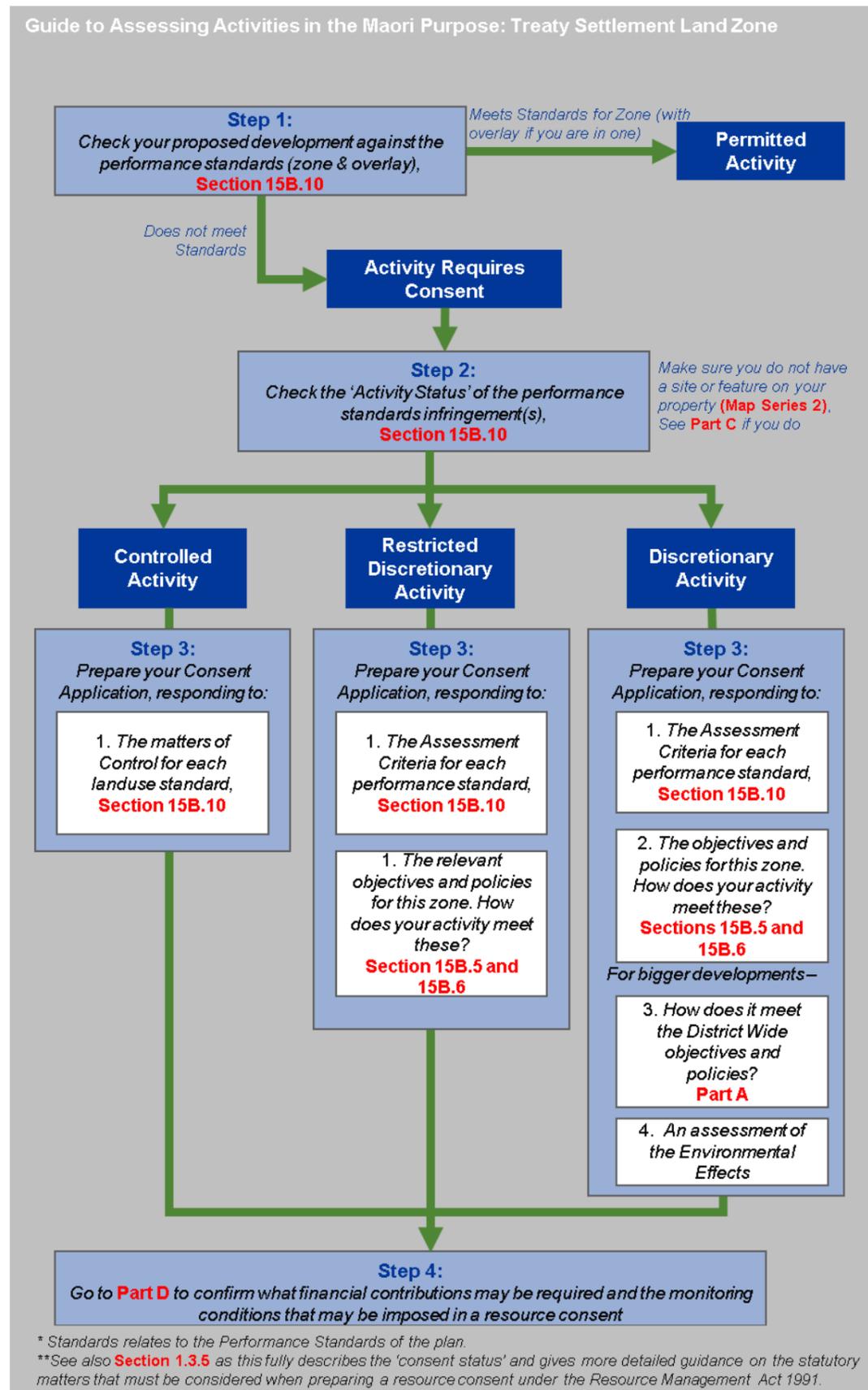
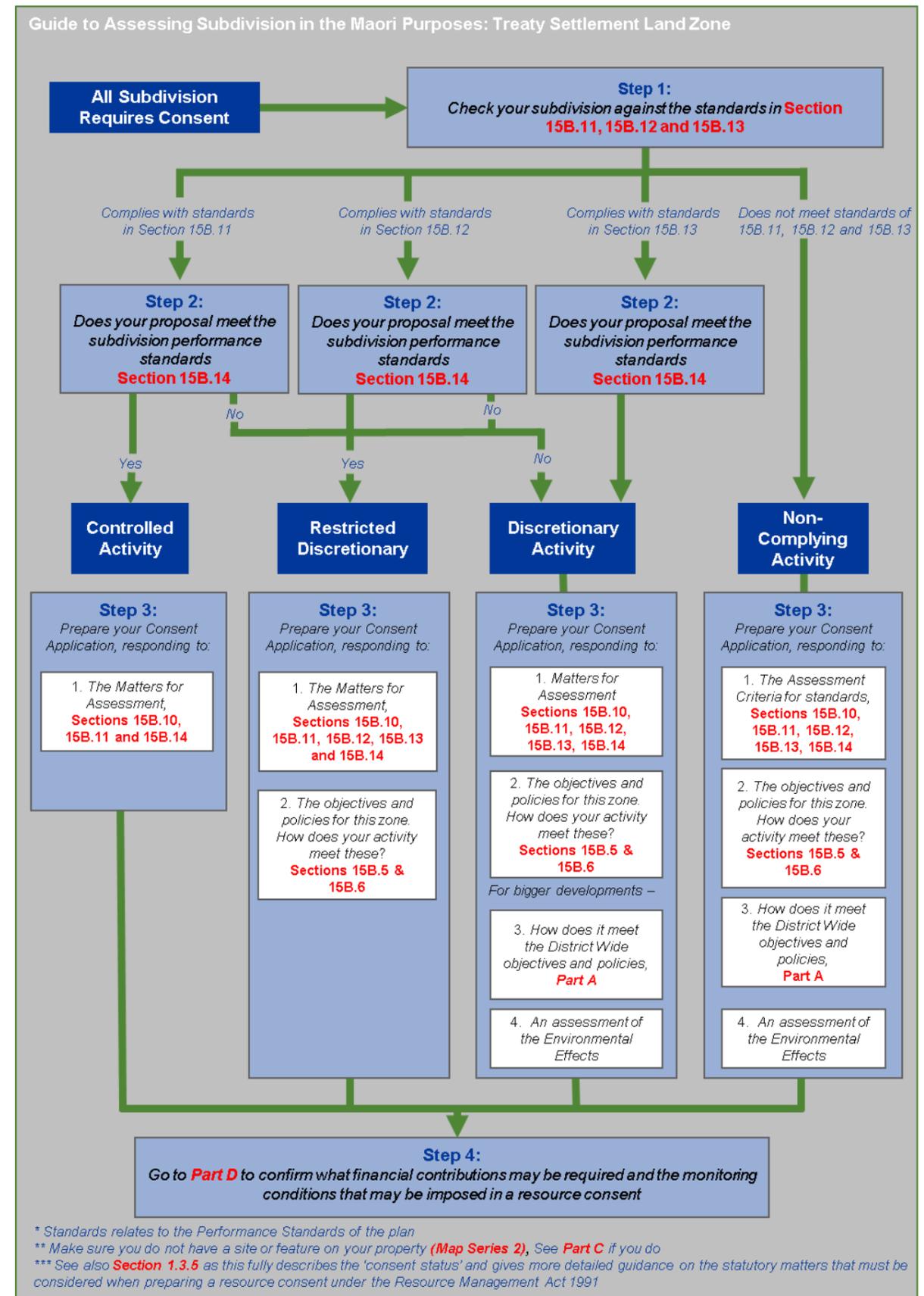


Figure 15B-2: How to Use this Chapter: Subdivisions



**15B.3 Opportunity for Tangata Whenua to Prosper**

The sustainable subdivision, use and/or development of Treaty Settlement Land has the potential for District-wide benefit as Te Uri o Hau and Te Roroa manage and develop the land to form a productive economic base from which they can then provide for their peoples economic, social and cultural wellbeing. Tangata Whenua are committed to developing their Treaty Settlement Lands in a manner that protects and preserves those areas of particular cultural and spiritual value.

**15B.4 Treaty Settlement Issues****15B.4.1 Current use of Treaty Settlement Land may not provide for the social and economic well-being of Tangata Whenua over time, particularly in recognition of the restrictive covenants applied to some areas of this land prior to its being returned through the Treaty Settlement process.**

Under-utilisation of Treaty Settlement Land often occurs as a result of complex management arrangements, a shortage of empowered kaitiaki, and restricted access. Rules need to provide a flexible approach to enable the most sustainable land use as well as permitting existing uses such as more traditional rural land use.

The Treaty Settlement process has resulted in land areas being surveyed and having restrictive covenants applied, prior to their return. These covenants recognise and provide for the relationship of Maori to their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, as well as providing for other Part 2 matters in the Resource Management Act 1991 (e.g. protection of sites of ecological significance or public access to the Coastal Marine Area). However, this also has the potential to restrict the ability for Maori to provide for their social and economic well-being on the remainder of land returned.

**15B.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 oranga tangata (social, educational, health, cultural and economic) activities.

**15B.4.3 In order for Tangata Whenua to return to their ancestral land in a safe and sustainable manner, opportunities for employment and housing and the associated infrastructure to support these activities is required.**

It is not just housing and associated infrastructure that is required if Tangata Whenua are to realise their desire to return home, they also need to be able to sustain themselves economically. Opportunities for employment come with the development of returned Treaty Settlement assets. Enabling the sustainable development of those assets and the provision of appropriate infrastructure to support this development is critical to the long term goals of Te Uri o Hau and Te Roroa to have healthy hapu and iwi who are socially, economically and culturally strong.

**15B.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 boundary are avoided, remedied or mitigated as appropriate.

**15B.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.

**15B.4.6 Treaty Settlement creates opportunities for Tangata Whenua to sustainably manage their valued natural and physical resources.**

For Te Uri o Hau and Te Roroa the exercise of rangatiratanga through the ability to manage and care for their lands and waters and their treasured ecosystems, waahi tapu and other taonga using their own practices and customs is paramount. Treaty Settlement will see both Te Uri o Hau and Te Roroa become once again significant landowners and resource managers within the District. An opportunity exists for properly providing for Sections 6(e), 7(a) and 8 of the Resource Management Act 1991 in respect of returning Settlement assets. Different Standards apply to Treaty Settlement Land in recognition of this.

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

**15B.4.7 The impact of uncontrolled subdivision and land use has the potential to adversely affect the rural character and amenity of the District.**

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

**15B.4.8 There are potential adverse effects on amenity and the natural environment from rural activities including land disturbance and vegetation clearance.**

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

**15B.4.9 New land use activities can raise expectations of, or require levels of, services which cannot be achieved by existing infrastructure in the wider rural environment.**

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

**15B.4.10 Farming, forestry, mineral extraction and processing and renewable energy generation support the social and economic wellbeing of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential). It is recognised that these activities are constrained by locational, operational and technical factors.**

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

**15B.4.11 Failing infrastructure, including on-site, has the potential to adversely impact sensitive receiving environments (particularly stormwater and waste water).**

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

**15B.4.12 Economic opportunities provide for prosperity in the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential). Without provision for these activities the social and economic well-being of the community will be adversely impacted.**

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

**15B.4.13 The bulk and location of buildings (particularly in sensitive locations) has the potential to adversely affect rural amenity.**

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

**15B.4.14 The lack of range of lot sizes is resulting in undesirable development patterns which have the potential to impact on the amenity of the District.**

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

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

- 15B.4.15 Subdivision, use and development can provide opportunities for restoration and rehabilitation of natural character, and for improving the maintenance and enhancement of amenity (including legal public access to and along the coast), cultural, heritage, landscape and ecological values. More specifically, development can assist to achieve sustainable management because it provides an opportunity for capital investment and for Council, the ability to acquire esplanade reserves.**
- The District has seen a loss over time of natural and cultural values. Resource Consents under the District Plan provide an opportunity to provide improved maintenance, protection and enhancement of many elements of the environment. However it is noted that such development still needs careful development and controls because:*
- Care is needed at the time of consenting to ensure that environmental benefits occur through management plans and/or conditions to require appropriate environmental management including such things as pest control and revegetation /plant control where appropriate; and*
  - There are threats to natural character that can result from development particularly the spread and intensification of built development, depending on the sensitivity of the receiving environment.*
- 15B.4.16 Growth, development and land use change create an opportunity for improved maintenance, protection and enhancement of the District's significant natural and cultural environment.**
- The District has seen a loss over time of natural and cultural values. Resource Consents under the District Plan provide an opportunity to provide improved maintenance, protection and enhancement of:*
- Outstanding natural features and landscapes;*
  - Historic heritage;*
  - Significant indigenous vegetation and habitats of indigenous fauna;*
  - Public access to the Coastal Marine Area, lakes and rivers; and*
  - The relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.*
- 15B.5 Treaty Settlement Objectives**
- 15B.5.1 To enable Maori 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.** [Issue 15B.4.1](#)
- 15B.5.2 To enable the development and maintenance of new and existing papakainga and marae.** [Issues 15B.4.2, 15B.4.3, 15B.4.4 and 15B.4](#)
- 15B.5.3 Sustainable management of Treaty Settlement Land in a manner which enables Tangata Whenua to provide for their social, economic, and cultural wellbeing and for their health and safety while safeguarding ecosystems, sustaining important sites and resources and avoiding, remedying and mitigating adverse effects of activities on the environment; and recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga through the on-going protection of their land returned as cultural redress.** [Issues 15B.4.1 and 15B.4.6 and 15B.4.15](#)
- 15B.5.4 To enable Te Uri o Hau and Te Roroa to use and develop Treaty Settlement Land, particularly that land identified as commercial redress.** [Issues 15B.4.4 and 15B.4.6](#)
- 15B.5.5 To maintain the rural character and amenity of the rural area, including the:** [Issues 15B.4.8 and 15B.4.10](#)
- Sense of openness;**
  - Low dominance of built form;**
  - Pasture and commercial forest areas;**
  - Areas of indigenous vegetation and significant fauna;**
  - Unmodified natural landforms.**
- 15B.5.6 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna so as to avoid, remedy or mitigate the decline of indigenous vegetation and fauna.** [Issues 15B.4.9 and 15B.4.11](#)
- 15B.5.7 To ensure that the servicing of new subdivision and development does not adversely affect the environment, in particular sensitive receiving environments.** [Issues 15B.4.9 and 15B.4.11](#)
- 15B.5.8 To avoid, remedy or mitigate adverse effects on the quality of the rural environment without unduly restricting productive rural activities (e.g. farming and forestry).** [Issue 15B.4.8](#)
- 15B.5.9 To provide for a range of activities in the rural areas of the District which are located, designed and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.** [Issue 15B.4.10](#)
- 15B.5.10 To recognise farming, forestry, mineral extraction and processing, renewable energy generation, industrial and commercial activities and network utilities that enables people and communities to provide for their social, economic and cultural wellbeing.** [Issues 15B.4.12 and 15B.4.10](#)  
[Issues 2.3.7 and 2.3.10](#)
- 15B.5.11 To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding environment.** [Issue 15B.4.14](#)
- 15B.5.12 To enable development where it is undertaken in an innovative and integrated manner, providing for the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.** [Issue 15B.4.13](#)
- 15B.5.13 To encourage innovative development and integrated management of effects between subdivision and land use which results in better environmental outcomes than more conventional or traditional subdivision, use and development.** [Issue 15B.4.13 and 15B.4.16](#)
- 15B.6 Treaty Settlement Policies**
- 15B.6.1 To encourage the settlement, utilisation and development of Treaty Settlement Land in accordance with matauranga maori and tikanga.** [Objective 15B.5.1](#)
- 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 and 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.*
- 15B.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 sewage disposal can be met without adverse effects on the environment.** [Objective 15B.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-associate 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.*
- 15B.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 15B.5.2 and 15B.5.3](#)
- 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 Act. They play an important part in supporting the Social and cultural wellbeing of Maori.*
- 15B.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) including those already covenanted in the Treaty Settlement Process.** [Objective s15B.5.1 and 15B.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 the Council and iwi concerning the protection and management of valued resources and features will be initiated. It also recognises that as a result of the Settlement Process land in this Zone is subject to Conservation Covenants in order to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- 15B.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 15B.5.1 and 15B.5.3](#)
- Tangata Whenua desire improved environmental outcomes during new 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.*

