

## 12 Rural Chapter

### 12.9 Rural Rules

#### 12.9.1 Controlled Activities

- a) Any subdivision complying with the Terms for Subdivision listed in Section 12.12 and the Performance Standards listed in Section 12.156 of this Chapter.

[...]

#### 12.9.2 Restricted Discretionary Activities

[...]

- b) Any subdivision complying with the Terms for Subdivision listed in Section 12.13, 12.14, 12.15 and the Performance Standards listed in Section 12.156 of this Chapter, ~~and~~

**Note 21:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 12.10, 12.13, 12.14, 12.15 and 12.156 of this Chapter and the relevant objectives and policies that relate to the matters for which discretion has been restricted.

#### 12.9.3 Discretionary Activities

[...]

- b) Any subdivision not in accordance with the Performance Standards for all Rural Subdivision in Section 12.156 of this Chapter.

**Note 1:** Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 12.10, 12.14, 12.15 and 12.156 of this Chapter, the objectives and policies of this Chapter and Part A of the District Plan.

#### 12.9.4 Non-Complying Activities

[...]

**Note 1:** Applications for Non-Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 12.10, 12.12, 12.13, 12.14, 12.15 and 12.156 of this Chapter, the objectives and policies of this District Plan and the effects of the activity on the environment.

## 12.10 Performance Standards Rural Land Use

Note 1: A description of the landscapes is provided in Appendix 18B, and the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.1	Excavation and Fill	<p><u>Subject to the exclusions in (4) below, excavation and fill is a Permitted Activity if:</u></p> <p><b>(1) Rural Zone</b> [...]</p> <p>e) <u>Provided the site is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42.</u></p> <p>In addition to the above Performance Standards:</p> <p><b>(2) East Coast and West Coast and Harbours (Mangawhai and Kaipara) Overlays</b> [...]</p> <p>c) <del>Provided</del> <u>The site is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42.</u></p> <p><b>(3) Kai Iwi Lakes and Waterways Valued Natural Environments of Mangawhai Overlays</b> [...]</p> <p>c) <del>Provided</del> <u>The site is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42.</u></p> <p><b>(4) Outstanding Landscape Areas</b></p> <p>a) <del>The site is located within an Outstanding Landscape Area, as identified in Map Series 1;</del></p> <p>b) <del>Any excavation and fill that do not exceed 300m<sup>3</sup> in any 12 month period per site; and</del></p> <p>c) <del>Any excavation and fill that do not involve a cut and/or filled face exceeding 1.5m in height; and</del></p> <p>d) <del>Any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area and the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction.</del></p> <p><b>(4) Except that the following are Permitted Activities throughout the Rural Zone, including Overlays, and excluded from the Standards of 12.10.1(1), 12.10.1(2) and 12.10.1(3) and Rule 12.10.1(6), (Rule 12.10.1(7) will still apply):</b></p> <p>a) <u>Forestry, if the company is a signatory of the New Zealand Forest Accord;</u></p> <p>b) <u>Network utilities, except where a site or feature is identified in Part C of the Plan; and</u></p> <p>c) <u>Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></p> <p><b>(5) Transmission Corridor No Build Area</b> [...]</p> <p><b>(6) Outstanding Landscape Areas</b></p> <p>a) <u>The site is located within an Outstanding Landscape Area as identified in Map Series 2;</u></p> <p>b) <u>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 a bank of any water body;</u></p> <p>c) <u>The height or depth is less than 2m over a continuous distance of less than 50m within a site.</u></p> <p><b>(7) Excavation and fill shall not occur within an Outstanding Natural Feature, as identified on Map Series 2.</b> [...]</p>	Restricted 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>[...]</p> <p>vii) <del>Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18BC, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (2011/2006).</del></p> <p>[was 12.10.1(ix) prior to the Decisions Version]</p> <p>[...]</p> <p>Note: <u>A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</u></p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.2	Vegetation Clearance	<p><del>Subject to the exceptions provided in (4) below, The destruction or clearance or removal of indigenous vegetation outside an overlay area is a Permitted Activity if provided that:</del></p> <p><b>(1) Rural Zone</b> [...]</p> <p>d) It is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42:</p> <p><b>(2) East Coast and West Coast and Harbours (Mangawhai and Kaipara) Overlays</b> [...]</p> <p>d) It is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42:</p> <p><b>(3) Waterways Valued Natural Environments of Mangawhai and Kai iwi Lakes Overlay Areas</b> [...]