- 15B.6.6 By empowering kaitiaki to monitor the environmental effects of Treaty Settlement land use and development using culturally appropriate mechanisms and processes.** Objectives 15B.5.1 and 15B.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 Act.*
- 15B.6.7 By providing flexibility for subdivision, use and development of Treaty Settlement Land that results in a pattern and density of land use appropriate to the locality and in accordance with matauranga maori and tikanga.** Objectives 15B.5.1 and 15B.5.4  
*The sustainable management, development and subdivision of Treaty Settlement Land under pins the cultural, social and economic future of Maori in the District. Without sound economic development of such assets Te Uri o Hau and Te Roroa will be unable to provide adequately for their social, economic and cultural wellbeing.*
- 15B.6.8 By recognising the property-specific formal protection mechanisms already in place on Treaty Settlement Land that provide for public access, conservation and coastal landscapes as appropriate. (e.g. covenants applied through the Treaty Settlement process).** Objective 15B.5.4  
*It is important to acknowledge the planning process that has occurred during the Treaty Settlement Process. Large areas of land have been preserved either as marginal strips or by way of Conservation Covenants protecting natural and historic features and preserving public access. This has the potential to restrict the ability for Maori to provide for their social and economic well-being on the remainder of the land returned as commercial redress in accordance with the rural subdivision provisions of the Plan, as the majority of environmental features including wetlands and habitats of protected species contained within the Zone are already protected. Accordingly, further development of Treaty Settlement Land will benefit from these covenanted areas (e.g. through recognition of these in subdivision processes) and will not require the same level of reserve provision as other parts of the Kaipara District.*
- 15B.6.9 Subdivision adjoining the coast, rivers and lakes is generally only acceptable when it provides public access (by the vesting of public access roads, reserves and pedestrian access ways and access strips) and provides Esplanade Reserves and/or Strips.** Chapter 4 – Overlays Objectives 4.4.2, 4.4.4, 4.4.7 and 4.4.8  
*The Kaipara District contains a wide range of natural landforms and features which contribute to the District's sense of place. The Council will seek to ensure that such areas are provided with public access where appropriate to ensure that such features do not become 'land locked' by continuing subdivision and development, and are made available for the enjoyment of the District's people.*
- 15B.6.10 By encouraging growth in areas identified in Chapter 3, (Dargaville, Maungaturoto, Mangawhai and Kaiwaka).** Objectives and Policies of Chapter 3  
*Existing settlement areas provide a focal point for communities, and contain a range of services, facilities and infrastructure which cater for the needs of the community. Concentrating new development around these existing settlements will aid in assisting these areas to grow and develop, as well as maintaining the character and amenity of the wider rural environs. It will ensure new growth is directed to areas where existing infrastructure can be used.*
- 15B.6.11 a By providing for greater intensity of development and subdivision where such development is undertaken in an integrated manner or where such development is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment, values, natural character of the coastal environment and rural character and amenity.** Objectives 15B.5.5, 15B.5.6, 15B.5.8, 15B.5.12 and 15B.5.13  
*The District has a varied landscape, parts of which are of outstanding quality. Other areas contain significant ecological values and important amenity value. It is important to give permanent protection to features which significantly contribute to natural environment values, natural character of the coastal environment, and rural character and amenity. The protection of such features may allow additional development potential, by way of an 'Environmental Benefit', through a subdivision process.*
- 15B.6.11 b By allowing Small Lot subdivision within an Overlay only where it is consistent with the Overlay Objectives.**  
*Chapter 4 sets out the objectives for Overlays. The Rule for 'Small Lot Development' subdivision provides assessment matters to ensure that these values are recognised and provided for.*
- 15B.6.11 c By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.**  
*The Plan provides for integrated development subdivision. While development can result in adverse cumulative effects this is not inevitable. Subdivision, use and development can provide opportunities for restoration and rehabilitation of features and values and improve public access to and along waterways and the coast. Development can assist to achieve sustainable management because:*
- With the input of capital, land management practices can change for positive environmental outcomes;*
  - improved public access is more affordable through smaller subdivision lot sizes (e.g. less than 4ha) through the provision of esplanade reserves and strips;*
  - improved access and management of natural resources can be gained through integrated and innovative subdivision design, especially on a catchment basis;*
  - a range of subdivision lot sizes can provide for the identification and protection of site specific features and valued natural environments, while maintaining a pattern of development that delivers rural-residential amenity (rather than an urban form).*
- Council considers that this Policy will contribute to achieving the outcomes sought by the Plan (e.g. Chapters 2, 4, 5, 6 and 15B). However, such development still needs careful management and control by Council, because the process is not risk free and site specific considerations are needed. During the consent process Council will seek that environmental benefits are delivered and cumulative effects are avoided.*
- 15B.6.12 By requiring all subdivision of rural areas to contribute to the retention of rural character and amenity.** Objective 15B.5.5  
*The coastline and rural hinterland areas contribute significantly to the natural character and amenity of the rural environment. Such areas generally experience low dominance of building bulk and colour, particularly along the West Coast and on ridgelines where there is presently little or no development. The enhancement of the natural environmental values in these areas is encouraged (e.g. through the provisions of landscaping, and identification of suitable buildings locations), where appropriate, and can be achieved through mitigation measures associated with subdivision and development proposals.*
- 15B.6.13 By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area and its landscapes.** Objective 15B.5.5  
*Unmanaged subdivision and development throughout the rural environment, in particular along state highways, arterial and collector routes, can lead to sprawling, uncoordinated patterns of development which detract from the character and amenity values of the rural environment.*
- Monitoring and managing the built form, location and density of on-going subdivision and development can help to assess cumulative effects on the natural environment and amenity values of the rural area and its landscapes.*
- 15B.6.14 By avoiding, remedying or mitigating the adverse effects of activities which pose the greatest threat to remaining areas significant of indigenous vegetation and significant habitats of indigenous fauna and rural amenity (e.g. vegetation clearance, excavation and fill, the bulk and location of buildings and structures).** Objective 15B.5.6 Chapter 4 – Overlays Objectives 4.4.1, 4.4.3, 4.4.5, 4.4.6 and 4.4.8  
*On-going subdivision and development of land can result in adverse effects on the natural environment, including the amenity values of rural landscapes. Indigenous vegetation, as well as outstanding landscapes, near the coast and in rural areas are an essential component of the natural character of the rural environment, and contribute to the quality of landscapes as well as supporting the functioning of ecosystems. It is important that these natural features are protected where development occurs and restored where such habitats are damaged.*
- Built form can impact the rural landscape in both positive and negative ways. Managing the design and location of new and redeveloped structures can ensure that any potential adverse visual amenity effects on the rural environment and its prized landscapes can be minimised.*

- 15B.6.15 By providing assistance and information to Tangata Whenua regarding:**
- **Methods to protect and enhance areas of indigenous vegetation, significant habitats of indigenous fauna and ecological corridors; and**
  - **The levels of service for infrastructure expected in rural areas of the District.**
- Providing adequate information and support to rural landowners is an important supplementary tool to ensure the District develops and grows sustainably. Providing guidance on such issues as voluntary mechanisms for environment protection, and required levels of service for infrastructure, will aid landowners in understanding the outcomes sought by Council in the rural environment, and better enable applicants to meet the requirements of Council for any Resource Consent process.*
- 15B.6.16 By avoiding, remedying or mitigating adverse effects on the environment by requiring the landowner or developer to provide roading and on-site services for water supply, wastewater disposal or stormwater disposal for sites in the rural areas (unless the provision of reticulated services is identified as an alternative to on-site systems).**
- The intense subdivision of land, particularly for rural residential and lifestyle purposes, in the rural area, could lead to environmental effects, which create demand for the Council to provide sites with reticulated services for water supply, wastewater and stormwater disposal. However, unless the provision of such services are proposed and identified as works in the Councils Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide them to rural areas. Subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site.*
- 15B.6.17 By maintaining opportunities for the diversity of rural land use, without significant interference from adjacent residential, lifestyle or rural – residential activities.**
- It is recognised that a range of activities can generally locate in the rural environment without causing significant adverse effects. The expansion in the scale and intensity of commercial, industrial and residential activities will be managed to ensure that their effects are mitigated and the rural land resource remains available for future generations.*
- 15B.6.18 By requiring activities locating in the rural areas to be sited and designed to avoid, remedy or mitigated reverse sensitivity effects on existing adjoining land uses.**
- The location of some land uses, such as rural-residential living and commercial operations, can result in actual or perceived nuisances to such land uses from the effects of lawfully existing rural activities. This can lead to pressure being placed on existing rural activities to reduce or eliminate such effects, which in many instances is impossible or impracticable and could potentially constrain both present and future operations.*
- 'Noise Sensitive activities', as defined in Chapter 24: Definitions, such as residential activities that seek to locate in rural areas must recognise the potential effects (such as odour and noise) of existing rural activities, and should be sited and designed to reduce such effects. Where activities such as mineral extraction and processing, industrial or intensive rural activity seek to establish in the Treaty Settlement Zone, consideration must also be given to reverse sensitivity effects on adjoining activities.*
- 15B.6.19 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service upgrades are borne by the development.**
- Subdividers and developers will be required to ensure the provision of adequate roading and service infrastructure can adequately meet the demands of new subdivisions, and to avoid, remedy or mitigate adverse effects of development on the environment.*
- Subdividers will be required to ensure that allotments can be provided with the necessary infrastructure services, such as the provision of water supply and disposal of wastewater and stormwater. In the first instance, connection to public reticulated services is preferred, but where such services are unavailable subdividers and developers will be required to demonstrate that adequate on-site services can be provided which will not create adverse environmental effects.*
- 15B.6.20 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.**
- Where connections to public reticulated systems for new subdivision and development are unavailable, any proposed method or means of disposing wastewater or stormwater on-site will be required to demonstrate how the proposed method can achieve the protection of the health and safety of residents and avoid any adverse effects on sensitive receiving environments.*
- 15B.6.21 By providing flexibility for subdivision and development density, as well as for a range of activities (industrial, commercial and residential etc.) that can be appropriately located and meet the environmental conditions appropriate to the Treaty Settlement Land Zone.**
- The density of development impacts on the natural, cultural and amenity values, and on the efficient and orderly provision of infrastructure and services. It is important that this scale is in proportion to existing development or at such a level that it does not detrimentally affect the existing natural character, amenity, natural processes or ecological values of an area, and does not preclude efficient and orderly provision of infrastructure and services. This is particularly so in the case of environmentally sensitive areas or areas that are inadequately serviced. It is also important in the rural environment, where existing and future rural activities can be adversely affected by more intense development.*
- It is important that a variety of activities which do not lead to adverse effects on rural character and amenity, be provided for in the rural environment allowing for the establishment of a range of activities and managing subdivision and development in an integrated matter, can enable rural communities and residents to provide for their social, economic and cultural wellbeing, while still enjoying the lifestyle benefits offered by residing in the rural environment. Managing subdivision and development in an integrated manner provides for adverse effects on the environment to be avoided and for opportunities for environmental benefits to be realised (e.g. provision of public access to and along the Coastal Marine Area, protection of valued sites and areas, including sites of significance to Tangata Whenua).*
- 15B.6.22 To control land use and subdivision activities on and adjacent to roads and prevent adverse effects on the Transport Network.**
- Land use and subdivision activities resulting in the provision of additional access ways onto the Transport Network have the potential to adversely affect the operation and safety of the network. By controlling the location and number of access points will enable the effects of these activities to be appropriately managed.*
- 15B.6.23 By requiring the provision of safe and practicable vehicular access from a public road to each site.**
- Vehicular access to sites must be practicable, safe and convenient for vehicles to use, and should avoid adverse effects on the environment. This may require the upgrading of existing roads or the provision of new roads within the subdivision to connect the subdivision to the District roading network.*
- 15B.6.24 By ensuring that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District roading network which the site is required to be connected to.**
- Where new roads are required to connect a subdivision site to the District roading network, it is important that they are designed and constructed to be compatible with the roads that they are connecting to. This is to ensure that the roading network is sustained at a level which provides safe, practicable and convenient travel for those using it, and which mitigates any potential adverse effects of the road and its use on the environment, including effects on adjoining activities. Subdividers will generally be required to provide roads within the subdivision site. Standards for the design and construction of different types of roads in the roading hierarchy are provided in the Kaipara District Council's Engineering Standards 2011 and subdividers will be required to comply with these Standards when constructing roads within the subdivision site.*
- 15B.6.25 Subdividers and developers shall be required to accommodate within the design and layout of any subdivision or development any Structure Road or Structure Utilities identified on an approved Structure Plan within any Proposed New Urban Development Area.**
- In order to ensure the orderly and efficient development of the Proposed New Growth Areas the Council will identify, where necessary, key structure roads and structure utilities. The general route and construction Standards will be identified on an approved Structure Plan and subdivisions or development shall be required to make provision for them.*
- 15B.7 Methods**
- The above Policies will be implemented through the following methods
- 15B.7.1 District Plan Methods**
- 15.7.1.1 The use of rules which provides for papakainga and marae expansion, upgrade and development, subject to compliance with Standards relating to provision of services and access.**
- 15.7.1.2 The use of subdivision Rules including Performance Standards and Assessment Criteria relating to site sizes and dimensions, property access, the provision of services to the site, and the provision of increased development rights where environmental protection/enhancement is offered by an applicant as part of a subdivision process.**
- 15.7.1.3 The use of rules which allow for a range of activities within the Maori Purposes Treaty Settlement Land Zone, subject to compliance with relevant Performance Standards and Assessment Criteria.**

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

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

**15.7.1.6 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).**

**15.7.1.7 On-going monitoring of approved Resource Consents.****15B.7.2 Other Methods**

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

**15.7.2.2 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.**

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

**15.7.2.4 Kaipara District Council's Engineering Standards 2011.**

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

**15.7.2.6 Assistance with investigations into the sustainable utilisation of Maori Land.**

**15.7.2.7 Liaison with Northland Regional Council.**

**15.7.2.8 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.**
- **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.