</p> <p>d) It is not located within an Outstanding Landscape Area or an Outstanding Natural Feature, as identified in Map Series 42:</p> <p><b>(4) Except that the following are Permitted Activities throughout the Rural Zone, including the Overlays, and are excluded from the Standards of 12.10.2(1), 12.10.2(2), and 12.10.4(3), and Rules 12.10.2(5) and 12.10.2(6) will still apply:</b></p> <p><del>Unless with respect to a) or b) above one of the following exceptions are met:</del></p> <p>a) The removal is in accordance with an existing use right (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or</p> <p>b) The total clearance within a site is no more than 500m<sup>2</sup> where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or</p> <p>c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or</p> <p>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>e) The removal is for the formation and maintenance of walking tracks less than 1.25 metres in width; <del>or using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</del></p> <p>f) <del>The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or 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</del></p> <p>g) <u>It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003;</u></p> <p>h) The clearance is for the creation and maintenance of firebreaks; or</p> <p>i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</p> <p>j) It is <del>carried out</del> in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or a sustainable management permit or <u>personal use approval, or permanent forest sink plan</u> under the Forests Amendment Act, <u>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 the forestry company is a signatory to the New Zealand</u></p>	Restricted 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>[...]</p> <p>vi) <del>Effects on the landscape and heritage</del> <u>Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2, Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18B. in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (20112006).</u></p> <p><u>Note: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</u></p> <p>[was 12.10.2(v) prior to the Decisions Version]</p> <p>[...]</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><u>Forest Accord; or</u></p> <p>k) <u>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.</u></p> <p><b>(5) Outstanding Landscape Areas</b></p> <p>The destruction or clearance of indigenous vegetation within an Outstanding Landscape Area, as identified in Map Series 2, is a Permitted Activity provided that:</p> <p>a) It is not part of a continuous area of predominantly indigenous vegetation, greater than 3m in height, and over 500m<sup>2</sup> in area, and is not located within 100m of the coastal marine area.</p> <p>Unless, with respect to a) above one of the following exceptions are met:</p> <p>i) <del>The removal is in accordance with an existing use right; or</del></p> <p>ii) <del>The total clearance within a site is no more than 200m<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</del></p> <p>iii) <del>The removal is of trees that are a danger to human life or existing structures (including network utilities); or</del></p> <p>iv) <del>The removal is for the formation and maintenance of walking tracks less than 1.2 metres wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</del></p> <p>v) <del>The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</del></p> <p>vi) <del>The removal is for the construction of a fire break by a fire authority; or</del></p> <p>vii) <del>It is necessary for the purposes of fencing and excluding livestock from an area which is to be protected permanently for ecological and / or soil conservation purposes; or</del></p> <p>viii) <del>The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</del></p> <p>ix) <del>It is carried out in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or a sustainable management permit or plan under the Forests Amendment Act.</del></p> <p><b>(6) Outstanding Natural Features</b></p> <p><u>No vegetation clearance shall occur within an Outstanding Natural Feature, as identified on Map Series 2.</u></p> <p>[...]</p>		
12.10.3	<p><b>Erection and alterations of buildings dwellings and structures within an Outstanding Landscape Area or Outstanding Natural Feature</b></p>	<p>The Erection and Alteration of <u>Buildings and Structures Dwellings located in an Outstanding Landscape Area</u> 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; <del>and 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</del></p> <p>c) The exterior finish of the <u>dwelling building</u> or structure has a reflectance value of, or less than <del>35-30%</del> as defined within the BS5252 standard colour palette; and</p> <p><del>d) It is located within an approved building envelope and complies with design guidelines explicitly approved in a land use or subdivision consent; and</del></p> <p><del>e) Any alteration / additions to the dwelling or structure do not exceed 20% of the gross floor area of the dwelling or 20% of the volume of the structure; and</del></p> <p>d) It is required for maintenance to the interior and exterior of the <u>dwelling building</u> or structure; or</p> <p>e) It is required for renovations to the interior of the dwelling or structure; <u>and</u></p> <p>f) <u>It is not in an Outstanding Natural Feature as identified in Map Series 2.</u></p> <p><del>h) It is not visible from a public viewing point on a public road, public reserve, the foreshore or CMA that is within 500m<sup>2</sup> of that building; and</del></p> <p><del>i) Does not include Commercial or Industrial buildings.</del></p>	Discretionary	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p><del>i) Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18B.</del></p> <p><u>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</u></p>