**15.7.2.9 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).**

**15.7.2.10 Undertake further investigation and investigate a plan change relating to transferable development rights, to provide for Environmental Benefit and Preservation of Natural and Cultural Heritage subdivision based on the aggregate covenants and instruments of control imposed on the Treaty Settlement process in relation to existing cultural redress land.**

**15B.8 Outcomes**

**15B.8.1 Cultural values associated with Treaty Settlement Land are protected and enhanced.**

Issues 15B.4.2 and 15B.4.5

**15B.8.2 Commercial and cultural redress properties are managed and developed to provide for Te Uri o Hau and Te Roroa cultural, economic and social wellbeing.**

Issues 15B.4.1, 15B.4.4, 15B.4.5 and 15B.4.6

**15B.8.3 Treaty Settlement Land is appropriately developed to provide suitable buildings served by effective infrastructure.**

Issues 15B.4.1, 15B.4.2, 15B.4.3 and 15B.4.13

**15B.8.4 The character (including social, environmental and natural values) of the rural environment will be maintained.**

Issues 15B.4.7, 15B.4.8, 15B.4.10 and 15B.4.11

**15B.8.5 Rural production activities will continue to be provided for in all existing rural areas.**

Issues 15B.4.10 and 15B.4.12

**15B.8.6 The maintenance and enhancement of those values that contribute to the Visual Amenity of the rural environment.**

Issues 15B.4.8, 15B.4.13 and 15B.4.14

**15B.8.7 Retained ability to develop lifestyle residential development on varying lot sizes, providing that the character (including social and natural environments) is preserved.**

Issue 15B.4.14

**15B.8.8 Growth in low density residential development in the rural areas around the harbours, while maintaining the open space and discreet character of the environ, particularly as viewed from the water and from the harbour environs.**

Issues 15B.4.7, 15B.4.8 and 15B.4.13

**15B.8.9 The provision and maintenance of required levels of capacity, efficiency and safety of services and infrastructure**

Issues 15B.4.9 and 15B.4.11

**15B.8.10 The efficient use of land and resources in the Treaty Settlement Land Zone providing for the social and economic needs of Tangata Whenua through the sustainable management of natural and physical resources.**

Issues 15B.4.11

**15B.9 Treaty Settlement Land Rules**

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

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

**15B.9.1 Permitted Activities**

The following activities shall be Permitted in the Treaty Settlement Land Zone:

- a) Any activity complying with the Performance Standards listed in Section 15B.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.

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

**15B.9.2 Controlled Activities**

The following activities shall be Controlled in the Treaty Settlement Land Zone:

- a) Any activity that does not meet any Performance Standard listed in Section 15B.10 that is listed as a Controlled Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 15B.11 and 15B.14 of this Chapter.

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

**15B.9.3 Restricted Discretionary Activities**

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

- a) Any activity which does not meet any Performance Standard listed in Section 15B.10 of this Chapter and is listed as a Restricted Discretionary Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 15B.12 and the Performance Standards listed in Section 15B.14 of this Chapter.

**Note 1:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 15B.10, 15B.12 and 15B.14 of this Chapter and the relevant Objectives and Policies that relate to the matters for which discretion has been restricted.

**15B.9.4 Discretionary Activities**

The following shall be Discretionary Activities in the Treaty Settlement Land Zone:

- a) Any activity which does not meet any Performance Standards listed in Section 15B.10 of this Chapter and is listed as a Discretionary Activity; and
- b) Any subdivision not in accordance with the Terms for Subdivision listed in section 15B.13 and the Performance Standards for all Treaty Settlement Land Subdivision in Section 15B.14 of this Chapter.

**Note 1:** Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 15B.10, 15B.10.13 and 15B.14 of this Chapter, the Objectives and Policies of this Chapter and Part A of the District Plan.

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

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

- a) Any subdivision not in accordance with the Controlled, Restricted Discretionary or Discretionary Performance Standards listed in Sections 15B.11, 15B.12 and 15B.13 of this Chapter.

**Note 1:** Applications for Non-Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 15B.10, 15B.11, 15B.12, 15B.13 and 15B.14 of this Chapter, the Objectives and Policies of this District Plan and the effects of the activity on the environment.

## 15B.10 Performance Standards Maori Purpose: Treaty Settlement Land Zone

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.1a	Excavation and Fill	<p><b>Subject to the exclusions in (7) below, excavation and fill is a Permitted Activity 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 six 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; and</p> <p><b>(1) Maori Purposes: Treaty Settlement 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> 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 height 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) Transmission Corridor No Build Area</b></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Whether Building Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) Machinery to be used and hours of operation;</p> <p>iii) <b>Effects</b> on the locality, particularly the character and <b>amenity values</b> of adjoining <b>sites</b>/land 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>dwellings</b> 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 15B.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 the 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; and'</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>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and <b>height</b> of any excavation or fill;</p> <p>ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and <b>wetland</b> areas, water bodies and the <b>Coastal Marine Area</b>;</p> <p>iii) 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>iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>a) Excavation and fill is located outside of the Transmission Corridor No Build Area (as shown in Appendix 12.1) except earthworks for:</p> <ul style="list-style-type: none"> <li>- The new and on-going operation, maintenance and upgrading of existing Network Utilities; or</li> <li>- <b>Normal Rural Practices</b> where they comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> </ul> <p><b>(7) Except that the following are Permitted Activities throughout the Treaty Settlement Land Zone, including Overlays, unless the site is within the Transmission Corridor No Build Area (where Standard 15B.10.1(6) applies:</b></p> <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; and</p> <p>d) Normal Rural Practices.</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 Maori Purposes: Treaty Settlement Land Zone apply to Overlays unless alternative standards are explicitly stated.</p>		<p>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</p> <p>vi) A record of any consultation (if any) and response to that consultation with any property owners or occupiers whose property is within 200m of the proposed activity;</p> <p>vii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; and</p> <p>viii) Details of methods proposed to manage construction traffic.</p> <p>For the purposes of this rule a Development Plan shall include:</p> <p>i) A scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retailing, roading, parking, vehicle wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site;</p> <p>ii) The anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis and the number of truck movements to and from the site;</p> <p>iii) The estimated number of people, including employees, on site and services and buildings for them;</p> <p>iv) The number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis;</p> <p>v) The methods for controlling erosion and sedimentation on site;</p> <p>vi) The staging of the mine or quarry;</p> <p>vii) The methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land and the distance from public viewing;</p> <p>viii) The methods to be employed to control the effects of dust and debris on site;</p> <p>ix) The methods to be employed to control the effects of noise and vibration on site;</p> <p>x) A statement giving details of consultation, including consultation with Tangata Whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners; and</p> <p>xi) Method of containing tailings.</p> <p>Except that this rule does not apply to a quarry or mine defined by "<b>normal rural practice</b>"</p> <p><b>Note 1:</b> A report may be required by a suitably qualified engineer to demonstrate that the work will not have an adverse effect on downstream or upstream flooding.</p> <p><b>Note 2:</b> Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications.</p> <p><b>Note 3:</b> Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners.</p> <p><b>Note 4:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15B.10.1b	Excavation and Fill in an Outstanding Natural Landscape	<p><b>(1) Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</b></p> <p>a) The volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</p> <p>b) The height or depth is less than 2m over a continuous distance of less than 50m within a site.</p> <p><b>(2) Except that Normal Rural Practices (as defined in Chapter 24) are Permitted Activities.</b></p>	Discretionary Activity	<p>When 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 15B.10.1a; and</p> <p>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>		<p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15B.10.2a	Indigenous Vegetation Clearance	<p>Subject to the exceptions provided in (5) below clearance or removal of indigenous vegetation is a <b>Permitted Activity</b> if:</p> <p><b>(1) Maori Purposes: Treaty Settlement Land Zone</b></p> <p>a) It is not located within an <b>indigenous wetland</b>;</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous over 5 hectares in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in <b>height</b> and over 1 hectare in area; and</p> <p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(2) East Coast and West Coast and Kaipara Harbour Overlays</b></p> <p>a) It is not located within an indigenous wetland;</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m<sup>2</sup> 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>(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>The destruction or clearance of indigenous vegetation within the Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas is a Permitted Activity, provided that:</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>	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 <b>vegetation clearance</b> proposed relative to total vegetated area;</p> <p>ii) Whether any affected area of <b>indigenous vegetation</b> is naturally occurring or has been artificially created;</p> <p>iii) <b>Effects</b> on the locality, particularly the rural character and <b>amenity values</b>;</p> <p>iv) Effects on ecological values and in particular its significance as a <b>Site of Ecological Significance</b> by reference to the criteria listed in Appendix 25G;</p> <p>v) Whether and the extent to which revegetation using <b>eco-sourcing</b> 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 <b>wetlands</b> and particularly sensitive <b>receiving environments</b> of the harbours and <b>lakes</b>;</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) To what extent provision has been made for the exercise of <b>matauranga maori</b> and tikanga;</p> <p>xvii) 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>xviii) 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>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>c) It is not located within a site identified in Appendix F (Kiwi Density) of the District Plan; and</p> <p>d) It is not located within an Outstanding Natural Landscape as identified in Map Series 2.</p> <p><b>(5) Except that the following are Permitted Activities throughout the Treaty Settlement Land Zone, including the Overlays, and are excluded from the Standards of 15B.10.2a(1), 15B.10.2a(2), 15B.10.2a(3) and 15B.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);</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 an 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; 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 electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2003;</p> <p>h) The clearance is for the creation and maintenance of fire breaks; 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 contains 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 Treaty Settlement 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	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.2b	<b>Indigenous Vegetation Clearance in an Outstanding Natural Landscape</b>	<p>The provisions in this chapter prevail over the Resource Management (National Environmental Standards for Planation Forestry) Regulations 2017 in relation to plantation forestry activities.</p> <p>Subject to the exceptions provided in (1) below, clearance or removal of indigenous vegetation within an Outstanding Natural Landscape is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) It is not located in an indigenous wetland; or</li> <li>b) It is not part of: <ul style="list-style-type: none"> <li>i. a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</li> <li>ii. a continuous area of predominantly indigenous vegetation, greater than 3m in height and greater than 500m<sup>2</sup> in area.</li> </ul> </li> </ul> <p><b>(1) Except that the following are Permitted Activities, and are excluded from the Standards of 15B.10.2b:</b></p> <ul style="list-style-type: none"> <li>a) The removal is in accordance with an existing use right; or Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels.</li> <li>b) The total clearance within a site is no more than 500m<sup>2</sup> where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or</li> <li>c) The site is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or</li> <li>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</li> <li>f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation 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</li> <li>g) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2009;</li> <li>h) The clearance is for the creation and maintenance of firebreaks; or</li> <li>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; or</li> <li>j) It is in accordance with the terms of a Queen Elizabeth II National Trust, or other covenante, 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</li> <li>k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</li> </ul> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The matters for which it has limited its discretion listed under Rule 15B.10.2a; and</li> <li>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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15B.10.3a	Dwellings (excluding Papakainga)	<p>Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <p>a) After completion, it will be the only dwelling on the <b>site</b>; or</p> <p>b) It will be an additional dwelling on the site, and there is a minimum of 12ha of <b>net site area</b> associated with each dwelling in the Treaty Settlement Zone, and 20ha in any Overlay Area; or</p> <p>c) It will be an additional dwelling on the site, where:</p> <p>i. there is a minimum density of 12 ha of net site area associated with each dwelling in the Rural Zone, and 20 ha in any Overlay Area, which is calculated over more than one site; and</p> <p>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.</p> <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.</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 Sections 15B.10 and 15B.14.</p> <p><b>Note 4:</b> Clause 1a) above will not apply if there is an encumbrance on the property in accordance with 1c) of this Rule.</p> <p><b>Note 5:</b> Clause 1c) is intended to provide for additional dwellings to be clustered on a farm (to support the primary activities on the site), where that farm is held in more than one title.</p> <p><b>Note 6:</b> An example form encumbrance to the effect that no dwelling shall be built on a site as required by clause c)ii) above is available from Council.</p> <p><b>Note 7:</b> For dwellings within an Outstanding Natural Landscape, Rule 15B.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> <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 site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</p> <p>iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and <b>dwellings</b> and is in accordance with any adopted Design Guidelines;</p> <p>v) Effects on the locality, particularly the rural 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;</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) The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits;</p> <p>xi) The effects of any new activity or <b>development</b> on the State Highway Network; and</p> <p>xii) 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>
15B.10.3b	Dwelling Floor Levels	<p>(1) <b>Construction of a dwelling is a Permitted Activity if:</b></p> <p>a) Minimum floor levels are designed in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>– Floor levels for habitable <b>building</b> floors are designed with a minimum freeboard <b>height</b> to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and</li> </ul> <p>b) In addition to the minimum floor level any new dwelling shall be:</p> <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> <p><b>Note 1:</b> Minimum floor levels have been determined using One Tree Point 1964 datum.</p> <p><b>Note 2:</b> There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.</p>

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15B.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> <table border="1" data-bbox="566 787 1516 1738"> <thead> <tr> <th data-bbox="566 787 842 947">Provisions that apply</th> <th data-bbox="851 787 979 947">15B.10.3c(a)</th> <th data-bbox="988 787 1115 947">15B.10.3c(b)</th> <th data-bbox="1124 787 1252 947">15B.10.3c(c)</th> <th data-bbox="1261 787 1389 947">15B.10.3c(d)</th> <th data-bbox="1397 787 1516 947">15B.10.3c(e)</th> </tr> </thead> <tbody> <tr> <td data-bbox="566 953 842 1010">Pump sheds</td> <td data-bbox="851 953 979 1010">Applies</td> <td data-bbox="988 953 1115 1010">Applies</td> <td data-bbox="1124 953 1252 1010">Does not apply</td> <td data-bbox="1261 953 1389 1010">n/a</td> <td data-bbox="1397 953 1516 1010">n/a</td> </tr> <tr> <td data-bbox="566 1016 842 1073">Water troughs</td> <td data-bbox="851 1016 979 1073">Applies</td> <td data-bbox="988 1016 1115 1073">Applies</td> <td data-bbox="1124 1016 1252 1073">Does not apply</td> <td 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1226 1389 1304">n/a</td> <td data-bbox="1397 1226 1516 1304">n/a</td> </tr> <tr> <td data-bbox="566 1310 842 1430">Wind turbines for operations of agricultural equipment (e.g. for water pumps)</td> <td data-bbox="851 1310 979 1430">Does not apply</td> <td data-bbox="988 1310 1115 1430">Applies</td> <td data-bbox="1124 1310 1252 1430">Does not apply</td> <td data-bbox="1261 1310 1389 1430">n/a</td> <td data-bbox="1397 1310 1516 1430">n/a</td> </tr> <tr> <td data-bbox="566 1436 842 1514">Replacement of existing structures in ONL (like for like replacement)</td> <td data-bbox="851 1436 979 1514">Does not apply</td> <td data-bbox="988 1436 1115 1514">Does not apply</td> <td data-bbox="1124 1436 1252 1514">Does not apply</td> <td data-bbox="1261 1436 1389 1514">n/a</td> <td data-bbox="1397 1436 1516 1514">n/a</td> </tr> <tr> <td data-bbox="566 1520 842 1738">One new operational farm building (non-residential) per certificate of title issued on or before 2 December 2010</td> <td data-bbox="851 1520 979 1738">Applies</td> <td data-bbox="988 1520 1115 1738">Does not apply Subject instead to 100m<sup>2</sup> gross floor area limit</td> <td data-bbox="1124 1520 1252 1738">Applies</td> <td data-bbox="1261 1520 1389 1738">n/a</td> <td data-bbox="1397 1520 1516 1738">n/a</td> </tr> </tbody> </table> <p data-bbox="566 1793 1516 1822">* <b>Note:</b> where the above provisions do not apply the general provisions of the District Plan apply.</p>	Provisions that apply	15B.10.3c(a)	15B.10.3c(b)	15B.10.3c(c)	15B.10.3c(d)	15B.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 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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																																																					

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15B.10.4	Papakainga	<p>Construction of <b>papakainga</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The papakainga comprises no more than 10 individual units per <b>site</b>;</li> <li>b) Each papakainga unit meets the Performance Standards of Section 15B.10;</li> <li>c) Meets the standards of 15B.10.3b above; and</li> <li>d) Each site meets the Performance Standards of Section 15B.14.</li> </ul> <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 15B.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the 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;</li> <li>iv) Effects on the locality of the adjoining rural land, particularly the rural character and <b>amenity values</b> associated with Overlay Areas (as identified in the Objectives and Policies for Overlays, Chapter 4);</li> <li>v) If located within an Overlay, the extent to which the values identified in the objectives and policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vi) Effects on landscape and heritage values;</li> <li>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> <li>viii) The extent to which the <b>development</b> is able to comply with the relevant Performance Standards or <b>Kaipara District Council's Engineering Standards 2011</b> in relation to stormwater, wastewater, water supply and access;</li> <li>ix) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</li> <li>x) Safety of the <b>papakainga</b> and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</li> <li>xi) The extent to which the buildings are clustered appropriately with regard to efficient servicing and the rural character of the adjoining Rural Zoned land;</li> <li>xii) The effects of any new activity or development on the State Highway Network; and</li> <li>xiii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15B.10.5	Commercial and Industrial Buildings	<p><b>(1) For Commercial or Industrial Activities</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The <b>gross floor area</b> of the building does not exceed 500m<sup>2</sup>; and</li> <li>b) The building is able to comply with the relevant Performance Standards of Rule 15B.10;</li> <li>c) Where no <b>Council</b> wastewater system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards".</li> <li>d) Where a Council <b>reticulated</b> wastewater system is available the <b>development</b> complies with the requirements of Rule 15B.14.6(1)(a)-(d) inclusive;</li> <li>e) Where no Council wastewater system is available the development shall comply with the requirements of Rule 15B.14.6(c)-(d) inclusive.</li> <li>f) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 15B.14.5(1)(a) and 15B.14.1(3)(a)-(i) inclusive;</li> <li>g) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 15B.14.5(2)(a) and Rule 15B.14.5(3)(a)-(i) inclusive.</li> </ul> <p><b>Note 1:</b> Any discharge into land, air or waterbodies may require a Resource Consent from the</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iv) Proposed landscaping in accordance with any Council adopted Design Guidelines;</li> <li>v) 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>;</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 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> </ul>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum Standards for waste water and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and <b>structures</b> in the <b>Coastal Marine Area</b>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> For dwellings within an Outstanding Natural Landscape, Rule 15B.10.3c shall also apply.</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 in the <b>Kaipara District Council Engineering Standards 2011</b>, or has been confirmed as appropriate by Council's engineer;</p> <p>xii) The extent to which the stormwater generated from <b>impermeable surfaces</b> associated with the building may contribute to erosion or a reduction in the water quality of the <b>receiving environment</b>, and</p> <p>xiii) Whether a sustainable potable water supply is able to be provided to service the development.</p> <p>xiv) 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>
15B.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 <b>height</b>, 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 15B.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 can be mitigated by <b>setbacks</b>, 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> <p>vi) Effects on availability of sunlight to other properties; and</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p>
15B.10.7	Height Relation in to Boundary	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 3m in <b>height</b> plus the shortest horizontal distance between that part of the building and any <b>site boundary</b>.</p> <p><b>Note 1:</b> Refer to Chapter 24 - Definitions for the definition of <b>Recession Plane</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) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</p> <p>ii) The functional requirements of the building;</p> <p>iii) The extent to which the <b>effects</b> of the height in relation to <b>boundary</b> infringement can be mitigated by <b>setbacks</b>, 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> <p>vi) Effects on availability of sunlight to other properties; and</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.8	Setbacks	<p><b>(1) Treaty Settlement Land Zone that adjoins the Rural Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following <b>setback</b> distances (<b>yards</b>):</p> <ul style="list-style-type: none"> <li>a) <b>Front yard</b> - 10m, except where the building is for industrial or commercial purposes, where the setback shall be 20m; and</li> <li>b) Side and <b>Rear yards</b> - 3m; and</li> <li>c) Coast - 30m from the <b>Coastal Marine Area</b>; and</li> <li>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</li> <li>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</li> <li>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</li> <li>g) Wetland - 30m from the banks of any indigenous wetland.</li> </ul> <p><b>(2) Treaty Settlement Land Zone that Adjoins the Residential Zone</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <ul style="list-style-type: none"> <li>a) Front yard - 5m; and</li> <li>b) <b>Side yards</b> – one of 1.5m and one of 3m; and</li> <li>c) Rear yards - 3m except on rear <b>sites</b> where one yard of 1.5m may be provided; and</li> <li>d) Coast - 30m from the Coastal Marine Area; and</li> <li>e) Lake / River - 30m from the banks of any dune; any other lake whose bed 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</li> <li>f) Any building is setback 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m.</li> </ul> <p><b>(3) In addition to the setbacks above, in the Mangawhai Harbour Overlay:</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <ul style="list-style-type: none"> <li>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</li> </ul> <p><b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 12.10.7(1)(d) above applies.</p> <p><b>(4) Except that:</b></p> <ul style="list-style-type: none"> <li>a) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consented water take or discharge structure or consented pump shed/station.</li> </ul> <p><b>Note1:</b> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><b>Note 2:</b> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway</p> <p><b>Note 3:</b> Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.</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 outlook and privacy of adjacent and adjoining neighbours;</li> <li>ii) Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iii) Whether proposed landscaping is in accordance with any relevant Council adopted Design Guidelines;</li> <li>iv) Whether the proposed landscaping is in accordance with the design principles of the Mangawhai <b>Structure Plan</b> (pages 46 - 49) for Policy Area Three;</li> <li>v) Effects on the locality, particularly the rural and natural 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 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> <li>ix) Effects on ecological values and in particular any <b>Sites of Ecological significance</b> as defined by the criteria listed in Appendix 25G;</li> <li>x) Effects on public access;</li> <li>xi) Effects on <b>natural hazards</b>, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b>;</li> <li>xii) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or strips;</li> <li>xiii) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether the approval of the respective roading or rail control authority has been provided and the extent to which the placement of the building affects traffic and/or rail safety;</li> <li>xiv) The functional requirements of the building and activity; and</li> <li>xv) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.9	Permeable Surfaces	<p><b>(1) For any site of 5ha or less, an activity is a <i>Permitted Activity</i> if:</b></p> <p>a) In any one hectare, the area of any <i>site</i> covered by <i>buildings</i> and other <i>impermeable surfaces</i> is less than 15% in the <i>Treaty Settlement Land Zone</i> 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 Treaty Settlement Land Zone where it is within an Overlay.</p> <p><b>(2) For any site over 5ha in size, an activity is a <i>Permitted Activity</i> 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 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) Control of stormwater run-off;</p> <p>ii) The <b>effects</b> of increased stormwater flows downstream;</p> <p>iii) Methods of attenuating stormwater flows to pre-<b>development</b> rates;</p> <p>iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</p> <p>v) Effects on water quality; and</p> <p>vi) The extent to which low impact design principles are utilised; 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> 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>
15B.10.10	Separation Distance for Noise Sensitive Activities in the Maori Purposes Treaty Settlement Zone	<p>Any noise sensitive activity including <i>marae</i> or <i>papakaiinga</i> (as defined in Chapter 24: Definitions) is permitted if a 300m separation is maintained between the noise sensitive activity and activities listed as follows on a site under separate ownership:</p> <p>a) Wastewater 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 industrial <i>activity</i>;</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 an air discharge permit (odour) granted by the Northland Regional Council.</p> <p><b>Note 1:</b> This Rule is intended to protect the opportunity for rural activities in the Rural Zone. As such, if there is an existing lawfully established activity as listed in a) to g) above, then a noise sensitive activity wishing to develop would be required to maintain the appropriate separation from this to avoid future land use conflicts.</p>	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;</p> <p>v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 15B and 2; and</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.</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>
15B.10.11	Separation Distance between Activities in the Maori Purposes Treaty Settlement 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 <i>site</i> zoned Residential, Business - Commercial or any site <b>boundary</b> to a mapped Reserve Management Unit, or a 300m distance to any existing noise sensitive activity (as defined in Chapter 24: Definitions) located in these Zones, whichever is the greater:</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>	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) Protection of the character and amenity of the relevant adjoining activity, 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 15B and 2.</p>

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		<p><b>Note 1:</b> This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Maori Purposes Treaty Settlement Zone. As such, if any of the activities listed in a) to g) above seek to establish within the Maori Purposes: Treaty Settlement Zone, then the separation distances noted above would be required to avoid future land use conflicts, and would safeguard future <b>noise sensitive activities</b> that are reasonably expected to establish within the Residential Zone, Business – Commercial Zone, or the values of a Reserve Management Unit.</p>		
15B.10.12	Buildings and Vegetation near Airfields	<p><b>(1) 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><b>(2) 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>
15B.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: 50dB L<sub>Aeq</sub>;</p> <p>b) 7:00pm - 10:00pm: 45dB L<sub>Aeq</sub>; and</p> <p>c) 10:00pm – 7:00am: 40dB L<sub>Aeq</sub> and 70 dB 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>dwelling</b>s;</p> <p>iv) Length of time for which the specified noise standard will be exceeded;</p> <p>v) Likely adverse effects beyond the <b>site</b>;</p> <p>vi) Effects on character and amenity beyond the site;</p> <p>vii) Alternative methods to avoid noise generation;</p> <p>viii) Mitigation measures to reduce noise generation; and</p> <p>ix) Prevailing wind direction.</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria																																																																																																											
15B.10.14	Construction Noise and Temporary Activities	<p>Construction noise and other <b>temporary activities</b> as defined in Chapter 24: Definitions are permitted if noise from the <b>site</b> does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".</p> <table border="1"> <thead> <tr> <th rowspan="3">Time of week</th> <th rowspan="3">Time period</th> <th colspan="6">Duration of work</th> </tr> <tr> <th colspan="2">Typical duration (dBA)</th> <th colspan="2">Short-term duration (dBA)</th> <th colspan="2">Long-term duration (dBA)</th> </tr> <tr> <th>L<sub>eq</sub></th> <th>L<sub>max</sub></th> <th>L<sub>eq</sub></th> <th>L<sub>max</sub></th> <th>L<sub>eq</sub></th> <th>L<sub>max</sub></th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630-0730</td> <td>60</td> <td>75</td> <td>65</td> <td>75</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>75</td> <td>90</td> <td>80</td> <td>95</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>70</td> <td>85</td> <td>75</td> <td>90</td> <td>65</td> <td>80</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630-0730</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>75</td> <td>90</td> <td>80</td> <td>95</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Sundays and public holidays</td> <td>0630-0730</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>55</td> <td>85</td> <td>55</td> <td>85</td> <td>55</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> </tbody> </table>	Time of week	Time period	Duration of work						Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)		L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	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	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>Maximum level of noise likely to be generated;</li> <li>The noise <b>environment</b> of the locality in which the activity is proposed;</li> <li><b>Effect</b> on the occupiers of residential <b>dwelling</b>s and other <b>buildings</b> affected by construction noise;</li> <li>Length of time for which the specified Noise Standard will be exceeded;</li> <li>Likely adverse effects beyond the <b>site</b>;</li> <li>Effects on character and amenity beyond the site;</li> <li>Alternative methods to avoid noise generation; and</li> <li>Mitigation measures to reduce noise generation.</li> </ol>
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15B.10.15	Wind Generation Noise	<p>Wind turbines are permitted the noise generated by the wind turbines does not exceed the recommended limits in NZFS 6808: 2010 when measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise.</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> <ol style="list-style-type: none"> <li>Maximum level of noise likely to be generated;</li> <li>The existing background noise <b>environment</b> of the locality in which the activity is proposed;</li> <li>Noise <b>effect</b> on adjoining or adjacent residential <b>dwelling</b>s;</li> <li>Length of time for which the specified Noise Standard will be exceeded;</li> <li>Likely adverse effects of noise beyond the <b>site</b>;</li> <li>Effects of noise generation on character and amenity beyond the site;</li> <li>Alternative methods to avoid noise generation; and</li> <li>Mitigation measures to reduce noise generation.</li> </ol>																																																																																																											