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12.10.4 [was 12.10.3 prior to Decisions Version]	Dwellings	<p>Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <p>c) <del>It is not located within any Outstanding Landscape Area identified in Map Series 1.</del></p> <p>[...]</p> <p>Note 4: For dwellings within an Outstanding Landscape Area or Outstanding Natural Feature, Rule 12.10.3 shall also apply. This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</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>[...]</p> <p>vi) <del>Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2 Map Series 1, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18BC. in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (20112006).</del></p> <p>[...]</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
12.10.5 [was 12.10.4 prior to Decisions Version]	Commercial and Industrial Buildings	<p><b>(1) For Commercial or Industrial Activities in a Rural Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>d) Where a Council <del>reticulated sewerage wastewater</del> system is available the <b>development</b> complies with the requirements of Rule 12.156.6(1)(a)-(d) inclusive;</p> <p>e) Where no Council <del>sewerage wastewater</del> system is available the development shall comply with the requirements of Rule 12.156.6(c)-(d) inclusive.</p> <p>f) Where a Council <del>reticulated sewerage wastewater</del> disposal system is available the development shall comply with Rule 12.156.5(1)(a) and 12.156.1(3)(a)-(i) inclusive; and</p> <p>g) Where no Council <del>reticulated sewerage wastewater</del> disposal system is available the development shall comply with Rule 12.156.5(2)(a) and Rule 12.156.5(3)(a)-(i) inclusive.; and</p> <p>h) <del>It is not located within an Outstanding Landscape Area identified in Map Series 1.</del></p> <p>[...]</p> <p>Note 2: For sites within an Outstanding Landscape Areas and Outstanding Natural Features Rule 12.10.3 shall also apply. This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</p>	Restricted 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>[...]</p> <p>v) Whether and the extent to which the building and activity is compatible with the locality, particularly the rural character and those values associated with Overlay areas;</p> <p>[...]</p> <p>vi) <del>Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2 Map Series 1, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18BC. in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (20112006).</del></p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
12.10.6 [was 12.10.5 prior to Decisions Version]	Maximum Height	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>[...]</p> <p>c) <del>It is not located within any Outstanding Landscape Area identified in Map Series 1.</del></p> <p>[was 12.10.5(b) prior to Decisions Version]</p> <p>Note 1: <del>This Rule does not apply For sites within an Outstanding Landscape Area or Outstanding Natural Feature, Rule 12.10.3 shall also apply applies in this instance. .</del></p>	Restricted 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>[...]</p> <p>v) <del>Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in Map Series 2 Map Series 1, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18BC. in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (20112006).</del></p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p> <p>[was 12.10.5(vi) prior to Decisions Version]</p>
12.10.7 [was 12.10.6 prior to Decisions Version]	Height in Relation to Boundary	.	Restricted 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>



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Decisions Version]				<p>[...]</p> <p>vi) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in <del>Map Series 2 Map Series 4, or</del> Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B. in particular any site identified in the District Plan or an amenity landscape identified in Council's <del>Draft Kaipara District Plan Review</del> Landscape Technical Report (2011/2006).</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
<p><b>12.10.8</b></p> <p>[was 12.10.7 prior to Decisions Version]</p>	<b>Setbacks</b>		Restricted 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>[...]</p> <p>vi) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area or Outstanding Natural Feature identified in <del>Map Series 2 Map Series 4, or</del> Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B. in particular any site identified in the District Plan or an amenity landscape identified in Council's <del>Draft Kaipara District Plan Review</del> Landscape Technical Report (2011/2006).</p> <p>[...]</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
<p><b>12.10.9</b></p> <p>[was 12.10.8 prior to Decisions Version]</p>	<b>Permeable Surfaces</b>		Restricted Discretionary <del>(assessed on a non-notified basis).</del>	<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>[...]</p> <p>vii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1, Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[was 12.10.8(v) prior to Decisions Version]</p>
<p><b>12.10.10</b></p> <p>[was 12.10.9 prior to Decisions Version]</p>	<b>Separation Distance for Noise Sensitive Activities in the Rural Zone</b>		Restricted 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>[...]</p> <p>vi) <del>Effects on the landscape and heritage</del> the values of any Outstanding Landscape Area identified in <del>Map Series 1, Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[was 12.10.10(viii) prior to Decisions Version]</p>
<p><b>12.10.15</b></p> <p>[was 12.10.12 prior to Decisions Version]</p>	<b>Relocation of Buildings</b>	<p>Relocated <b>buildings</b> are permitted where the following matters can be satisfied:</p> <p>[...]</p> <p>e) <del>It is not within an Outstanding Landscape Area, as identified in Map Series 1,</del></p> <p>Note 1: <del>For sites This Rule does not apply within an Outstanding Landscape Area or Outstanding Natural Feature, Rule 12.10.3 shall also apply.</del> applies in this instance.</p>	Restricted Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p>If the <b>building</b> infringes another Performance Standard then a Consent will be required.</p> <p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>[...]</p> <p>v) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in <del>Map Series 2 Map Series 4, or</del> Visual Amenity Landscape identified in Appendix G; and the</p>