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15B.10.16	Vibration	<p>Any activity is permitted if vibration from the activity does not exceed the following average levels:</p> <p>a) Within a dwelling on any adjacent site zoned Residential, Maori Purpose or Rural:</p> <table border="1" data-bbox="620 401 1415 642"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7:00am - 6:00pm</td> <td>0.045m/s<sub>2</sub></td> <td>1.0 m/s<sub>2</sub></td> </tr> <tr> <td>All other times</td> <td>0.015 m/s<sub>2</sub></td> <td>0.05 m/s<sub>2</sub></td> </tr> </tbody> </table> <p>b) Within a building on any adjacent site Zoned Business:</p> <table border="1" data-bbox="620 684 1415 821"> <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<sub>2</sub></td> <td>2.0 m/s<sub>2</sub></td> </tr> </tbody> </table> <p><b>Note 1:</b> Vibration levels shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.</p>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7:00am - 6:00pm	0.045m/s <sub>2</sub>	1.0 m/s <sub>2</sub>	All other times	0.015 m/s <sub>2</sub>	0.05 m/s <sub>2</sub>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s <sub>2</sub>	2.0 m/s <sub>2</sub>	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) Maximum level of vibration likely to be generated;</li> <li>ii) The <b>effects</b> on sensitive receptors or adjacent land uses;</li> <li>iii) Effect on the <b>structure</b> and stability of adjoining or adjacent residential <b>dwelling</b>s or <b>building</b>s;</li> <li>iv) Length of time for which the specified Vibration Standard will be exceeded;</li> <li>v) Likely adverse effects beyond the <b>site</b>;</li> <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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15B.10.17	Traffic Intensity	<p>Any activity is permitted if the cumulative traffic generated on any <b>road site</b> does not exceed:</p> <p>a) 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. 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 surrounding area;</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 <b>development</b> on the State Highway Network.</li> </ul>															

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15B.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>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2001.</p> <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	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.
15B.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 <b>containment 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;</p> <p>viii) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land; and</p> <p>ix) Whether and to what extent provision has been made for the exercise of <b>matauranga maori</b> and tikanga.</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>
15B.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> <ol 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> </ol>	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-</p>

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		<ul style="list-style-type: none"> <li>vii. Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or</li> <li>viii. Fire-fighting substances on emergency vehicles; or</li> <li>ix. Electricity transformers, capacitors and switches up to 600 litres; or</li> <li>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</li> <li>d) Storage or use of hazardous substances complies with Appendix 25D: Hazardous Substances (Permitted Conditions Table 2).</li> </ul>		<ul style="list-style-type: none"> <li>oriented activities (e.g. <b>child care</b>, education facilities, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b> within the site and the locality;</li> <li>ix) The presence or otherwise of <b>natural hazards</b> which could adversely influence the inherent risks from a hazardous facility to the environment;</li> <li>x) The extent to which alternative locations and methods have been considered</li> <li>xi) Hazard and risk analysis;</li> <li>xii) Management of wastes containing hazardous substances;</li> <li>xiii) Proposed contingency measures and emergency plans;</li> <li>xiv) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xv) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>
15B.10.21	Radioactive materials	<p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or</li> <li>b) Radioactive materials are confined to domestic appliances.</li> </ul>	<p>Controlled Activity if:</p> <ul style="list-style-type: none"> <li>a) Radioactivity does not exceed 100 terabecquerels.</li> </ul> <p>Discretionary Activity If:</p> <ul style="list-style-type: none"> <li>b) Radioactivity exceeds 100 terabecquerels.</li> </ul>	<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> <ul style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site <b>infrastructure</b> (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. <b>child care</b>, education facilities rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) Hazard and risk analysis;</li> <li>x) Management of wastes containing hazardous substances;</li> <li>xi) Proposed contingency measures and emergency plans;</li> <li>xii) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xiii) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>
15B.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> <ul style="list-style-type: none"> <li>i) The orientation, strength, intensity, colour, or frequency of flashing of the light;</li> <li>ii) <b>Effects</b> on traffic and pedestrian safety;</li> <li>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>);</li> <li>iv) Effects on amenity and character of the surrounding area; and</li> <li>v) Proposed monitoring and <b>maintenance</b> schedules.</li> </ul>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.23	Signage (including signs on and adjacent to roads and on buildings)	<p>The following <b>signs</b> are Permitted:</p> <p>a) 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 site, or facilities, goods or services available from it, provided that no more than two such signs shall be erected on any site; and</p> <p>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or <b>requiring authority</b>, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; and</p> <p>c) Any temporary sign not exceeding 3m<sup>2</sup>, advertising or providing information on any central or local government elections, cultural, social or sporting events, sites for <b>development</b>, sale or auction, provided that any such sign shall only be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</p> <p>Provided the following conditions are met:</p> <p>i) No sign, other than a public sign or <b>verandah</b> sign, shall be displayed or erected on or over any <b>road</b> reserve unless the consent of <b>Council</b> is obtained; or</p> <p>ii) Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway the approval of the NZ Transport Agency is also required.</p> <p><b>Note 1:</b> For Network Utilities, the Rule 10.11.15 for Signs will take precedence over the standards in this Rule if relevant.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The visual impact of the <b>sign</b> and the <b>effect</b> on the amenity of the locality and surrounding area (including consideration of proposed lighting / illumination of the sign);</p> <p>ii) The number and location of other signs in the local vicinity;</p> <p>iii) The extent to which the sign is likely to unduly distract or restrict motorists vision or interfere with the effective functioning of any traffic sign;</p> <p>iv) The extent to 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> <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>
15B.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 roads 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; and</p> <p>d) Each site shall be provided with and maintain a <b>driveway</b> to the following Standards:</p> <ul style="list-style-type: none"> <li>- Formed with an all-weather surface;</li> <li>- For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</li> <li>- For a driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</li> <li>- The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</li> <li>- Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a <b>road</b> or shared 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 carriage way (with an 80 or 100km/h speed limit) where the</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Whether and the extent to which the vehicle access and <b>driveway</b> meets the Performance Standards or the <b>Kaipara District Council Engineering Standards 2011</b>;</p> <p>ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled, 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 <b>site</b>;</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> A description of the landscape features is provided in Appendix 18A. The values associated with</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>gate opens into the site or 13m plus the gate width where it opens towards the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with); and</p> <ul style="list-style-type: none"> <li>- Stormwater drainage 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.</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 Roding 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, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer.</p> <p><b>Note 4:</b> For Permitted Activities, approvals required for this performance standard can be provided at the time of Building Consent.</p>		the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).
15B.10.25	Fire Safety	<p>Any <b>building</b> is permitted if:</p> <p>a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes;</p> <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service recommends:</p> <ul style="list-style-type: none"> <li>• The dwellings should be at least 20m away from scrub, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the ; <ul style="list-style-type: none"> <li>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> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment.</p>
15B.10.26	Parking	<p>Any activity is permitted if:</p> <p>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.</p> <p>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards.</p> <p>c) Each parking space be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%; and</p> <p>d) Parking spaces may be situated within a building provided the <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.</p> <p>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, any lake with an area greater than 8ha or the <b>Coastal Marine Area</b> 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.</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 public parking and/or loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</p> <p>v) The hours of operation of the proposed use and number of staff employees on shift work;</p> <p>vi) The size and number of vehicles expected to use the site;</p> <p>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 15B.10.27 or the <b>Kaipara District Council Engineering Standards 2011</b>; and</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>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.</p> <p>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.</p> <p>h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street.</p> <p>i) Screening of Parking Areas - Any parking associated with a Commercial or Industrial activity shall be screened from residential sites by landscaping, fencing, or other suitable screening at least 1.8m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity.</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>In granting any application the Council may require as a Condition of Consent either that:</p> <p>ix) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>x) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
15B.10.27	Loading	<p><b>(1) For Commercial Activities</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 shall be of a usable size and shape and 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 as per Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards.</p> <p>f) Loading bay pavements shall be designed and constructed so that the maximum gradient on any area used for loading and manoeuvring shall be 6%.</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> <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>

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.28	Special Provisions	<p><b>(1) Land Administered by the Te Ture Whenua Maori Act 1993</b></p> <p>Land administered under the Te Ture Whenua Maori Act 1993, but not identified as being within the Maori Purposes: Maori Land Zone on the District Plan Maps can be considered under Chapter 15A: Maori Purposes - Maori Land Zone, without the need for a Plan Change to rezone the land.</p>		

### 15B.11 Controlled Treaty Settlement Land Subdivision

**Note:** All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 15B.2)

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
15B.11.1	Treaty Settlement Subdivision	<p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p><b>(1) Maori Purposes: Treaty Settlement Zone (excluding Overlay Areas)</b></p> <p>a) Every proposed <b>allotment</b> has a minimum <b>net site area</b> of 12 hectares (excluding Network Utility Allotments);</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter; and</p> <p>c) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(2) Overlay Areas (Kai Iwi Lakes, East Coast, West Coast, Mangawhai Harbour and Kaipara Harbour Overlays)</b></p> <p>a) Every proposed allotment has a minimum net site area of 20 hectares (excluding Network Utility Allotments);</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter; and</p> <p>c) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(3) Maori Purposes: Treaty Settlement Zoned land where it adjoins Residential Zoned land</b></p> <p>a) Every proposed allotment has a minimum net site area of 600m<sup>2</sup>, where a connection to <b>reticulated</b> wastewater <b>infrastructure</b> is available (excluding Network Utility Allotments); or</p> <p>b) Every proposed allotment has a minimum net site area of 3,000m<sup>2</sup>, where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments);</p> <p>c) The proposed subdivision can comply with the relevant Performance Standards in Section 13.10 and 13.14 of the Residential Chapter; and</p> <p>d) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> If you cannot meet the above general Treaty Settlement subdivision terms you can either seek a non-complying resource consent or you may be able to create smaller lots, if the site to be subdivided meets any of the following:</p> <ul style="list-style-type: none"> <li>- You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules;</li> <li>- You can protect areas of heritage, landscape or ecology – check the Environmental Benefit and Integrated Development subdivision rules;</li> <li>- You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules;</li> </ul>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control:</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the Performance Standards for all subdivision contained in Section 15B.14;</p> <p>ii) The site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision complies with the requirements of the relevant Performance Standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</li> <li>- The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>- The ability of the proposed lots to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>- <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid any potential adverse visual effects;</li> </ul> <p>Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8).</p> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10;</p> <p>iv) That appropriate development within the site(s) proposed is, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The proposed lots are able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>- The location of <b>building</b> areas or site accesses can avoid dominating the natural landscape or detracting from visual <b>amenity values</b> in the area;</li> <li>- Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from <b>natural hazards</b>;</li> <li>- The location of proposed <b>allotment</b> boundaries, building areas and driveways or right of ways avoid potential conflicts between incompatible land use activities;</li> <li>- The location of proposed allotment boundaries, building areas and driveways or right of ways avoids Maori heritage <b>sites</b> and features;</li> </ul> <p>v) That there is safe and efficient access to and from the site(s), in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The number and location of entrance ways along a public <b>road</b> does not result in adverse effects on the safe and efficient operation of the roading network;</li> <li>- Direct vehicle access to a State Highway or a regional arterial road is avoided, by using alternative access to a lower order road where such access exists or can be readily obtained;</li> </ul> <p>vi) The extent to which provision has been made for the exercise of <b>matauranga maori</b> and tikanga on sites which contain mapped features or areas (see Chapter 17);</p> <p>vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including:</p> <ul style="list-style-type: none"> <li>- Financial contributions (refer to Chapter 22: Financial Contributions);</li> <li>- Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed;</li> </ul>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
		<ul style="list-style-type: none"> <li>- You can create an area of Environmental Benefit on your site – check the Rural Amenity Lot and Integrated Development subdivision rules;</li> <li>- Your site is 5 hectares or less and existed at the time of notification of the Plan – check the Small Lot Development rules.”</li> </ul> <p><b>Note 2:</b> While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.</p> <p><b>Note 3:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<ul style="list-style-type: none"> <li>- Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements;</li> <li>- Provision for <b>Esplanade Reserves</b> and Strips;</li> <li>- Timing of consent, including consideration to extend the lapse period of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991; and</li> </ul> <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><b>Note 1:</b> Where activities that do not comply with the Performance Standards in Section 15B.14 the specific assessment criteria for the Standard infringing contained within Section 15B.14 need to be considered. This will result in the activity being assessed as a <b>Discretionary Activity</b>.</p> <p><b>Note 2:</b> Where activities do not comply with the Performance Standards in Section 15.10 the specific assessment criteria and activity status contained within Section 12.10 will need to be considered.</p> <p><b>Note 3:</b> It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design is undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect.</p> <p><b>Note 4:</b> Where these matters for control are identified in other Rules, such as 15B.12.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will exercise its discretion.</p> <p><b>Note 5:</b> The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.</p> <p><b>Note 6:</b> Administrative charges will be required to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.</p> <p><b>Note 7:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p> <p><b>Note 8:</b> For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at a time of development of the lot; and</li> <li>• Accessible and available all year round; and</li> </ul> <p>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</p>
<b>OR</b>			
15B.11.2	<b>Preservation of Natural and Cultural Heritage</b>	<p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <ol style="list-style-type: none"> <li>a) Permanent physical and legal protection of the heritage feature is achieved; and</li> <li>b) The lot created for the preservation of heritage shall contain one or more of the following:- <ul style="list-style-type: none"> <li>- Any historic <b>site</b> or feature listed in Chapter 17: <b>Historic Heritage</b>, Appendix 17.1; or</li> <li>- An 'Area of Significance to Maori' listed in Chapter 17: Historic Heritage, Appendix 17.2; or</li> <li>- A heritage feature registered under the <b>Historic Places</b> Trust or site of significance to Maori identified since the date the District Plan was notified;</li> <li>- A <b>Notable Tree</b> identified in Appendix 19.1;</li> <li>- An area of land covenanted by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005 for the protection of natural and cultural heritage.</li> </ul> </li> <li>c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and</li> <li>d) On the lot on which the heritage feature is located, the minimum <b>net site area</b> shall be 4,000m<sup>2</sup> and an area of at least 2,500m<sup>2</sup> exclusive of the heritage area being permanently protected, shall be made available to accommodate a <b>dwelling</b> and associated wastewater treatment and disposal system (and this area will enable a <b>building</b> compliant with the relevant Performance Standards of 15B.10 of this Chapter); and</li> <li>e) Any balance lot created must be a minimum net site area of four hectares;</li> </ol>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>i) The matters for control listed in Rule 15B.11.1; and</li> </ol> <p><b>Preservation of Heritage</b></p> <ol style="list-style-type: none"> <li>ii) The method for the continued preservation of an historic <b>site</b>, <b>building</b> or object, or <b>archaeological site</b>;</li> <li>iii) The <b>effects</b> of any <b>allotment</b> boundaries and/or identified building areas on the integrity of the heritage feature being protected;</li> <li>iv) Where an application is made under this provision, the following are considered affected parties in terms of Section 95E of the Resource Management Act 1991: <ul style="list-style-type: none"> <li>- For an historic site, building or object, or archaeological site, the New Zealand <b>Historic Places</b> Trust and the Department of Conservation; and</li> <li>- For a site of significance to Maori, the iwi;</li> </ul> </li> <li>v) The application shall be accompanied by all the necessary information, to demonstrate to the <b>Council</b> the authenticity and significance (quality) of the feature for protection;</li> <li>v) At the time of creation the Council will also require that the owner enter into a binding covenant to preserve the natural or cultural heritage feature with one of the following: <ul style="list-style-type: none"> <li>- Heritage Covenant (New Zealand Historic Places Trust);</li> <li>- A Maori Reservation under Sections 338 and 340 of Te Ture Whenua Maori (<b>Maori Land</b>) Act 1993; and</li> <li>- <b>Conservation Covenants</b> (Conservation Act 1987); and</li> </ul> </li> </ol>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
		<p>f) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.15 of this Chapter; and</p> <p>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> Where an application is made under this provision, the following are considered affected parties in terms of Section 95E of the Resource Management Act 1991:</p> <ul style="list-style-type: none"> <li>• For an Historic Site, Building or Object, or <b>archaeological site</b>, the New Zealand Historic Places Trust and the Department of Conservation; and</li> <li>• For a site of significance to Maori, the iwi.</li> </ul> <p><b>Note 2:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>vi) The extent to which provision has been made for the exercise of <b>matauranga maori</b> and tikanga on sites which contain mapped features or areas (see Chapter 17).</p> <p><b>Note 1:</b> Generally covenants for heritage features would be by way of a heritage covenant with the New Zealand Historic Places Trust or a conservation covenant with the Department of Conservation or the Council.</p>
OR			
15B.11.3	Boundary Adjustment	<p><b>Subdivision</b> within the Treaty Settlement Zone (including Overlays) is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>a) The size and/ or boundaries of two or more adjacent <b>allotments</b> are adjusted; and</p> <p>b) No additional allotments will be created; and</p> <p>c) One of the following are met:</p> <ol style="list-style-type: none"> <li>i. The <b>net site area</b> of any proposed allotment created by the <b>boundary</b> adjustment is the same as, or does not differ by more than 15% of, the net site area of that allotment as it existed prior to the boundary adjustment; or</li> <li>ii. The area of each adjusted lot complies with the minimum lot size specified for the relevant zone as a controlled activity, except where an existing lot size is already non-complying, then the degree of non-compliance shall not be increased as a result of the boundary adjustments; and</li> </ol> <p>d) Any on-site utilities, existing building sites, and the access within the properties to those building sites are not adversely affected by the change; and</p> <p>e) Access from the public road for each of the lots is not affected; and</p> <p>f) It does not create a lot which can accommodate a dwelling, where previously it was too small to accommodate a dwelling in compliance with the District Plan Performance Standards of Section 12.10 of this Chapter; and</p> <p>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>i) The matters for control listed in Rule 15B.11.1;</li> <li>ii) The extent to which a proposed <b>boundary</b> will provide for compliance with the Performance Standards in Section 15B.10 in relation to the existing <b>buildings, structures</b> and services on <b>site</b>; and</li> <li>iii) The extent to which provision has been made for the exercise of <b>matauranga maori</b> and tikanga.</li> </ol>

## 15B.12 Restricted Discretionary Treaty Settlement Land Subdivision

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
15B.12.1	Environmental Benefit	<p><b>Subdivision</b> within the Treaty Settlement Zone (including Overlays) is a <b>Restricted Discretionary Activity</b> if it meets the following terms for subdivision:</p> <p>a) Permanent physical and legal protection of an Ecological, Public Access, Landscape or Riparian Margin <b>Environmental Benefit(s)</b> within the <b>site</b> shall be achieved; and</p> <p>b) The entire feature shall be protected; and</p> <p>c) The Environmental Benefit meets the minimum size requirements relevant to the type of Environmental Benefit proposed listed below:</p> <ul style="list-style-type: none"> <li>– An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; or</li> <li>– A 'Landscape' Environmental Benefit shall result in the whole of the identified landscape located on the parent lot being physically and legally protected; and</li> <li>– Where the total area of the Landscape to be protected is 9.0 hectares or more, two Environmental Benefits lots can be obtained; and</li> </ul> <p>d) No more than three Environmental Benefit Lots can be created per site in perpetuity. (This can be created by either 1 subdivision consent or up to three consecutive consents); and</p> <p>e) Each Environmental Benefit Lot shall have a minimum net site area of 4,000m<sup>2</sup> with an area of at least 2,500m<sup>2</sup> (exclusive of the area being permanently protected), to accommodate a <b>dwelling</b> and associated wastewater treatment and disposal system; and</p> <p>f) Any balance lot created shall be a minimum <b>net site area</b> of 4,000m<sup>2</sup>; and</p> <p>g) The proposed subdivision complies with the relevant Performance Standards in Sections 15B.10 and 15B.14 of this Chapter; and</p> <p>h) In addition, where covenants for the protection of ecological or landscape values have already been applied to <b>Treaty Settlement Land</b>, as a result of the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005, these will be accepted retrospectively as providing an Environmental Benefit in terms of this Rule.</p> <p><b>Note 1:</b> Where an application is made under this provision, for an area of significant <b>indigenous vegetation</b> or significant habitat of indigenous fauna, the Department of Conservation the following shall be included as affected party in terms of Section 95E of the Resource Management Act 1991:</p> <p><b>Note 2:</b> Refer to Part A: Chapter 24: Definitions for the definition of "Environmental Benefit".</p> <p><b>Note 3:</b> As part of the Treaty Settlement Process all Redress Land has been surveyed, and features of ecological and landscape value protected through covenants. This rule recognises this existing level of protection already occurs and allows for these benefits to be applied retrospectively so as not to preclude the efficient <b>development</b> and use of Treaty Settlement Land.</p> <p><b>Note 4:</b> For example, the minimum 'Environmental Benefit' is an ecological area of 5,000m<sup>2</sup> plus lots must be at least 4,000m<sup>2</sup> (containing a minimum of 2,500m<sup>2</sup> for a dwelling site and wastewater disposal). Therefore, to obtain one 'Ecological' Environmental Benefit with two developable sites (one being the parent lot and one the new lot), a minimum parent site area of 1.3ha is required.</p> <p><b>Note 5:</b> For clarity, this rule intends that only one 'environmental benefit' lot is created per environmental benefit given, with the exception of that provided in Rule c(bullet three) above.</p> <p><b>Note 6:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Restricted Discretionary Activity</b> under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining application for Resource Consent:</p> <p><b>General Subdivision</b></p> <p>i) The matters listed in Rule 15B.11.1;</p> <p>ii) In respect of the site(s) design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, where the subdivision is in an Overlay area, Chapter 4.</li> </ul> <p>iii) In respect of services and/or management of on-site services, the extent to which:</p> <ul style="list-style-type: none"> <li>– The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>– The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> <p>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>– Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised;</li> <li>– The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>;</li> <li>– Revegetation using <b>eco-sourcing</b> of native plants is proposed as part of the <b>development</b>.</li> </ul> <p><b>Environmental Benefit</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this Rule:</p> <p>i) The extent to which the environmental benefit proposed is in excess of measures required to avoid, remedy or mitigate the adverse effects of the proposed subdivision;</p> <p>ii) The size of the feature to be protected – for example, the size of the feature to be protected relative to the minimum site sizes required by the Rule; and</p> <p>iii) The quality of the feature proposed to be protected, in particular:</p> <ul style="list-style-type: none"> <li>– The ecological significance (Appendix 25G);</li> <li>– The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins / buffers an existing protected area and whether any other features on the site make a contribution (either positive or negative) to the significance of the site to be protected;</li> <li>– The significance of the feature to the natural character of the District;</li> <li>– The rarity of the feature;</li> <li>– In the case of subdivision under this rule within the Mangawhai Harbour Overlay, the extent to which any 'ecological benefit' for riparian and waterways areas has been comprehensively identified through an assessment carried out by an appropriately qualified professional (it is noted that Council's Structure Plan has undertaken only limited mapping of these values to date); and</li> </ul> <p>iv) The extent to which the feature proposed for protection has been modified and the impact this has had on its significance (including any positive impacts already resulting from restoration / rehabilitation undertaken) and the opportunities for its restoration or rehabilitation, including:</p> <ul style="list-style-type: none"> <li>– The ability for the area to make a significant contribution to the ecology of the area;</li> <li>– The length of time required before re-vegetated areas are established and contribute an environmental benefit;</li> <li>– The future management of the feature, once protected including any future on-going management and/or restoration plans required to achieve the intent of the <b>Environmental Benefit</b>; and</li> </ul> <p>v) The type of <b>permanent protection</b> and management proposed, in particular:</p> <ul style="list-style-type: none"> <li>– The type of bond or covenant proposed and any additional requirements to ensure performance or compliance with any</li> </ul>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
			<p>conditions imposed;</p> <ul style="list-style-type: none"> <li>- The need for restrictions on future land use/development within proximity (but still within the <b>boundary</b> of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance;</li> <li>- The extent to which on-going management plans are in place, including any weed and/or pest control / eradication and their duration.</li> </ul> <p><b>Note 1:</b> The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection. This information may be in the form of a detailed report from a suitably qualified and/or experienced expert and shall assess those matters over which discretion is reserved or is a feature that has been identified through the Department of Conservation – “Protected Natural Areas Programme”.</p> <p><b>Note 2:</b> At the time of creation the Council may also require that the owner will enter into a binding covenant to preserve the environmental feature with one of the following:</p> <ul style="list-style-type: none"> <li>• <b>Conservation Covenants</b> (Reserves Act 1977);</li> <li>• Protected Private Land (Reserves Act 1977);</li> <li>• Open Space Covenants (Queen Elizabeth II National Trust 1977); and</li> <li>• Conservation Covenants (Conservation Act 1987).</li> </ul> <p><b>Note 3:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
OR			
15B.12.2	Rural Amenity Lot (for lots existing at date of notification of the Plan)	<p><b>Subdivision</b> to create a <b>Rural Amenity Lot</b> is a <b>Restricted Discretionary Activity</b> if:</p> <ol style="list-style-type: none"> <li>a) The parent lot existed at the date of notification of the Plan (21 October 2009);</li> <li>b) No more than two additional Rural Amenity lots are created per parent site in perpetuity;</li> <li>c) The Rural Amenity lot created shall be a minimum <b>net site area</b> of 4,000m<sup>2</sup> (0.4 ha) and a maximum of 8,000m<sup>2</sup> (0.8 ha);</li> <li>d) If one Rural Amenity lot is being created, and: <ul style="list-style-type: none"> <li>• The site is in the Treaty Settlement Zone (without an Overlay) the balance lot created shall be a minimum net site area of 4 ha; or</li> <li>• If the site is in the Treaty Settlement Zone with an Overlay the balance lot created shall be a minimum net site area of 20ha.</li> </ul> </li> <li>e) If two Rural Amenity lots are being created, and the site is in the Treaty Settlement Zone (without an Overlay) the balance lot created shall be a minimum net site area of 8 ha;</li> <li>f) Only one Consent for a Restricted Discretionary (subdivision) Activity in terms of a Rural Amenity Lot subdivision shall be granted in respect of a site or any specified portion of a site and the provisions contained within this rule shall be used only once for each specified portion of the site (noting that as provided for by a) above, the maximum number of Rural Amenity Lots per 'site' is a maximum of two in the Treaty Settlement Zone;</li> <li>g) Where more than one Rural Amenity Lot from a parent site is created either: <ol style="list-style-type: none"> <li>i. An area of at least 0.5ha shall be revegetated to create a future 'Ecological <b>Environmental Benefit</b>,' or</li> <li>ii. an equivalent financial contribution shall be made to the <b>Council Biodiversity Fund</b>;</li> </ol> </li> <li>h) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.15 of this Chapter; and</li> <li>i) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p><b>Note 1:</b> Refer to Chapter 24: Definitions from the definition of “Rural Amenity Lot”.</p> <p><b>Note 2:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Restricted Discretionary Activity</b> under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>i) The matters listed in Rule 15B.11.1;</li> <li>ii) In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>- The subdivision is in accordance with adopted Design Guidelines;</li> <li>- The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>- Whether the arrangement and intensity of <b>sites</b> prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> <li>- The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B or, where the subdivision is an Overlay area, Chapter 4.</li> </ul> </li> <li>iii) In respect of services and/or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>- The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>- The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> </li> <li>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>- Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimised;</li> <li>- The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>;</li> <li>- Existing vegetation can be retained;</li> <li>- Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> </li> </ol>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
OR			
15B.12.3	Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	<p>Provided that the <b>site</b> is not within an Overlay Area, any <b>subdivision</b> for Small Lot <b>Development</b> is a <b>Restricted Discretionary Activity</b> if:</p> <ol style="list-style-type: none"> <li>The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan;</li> <li>The minimum <b>net site area</b> of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision;</li> <li>The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter;</li> <li>No more than three additional lots are created per site; and</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Restricted Discretionary Activity</b> under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>The matters listed in Rule 15B.11.1;</li> <li>In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>The subdivision is in accordance with adopted Design Guidelines;</li> <li>The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan or Reserves and Open Space Strategy;</li> <li>Whether the arrangement and intensity of <b>sites</b> prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> <li>The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> <li>In respect of services and/or management of on-site services, the extent to which: <ul style="list-style-type: none"> <li>The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <b>infrastructure</b> and services to meet the needs of the <b>development</b>. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> </li> <li>In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: <ul style="list-style-type: none"> <li>Earthworks required for the provision of servicing, the location of <b>building</b> platforms, parking, manoeuvring and access are minimise, including consideration of opportunities to maximise use of common services and shared <b>driveways</b> or access points for any clusters of housing sites;</li> <li>The density of the subdivision and development avoids adverse <b>effects</b> on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal <b>environment</b>, including opportunities for the subdivision layout and building platform locations to respond to these effects;</li> <li>Existing vegetation can be retained; and</li> <li>Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> </li> </ol>
15B.12.4	Integrated Development (for up to 10 lots)	<p>Provided that 10 or fewer lots are being created, an Integrated Development subdivision is a <b>Restricted Discretionary Activity</b> where it complies with the following:</p> <p><b>(1) Maori Purposes: Treaty Settlement Zone (excluding Overlay areas)</b></p> <ol style="list-style-type: none"> <li>The number of total lots obtainable shall be one lot per four hectares of the Parent Title, with a minimum <b>net site area</b> of 4,000m<sup>2</sup> per lot; and</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p>OR</p> <p><b>(2) Coast (East and West), and Kai Iwi Lakes Overlay Areas</b></p> <ol style="list-style-type: none"> <li>The number of total lots obtainable shall be one lot per 12 hectares of the Parent Title, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p>OR</p> <p><b>(3) Kaipara Harbour Overlay</b></p> <ol style="list-style-type: none"> <li>The number of total lots obtainable shall be one lot per six hectares of the Parent Title, with a minimum net site area of 4,000m<sup>2</sup> per lot.</li> <li>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p>OR</p>	<p>Where an activity is a <b>Restricted Discretionary Activity</b> under this Rule, <b>Council</b> will restrict its discretion over the following matters when considering and determining application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>The matters for control listed in Rule 15B.11.1;</li> <li>In respect of the site(s) design and location, the extent to which: <ul style="list-style-type: none"> <li>The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> </li> </ol> <p><b>Integrated Development</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <ol style="list-style-type: none"> <li>In respect of the subdivision design and location, the extent to which: <ul style="list-style-type: none"> <li>There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features;</li> <li>The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on,</li> </ul> </li> </ol>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		<p><b>(4) Mangawhai Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole site, including:</p> <ul style="list-style-type: none"> <li>• Coastal dune systems and coastal edge;</li> <li>• Estuarine wetland and saltmarsh systems;</li> <li>• Terrestrial wetland systems and associated riparian corridors;</li> <li>• Significant areas of contiguous bush remnants and regenerating bush shrubland areas;</li> <li>• Significant wildlife habitats and corridors; and</li> <li>• The Brynderwyn Rnage,</li> </ul> <p>and these features and areas are protected and excluded from the above averaging calculations.</p> <p>c) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> this is to give <b>effect</b> to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</p> <p><b>Note 2:</b> It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha.</p> <p><b>Note 3:</b> The intent of this Rule is to focus the use and development on the parts of the site that do not contain value natural environments, achieving the conservation policy outcomes of the Mangawhai Structure Plan.</p> <p>AND</p> <p><b>(5) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B;</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a <b>site</b> or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) Where an Integrated Development subdivision or development is granted in respect of a specified portion of a site, a separate Title shall be obtained or amalgamated with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development. The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and</p> <p>d) The development bonuses available under Rules 15B.11 and 15B.12 will not be available as part of the process of obtaining such a Consent; and</p> <p>e) The proposed subdivision complies with the relevant Performance Standards in Sections 15B.10 and 15B.14 of this Chapter; and</p> <p>f) The proposed subdivision results in the creation of 3 or more additional lots; and</p> <p>g) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>h) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots.</p> <p><b>Note 1:</b> Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity.</p> <p><b>Note 2:</b> This type of subdivision allows for and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted.</p>	<p>and will be visible from public <b>roads</b>, from neighbouring properties, from public land, and from the coastal marine area;</p> <ul style="list-style-type: none"> <li>- The proposed development is designed and/or intended to be carried out in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;</li> <li>- The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns;</li> <li>- Revegetation using eco-sourcing of native plants is proposed as part of the development;</li> <li>- The change in land use promotes sustainable management of natural and physical resources.</li> </ul> <p>iv) In respect of potential effects of development on sites within the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>- The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting;</li> <li>- <b>Building setbacks</b> and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential <b>effects</b> of development on natural hazards and on adjoining properties, public roads or public places;</li> </ul> <p>v) In respect of the environmental benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>- Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 15B.12.1), for ecological and landscape benefits;</li> <li>- Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</li> <li>- Sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land;</li> <li>- Provides for the creation of green networks – pedestrian and as appropriate cycle routes.</li> </ul> <p>vi) The extent to which the development effectively utilises the public access right of ways and protects the reserve values covenanted by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005.</p>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		<p><b>Note 3:</b> The purpose of 15B.12.4(5)(h) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.</p> <p><b>Note 4:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	

**15B.13 Discretionary Treaty Settlement Land Subdivision**

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
<b>15B.13.1</b>	<b>Integrated Development</b> <b>(for more than 10 lots)</b>	<p>If more than 10 lots are being created, Integrated Development subdivision is a Discretionary Activity where it complies with the following:</p> <p><b>(1) Maori Purposes: Treaty Settlement Land (excluding overlay areas)</b></p> <p>a) The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot.</p> <p>OR</p> <p><b>(2) Coast (East and West) and Kai Iwi Lakes Overlay Areas</b></p> <p>a) The number of total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot.</p> <p>OR</p> <p><b>(3) Kaipara Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot;</p> <p>OR</p> <p><b>(4) Mangawhai Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including:</p> <ul style="list-style-type: none"> <li>- Coastal dune systems and coastal edge;</li> <li>- Estuarine wetland and saltmarsh systems;</li> <li>- Terrestrial wetland systems and associated riparian corridors;</li> <li>- Significant areas of contiguous bush remnants and regenerating bush shrubland areas;</li> <li>- Significant wildlife habitats and corridors; and</li> <li>- The Brynderwyn Range.</li> </ul> <p>and these features and areas are protected and excluded from the above averaging calculations.</p> <p>c) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</p>	<p>Where an activity is a Discretionary Activity under this Rule, Council will exercise its discretion over (but not limited to) the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 15B.11.1;</p> <p>ii) In respect of the site(s) design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>- The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>- The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> <p><b>Integrated Development</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <p>iii) In respect of the subdivision design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>- There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features;</li> <li>- The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on, and will be visible from public roads, or from neighbouring properties, from public land, and from the coastal marine area;</li> <li>- The proposed development is designed and/or intended to be carried out in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;</li> <li>- The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns;</li> <li>- Revegetation using eco-sourcing of native plants is proposed as part of the development;</li> <li>- The change in land use promotes sustainable management of natural and physical resources.</li> </ul> <p>iv) In respect of potential effects of development of sites within the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>- The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting;</li> <li>- Building setbacks and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential effects of development on natural hazards and on adjoining properties, public roads or public places;</li> </ul>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		<p><b>Note 2:</b> It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha.</p> <p><b>Note 3:</b> The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhai Structure Plan.</p> <p>AND</p> <p><b>(5) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B; and</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) Where an Integrated Development subdivision or development is granted in respect of a specified portion of a site, a separate title shall be obtained or amalgamated with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development. The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and</p> <p>d) The development bonuses available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining such a Consent; The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and</p> <p>e) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>f) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots.</p> <p><b>Note 1:</b> Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity</p> <p><b>Note 2:</b> This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted.</p> <p><b>Note 3:</b> The purpose of 12.14.2(5)(f) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.</p> <p><b>Note 4:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>v) In respect of the environmental benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>- Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits;</li> <li>- Incorporates measures to provide new and enhance existing opportunities for open space and public access to the Coastal Marine Area, lakes, rivers and the existing reserve network;</li> <li>- Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</li> <li>- Sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land;</li> <li>- Provides for the creation of green networks – pedestrian and as appropriate cycle routes.</li> </ul> <p>vi) The extent to which the development effectively utilises the public access right of ways and protects the reserve values covenanted by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005.</p>
15B.13.2	<p><b>Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)</b></p>	<p>If the site is within an Overlay Area, any subdivision for Small Lot Development is a Discretionary Activity if:</p> <p>a) The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (21 October 2009);</p> <p>b) The minimum net site area of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision;</p> <p>c) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter;</p> <p>d) No more than 2 additional lots are created per site in perpetuity; and</p> <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p>	<p>Where an activity is a Discretionary Activity under this Rule, Council will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 15B.11.1;</p> <p>ii) In respect of the site(s) design and location, extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>- The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>- Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;</li> </ul>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		<p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<ul style="list-style-type: none"> <li>- The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> <p>iii) In respect of services and/or management of on-site services, the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</li> <li>- The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions.</li> </ul> <p>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which:</p> <ul style="list-style-type: none"> <li>- Earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised, including consideration of opportunities to maximise use of common services, and shared driveways or access points for any clusters of housing sites;</li> <li>- The density of the subdivision and development avoids adverse effects on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects;</li> <li>- Existing vegetation can be retained;</li> <li>- Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul>
15B.13.3	Subdivision of a site within an Outstanding Natural Landscape	<p>Subdivision within the Maori Purposes: Treaty Settlement Zone which otherwise meets the Terms of Subdivision of Rules 15B.11, 15B.12 and 15B.13 but does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 15B.12.1 is a Discretionary Activity.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a Discretionary Activity under this Rule, <b>Council</b> will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering an determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters for control listed under Rule 15B.11.1; and</li> <li>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

#### 15B.14 Performance Standards for All Maori Purposes: Treaty Settlement Zone Subdivision

Where activities that do not comply with the Performance Standards in Section 15B.15 the specific assessment criteria for the Standard infringed contained within Section 15B.15 need to be considered in addition to the relevant Assessment Criteria under Rule 15B.10, 15B.11, 15B.12, 15B.13 or 15B.14.

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.14.1	Suitable Building Area	<p>Every <b>allotment</b> of less than 4ha on a <b>subdivision</b>:</p> <p>a) Contains a geotechnically stable <b>building</b> area of at least 150m<sup>2</sup> (10m depth required) with a practicable access on which a <b>dwelling</b> can be built so that there is compliance as a <b>Permitted Activity</b> with the relevant Performance Standards in Section 15B.10 and 15B.15 of this District Plan.</p> <p><b>Note 1:</b> <b>Council</b> may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i) Whether and the extent to which earthworks required for the creation of the suitable <b>building</b> platform can be minimised;</li> <li>ii) Whether and the extent to which sufficient provision for parking, loading, manoeuvring and access can be provided;</li> <li>iii) Whether the <b>subdivision</b> will initiate or exacerbate <b>natural hazards</b>, through earthworks or access provision, or result in building areas being subject to natural hazards;</li> <li>iv) Whether and the extent to which the location of building areas avoids potential conflicts between incompatible land use activities, including the avoidance of <b>reverse sensitivity effects</b>;</li> <li>v) Whether and the extent to which the location of building areas avoids Maori heritage <b>sites</b> and features; and</li> </ul>

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				vi) Where a site is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment.  <b>Note 1:</b> General assessment of the <i>Kaipara District Council Engineering Standards 2011</i> 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.
15B.14.2	Road, Private Way, Cycle Formation and Property Access	The design and layout of the <i>subdivision</i> provides for, and takes into account: <b>(1) Property Access:</b> a) Every <i>allotment</i> within the subdivision is capable of having vehicular access to a <i>road</i> ; and b) Property access is formed where it is shared by two or more allotments; c) Vehicle Access and <i>driveways</i> comply with Rule 15B.10.25; d) No more than seven allotments are served by a private shared access; e) <i>Accessways</i> onto the road, <i>private way</i> or cycle way are located in a manner that will allow the safe entry and exit from the <i>site</i> based on expected vehicle operating speeds and methods for controlling vehicle speeds; f) Accessways onto the road, private way or cycle way are located to provide adequate sight distances for the safe functioning of the <i>vehicle crossing</i> and access; g) The property access is of a suitable width to contain required services; and h) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied. <b>(2) Road, Private Way, Cycle Way and Property Access Formation</b> a) Road vesting in accordance with the following requirements: – Driveways serving four or more allotments shall be by public road; and – Design and construction shall be to the satisfaction of Council's Asset Manager (in accordance with the standards in Kaipara District Council Engineering Standards 2011); and – A cul-de-sac shall be provided at the end of any no-exit public road; and b) Use and construction of unformed legal roads is to the satisfaction of Council's Asset Manager (in accordance with the standards in Kaipara District Council Engineering Standards 2011).	Discretionary Activity	<b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule: i) Whether and the extent to which the proposed <i>road</i> or <i>private way</i> or cycle way follows the alignment of indicative roads; ii) Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the <i>subdivision</i> ; iii) Whether and the extent to which there is a need for traffic control measures on the roads due to increased traffic from the subdivision; iv) Whether and the extent to which there is a need for footpaths; v) Whether and the extent to which there is a need for stormwater management associated with the provision of the new road, private way or property access; vi) Whether an adequate alternative access is able to be provided for the anticipated use; vii) Whether the access can contain required services; viii) The expected vehicle operating speeds and methods for controlling vehicle speeds; ix) Adequacy of sight distances available at the <i>vehicle crossing</i> and along the access; x) Possible measures or restrictions on vehicle movements in and out of the access; xi) Possible adverse <i>effects</i> on <b>Council infrastructure</b> on adjoining properties; xii) Any foreseeable future changes in traffic patterns in the area (including future congestion); xiii) The provision made to mitigate the effects of stormwater runoff and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties; xiv) Whether and the extent to which the road, private way, cycle way or property access complies with the <i>Kaipara District Council Engineering Standards 2011</i> ; and xv) If a new access is being provided or an existing access onto a State Highway modified, or on <i>sites</i> that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained.  <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.
15B.14.3	Provision for the Extension of Services	The design and layout of the <i>subdivision</i> provides for, and takes into account: a) The efficient and effective future extension of water and electricity supply, stormwater, wastewater, public access, walking trails, bridal ways and <i>roads</i> to any adjoining land.	Discretionary Activity	<b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule: i) Whether and the extent to which the <i>subdivision</i> is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned <i>infrastructure</i> and services to meet the needs of the <i>development</i> ; ii) Whether and the extent to which the subdivision and development avoids cumulative <i>effects</i> on the <i>environment</i> and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future; i) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed; ii) Whether there is a need for land to be set aside and vested in the Council as a <i>site</i> for any public utility

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p>required to be provided;</p> <p>iii) Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development;</p> <p>iv) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</p> <p>v) Whether and the extent to which the extension of services meet the relevant provisions of the <b>Kaipara District Council Engineering Standards 2011</b>.</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>
15B.14.4	Water Supply	<p><b>(1) Where a Council water supply is available :</b></p> <p>a) The written approval of <b>Council's</b> Asset Manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p><b>(2) Where a public supply is not available water supplies to all developments shall:</b></p> <p>a) Meet the requirements of the Building Act.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which an adequate supply of water can be provided to every <b>allotment</b> being created on the <b>subdivision</b>, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;</p> <p>ii) Whether and the extent to which there is an adequate standard of water supply installed in the subdivision, and the adequacy of existing supply systems outside the subdivision;</p> <p>iii) Whether and the extent to which the water supply meets the requirements of Section 8.0 of the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</p> <p>iv) Whether and the extent to which the existing water supply systems to which the connection will be made, have sufficient capacity to service the subdivision;</p> <p>v) Whether and the extent to which it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units;</p> <p>vi) Whether and the extent to which the subdivision and <b>development</b> avoids cumulative <b>effects</b> on the <b>environment</b> and on the provision of <b>infrastructure</b> and services to the land being subdivided, and to nearby land that might be subdivided in the future;</p> <p>vii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public water supply utility required to be provided;</p> <p>viii) Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for water supply purposes;</p> <p>ix) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</p> <p>x) Whether and to the extent that the human drinking water supplied meets the requirements under Clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</p> <p><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>
15B.14.5	Stormwater Disposal	<p><b>(1) Where available all allotments are provide d, within their net site area, with:</b></p> <p>a) A connection to a <b>Council</b>-maintained stormwater system;</p> <p><b>Note 1:</b> This is only likely to apply for an Integrated Development Subdivision in <b>Structure Plan</b> Growth Areas;</p> <p>OR</p> <p><b>(2) Where no Council system is available:</b></p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment;</p> <p>ii) Whether there is sufficient land available for disposal of stormwater;</p> <p>iii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</p>

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		<p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing <b>buildings</b> and from all impervious surfaces, in such a way as to avoid any adverse <b>effects</b> of stormwater runoff on the <b>receiving environment</b>.</p> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p>		<p>iv) Whether and the extent to which measures are necessary in order to give <b>effect</b> to any drainage or <b>Catchment</b> Management Plan that has been prepared for the area;</p> <p>v) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</p> <p>vi) Whether and the extent to which the stormwater <b>infrastructure</b> within the <b>subdivision</b>, is able to link with existing disposal systems outside the subdivision;</p> <p>vii) Whether and the extent to which the <b>development</b> meets the relevant stormwater provisions of the <b>Kaipara District Council Engineering Standards 2011</b>;</p> <p>viii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</p> <p>ix) Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for stormwater purposes;</p> <p>x) The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</p> <p>xi) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater; and</p> <p>xii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; and</p> <p>xiii) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland as a Permitted Activity or have a Discharge Permit from the Northland Regional Council for the activity.</p> <p><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>
15B.14.6	Wastewater Disposal	<p><b>(1) Where a Council reticulated sewerage system is available:</b></p> <p>a) The written approval of <b>Council's</b> Asset Manager is obtained and provided with the application to confirm that the Council wastewater system can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council reticulated wastewater system;</p> <p>c) The <b>reticulated</b> wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and</p> <p>d) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p><b>(2) Where a private/community reticulated wastewater system is proposed serving two or more households, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards".</b></p> <p><b>(3) Where no Council or private/community reticulated sewage system is available, all allotments are provided, within their net site area, with:</b></p> <p>a) 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the <b>site</b>. The area shall be clear of <b>building</b> sites, <b>driveways</b> and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed on each allotment; and</p> <p>c) Applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or Consent for Discharges from the Northland Regional Council has been obtained).</p> <p><b>Note 1:</b> Effluent discharges may require Consent under the 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>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether the capacity, availability and accessibility of the <b>reticulated</b> system is adequate to serve the proposed <b>subdivision</b>;</p> <p>ii) Whether and the extent to which there is sufficient land available for wastewater treatment and disposal on <b>site</b>;</p> <p>iii) Whether and the extent to which the application includes the installation of all new reticulation, and that it complies with the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's engineer;</p> <p>iv) Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</p> <p>v) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal <b>roads</b> will be required under the Local Government Act;</p> <p>vi) Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal system is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a discharge permit issued by the Northland Regional Council;</p> <p>vii) Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title requiring individual <b>allotments</b> to connect with the system when it does become available;</p> <p>viii) Whether provision has been made by the applicant for monitoring mechanisms to ensure <b>contaminants</b> are not discharged to the <b>environment</b> from a suitable wastewater or other disposal system, together with any Consent Notices to ensure compliance;</p>

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		<p><b>Note 2:</b> Where parallel Resource Consent for effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p>		<p>ix) The need for and extent of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</p> <p>x) Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</p> <p>xi) Whether there is the provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; and</p> <p>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</p> <p><b>Note 1:</b> General assessment the <i>Kaipara District Council Engineering Standards 2011</i> 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>
15B.14.7	Energy Supply	<p>All <i>allotments</i> are provided with:</p> <p>a) A connection to a <i>reticulated</i> electrical supply system at the <i>boundary</i> of the <i>net site area</i>.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Whether the proposed reticulation system to be installed by the subdivider will have adequate capacity for the likely <i>development</i>;</p> <p>ii) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future <i>maintenance</i>;</p> <p>iii) Whether undergrounding of <i>infrastructure</i> has been undertaken;</p> <p>iv) Whether there is a need for a local purpose reserve to be set aside as a <i>site</i> for any public utility required to be provided;</p> <p>v) Whether the proposed reticulation system will have potential adverse <i>effects</i> on <i>amenity values</i>; and</p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed.</p> <p><b>Note 1:</b> General assessment of the <i>Kaipara District Council Engineering Standards 2011</i> 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>
15B.14.8	Telecommunications	<p>All <i>allotments</i> are provided with:</p> <p>a) A connection to a telecommunications system at the <i>boundary</i> of the <i>net site area</i>.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Where the <i>subdivision</i> involves the construction of new <i>roads</i> or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost) having regard to the provisions of the <i>Kaipara District Council Engineering Standards 2011</i>; and</p> <p>ii) The ability for the <i>allotments</i> to be provided with alternate phone coverage (e.g. mobile phone coverage).</p> <p><b>Note 1:</b> Upgrading or cost sharing will be solely a matter for the <i>network utility operator</i>.</p> <p><b>Note 2:</b> General assessment of the <i>Kaipara District Council Engineering Standards 2011</i> 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>
15B.14.9	Esplanade Management for Lots Less Than 4ha	<p>Where an <i>allotment</i> of less than 4ha is created on <i>subdivision</i> of land which adjoins the sea, <i>rivers</i> over 3m in width or <i>lakes</i> over 8ha in area, an <i>esplanade reserve</i> or strip of 20m in width shall be set aside, except where:</p> <p>a) The subdivision involves only a minor <i>boundary</i> adjustment and no additional <i>building sites</i> will be created; and</p> <p>b) The proposed subdivision activity arises solely due to land being acquired for any <i>road designation</i> or a site to be created only for a network utility.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <i>esplanade reserve</i> or strip:</p> <p>i) The topography of the land concerned including a plan showing contours where appropriate;</p> <p>ii) The present use of the land and the location of any <i>structures</i> on or adjacent to the required esplanade reserve or strip;</p>

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		<p><b>Note 1:</b> No esplanade reserve or strip shall be required where a lot is associated with the provision of a utility service.</p>		<ul style="list-style-type: none"> <li>iii) The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</li> <li>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> <li>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</li> <li>vi) The water quality enhancement values of the land and associated vegetation cover;</li> <li>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</li> <li>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</li> <li>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as: <ul style="list-style-type: none"> <li>– A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>– A <b>Conservation Covenant</b> under the Reserves Act or Queen Elizabeth II Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody); and</li> <li>– A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement.</li> </ul> </li> <li>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and creation of an esplanade reserve or strip and associated public access would be inappropriate; and</li> <li>xi) The nature of any special conditions or restrictions proposed for any <b>esplanade strip</b> including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act 1991;</li> </ul> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <ul style="list-style-type: none"> <li>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision; or</li> <li>xiii) Where unrestricted public access could adversely affect conservation management programmes;</li> <li>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</li> <li>xv) Council's ability to maintain a reserve.</li> </ul>
15B.14.10	Esplanade Management for Lots More Than 4ha	<p>The <b>Council</b> has determined in accordance with the empowering provisions in Section 77 of the Resource Management Act 1991 that a 20m wide <b>esplanade reserve</b> or strip is to be set aside where an <b>allotment</b> of 4ha or more is created in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) The lot itself contains land, or adjoins a section of the <b>Coastal Marine Area</b>, a <b>lake</b> or <b>river</b>, which has important recreational values and where: <ul style="list-style-type: none"> <li>– Public access is either currently available to the water body and associated margins or where there is reasonable likelihood of such access being available in the future from a <b>road, access strip</b> or reserve including an adjacent esplanade reserve; or</li> <li>– In respect of the Coastal Marine Area public access is currently available to the <b>foreshore</b> from the water and it can be used for the landing of small craft.</li> </ul> </li> <li>b) The lot adjoins a section of the Coastal Marine Area which is subject to serious wave or wind induced erosion or other <b>natural hazard</b> processes and where: <ul style="list-style-type: none"> <li>– Formal reservation of the land is considered appropriate by the Council following consultation with the Northland Regional Council.</li> </ul> </li> <li>c) The lot itself contains land, or adjoins a portion of the Coastal Marine Area, a lake or river</li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or strip:</p> <ul style="list-style-type: none"> <li>i) The topography of the land concerned including a plan showing contours where appropriate;</li> <li>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</li> <li>iii) The conservation values of the land and adjacent water body including a description of the vegetation and associated wildlife present;</li> <li>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> <li>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</li> <li>vi) The water quality enhancement values of the land and associated vegetation cover;</li> <li>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</li> <li>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</li> </ul>

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p>which has significant <b>indigenous vegetation</b> and significant habitats of indigenous fauna or supports the habitat of trout, and where:</p> <ul style="list-style-type: none"> <li>- Formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>- Where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act 1991.</li> </ul> <p>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where:</p> <ul style="list-style-type: none"> <li>- Formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> <li>- The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> <p><b>Note 1:</b> For the purpose of this Rule, "significant" refers to either:</p> <ul style="list-style-type: none"> <li>• All those <b>sites</b> containing indigenous vegetation or habitat ranked moderate, moderate-high, high or outstanding on the Sites of Special Biological Interest database or equivalent under the Protected Natural Areas programme; or</li> <li>• In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology. Refer to Appendix 25G for assessment of ecological significance.</li> </ul>		<p>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as:</p> <ul style="list-style-type: none"> <li>- A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>- A <b>Conservation Covenant</b> under the Reserves Act 1987 or Queen Elizabeth II Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a water body);</li> <li>- A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement;</li> </ul> <p>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and the creation of an esplanade reserve or strip and associated public access would be inappropriate; and</p> <p>xi) The nature of any special conditions or restrictions proposed for any <b>esplanade strip</b> including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act 1991.</p> <p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <p>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an Esplanade Reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision;</p> <p>xiii) Where unrestricted public access could adversely affect conservation management programmes;</p> <p>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</p> <p>xv) Council's ability to maintain an esplanade reserve.</p>
15B.14.11	Esplanade Areas on Road Stopping	<p>a) Circumstances when an <b>esplanade strip</b> may be used instead of an <b>esplanade reserve</b>:</p> <ul style="list-style-type: none"> <li>- The requirements in Section 345 of the Local Government Act 1974 relating to the setting aside of an esplanade reserve when a <b>road</b> is stopped may be replaced by a requirement to create an esplanade strip where unrestricted public access could restrict conservation.</li> </ul> <p>b) Circumstances when an esplanade reserve or strip less than 20m wide or where no esplanade reserve or Strip may be required:</p> <ul style="list-style-type: none"> <li>- The width of any esplanade reserve or strip required under Section 345 of the Local Government Act 1974 or this District Plan when a road is stopped may be reduced from 20m or waived altogether where the esplanade strip can be equally or better achieved through alternative means.</li> </ul> <p>c) Circumstances when an esplanade reserve or strip more than 20m wide may be required:</p> <ul style="list-style-type: none"> <li>- The width of any esplanade reserve or strip required when a road is stopped under Section 345 of the Local Government Act 1974 or this District Plan may be increased from 20m when erosion is likely to reduce the width of the esplanade reserve.</li> </ul>	Discretionary Activity	Any request to <b>Council</b> to consider provision of an <b>esplanade reserve</b> or strip greater or less than 20m wide when a <b>road</b> is stopped is to be made taking into account the Assessment Criteria in Rule 15B.15.9 (i)-(xv) and Rule 15B.15.10 (i)-(xv) inclusive.