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				<p>extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B.</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
<p><b>12.10.21</b> [was 12.10.18 prior to Decisions Version]</p>	<p><b>Potentially Contaminated Land Change of use</b></p>		Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>[...]</p> <p>vii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p>
<p><b>12.10.22</b> [was 12.10.19 prior to Decisions Version]</p>	<p><b>Contaminated Land Remediation</b></p>		Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>[...]</p> <p>x) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p>
<p><b>12.10.23</b> [was 12.10.20 prior to Decisions Version]</p>	<p><b>Hazardous Substances</b></p>	d)	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>[...]</p> <p>xvi) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p>
<p><b>12.10.24</b> [was 12.10.21 prior to Decisions Version]</p>	<p><b>Radioactive materials</b></p>	b)	<p>Controlled Activity if:</p> <p>a) Radioactivity does not exceed 100 terabecquerels.</p> <p>Discretionary Activity if:</p> <p>b) Radioactivity exceeds 100 terabecquerels.</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>[...]</p> <p>xiv) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p>
<p>[was 12.10.22 prior to Decisions Version]</p>	<p><del>Plant or animal effluent storage/disposal</del></p>	<p>Any activity is a permitted activity if:</p> <p>a) <del>Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation):</del></p> <p>i) <del>Is set back at least 300m from a habitable building, educational facility, marae or community hall; and</del></p> <p>Note 1: <del>The disposal of contaminants may require resource consent under the Regional Water and Soil Plan For Northland. Applicants should contact the Northland Regional Council to</del></p>	<p><del>Discretionary Activity</del></p>	<p><del>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</del></p> <p>i) <del>The proposed site and layout, with a description of the nature and scale of the proposed facility and associated operations;</del></p> <p>ii) <del>The siting, design and management of waste management activities.</del></p> <p>iii) <del>The extent to which reduction in environmental pollution and land contamination is achieved through better management and disposal of solid waste.</del></p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		<p><del>determine whether or not a resource consent is required.</del></p> <p><del>Note 2: Where parallel resource consent 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.</del></p>		<p><del>iv) The ability to recover resources that will yield economic and social benefits to the community.</del></p> <p><del>v) The extent to which adverse effects on amenity values are minimised.</del></p> <p><del>vi) Reduction in the volume of solid waste generated.</del></p> <p><del>vii) The ability to reduce consumption and the waste of resources.</del></p> <p><del>viii) Site drainage and off-site infrastructure (e.g. drainage type and capacity);</del></p> <p><del>ix) he sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</del></p> <p><del>x) Overall separation distances from water bodies, coastal water, neighbouring activities and people, including consideration of the proximity to people-oriented activities (e.g. childcare, rest homes, hospitals);</del></p> <p><del>xi) Proposed contingency measures and emergency plans; and</del></p> <p><del>xii) Proposed monitoring and maintenance schedules</del></p> <p><del>xiii) Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p>
<p><b>12.10.26</b> [was 12.10.24 prior to Decisions Version]</p>	<p><b>Signage (including signs on and adjacent to roads and on buildings)</b></p>	<p><b>(1) The following signs are Permitted:</b></p> <p>a) Any business <b>sign</b> not exceeding 3m<sup>2</sup> <u>that is not within an Outstanding Landscape Area or Outstanding Natural Feature (identified in Map Series 2),</u> advertising or providing information on the owner or occupier of the <b>site</b>, or facilities, goods or services available from it, provided that no more than two such signs shall be erected on any site; <b>and</b></p> <p>[...]</p> <p>d) <del>Any sign, not within an Outstanding Landscape Area, as identified in Map Series 1.</del></p> <p>[...]</p>	<p>Restricted Discretionary Activity</p>	<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>[...]</p> <p><del>xi) Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B.</del></p> <p>[was 12.10.24(x) prior to Decisions Version]</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
<p><b>12.10.27</b> [was 12.10.25 prior to Decisions Version]</p>	<p><b>Vehicle Access and Driveways</b></p>	<p>Any activity is permitted if:</p> <p>[...]</p> <p>f) <del># The site is not within an Outstanding Landscape Area or Outstanding Natural Feature, as identified in Map Series 42 unless the work is necessary for the maintenance of existing accesses or firebreaks.</del></p> <p>[...]</p>	<p>Restricted Discretionary Activity <del>(Assessed on a non-notified basis, unless access is onto the State Highway network, and the approval of the NZ Transport Agency is not obtained)</del></p>	<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><del>xiii) Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B.</del></p> <p>[was 12.10.25(xii) prior to Decisions Version]</p> <p>Note 1: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).</p>
<p><b>12.10.29</b> [was 12.10.27 prior to Decisions Version]</p>	<p><b>Parking</b></p>	<p>Any activity is permitted if:</p> <p>[...]</p> <p>k) <del># The site is not within an Outstanding Landscape Area or Outstanding Natural Feature, as identified in Map Series 42.</del>[...]</p>	<p>Restricted Discretionary Activity</p>	<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>[...]</p> <p><del>x) Effects on the landscape and heritage Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B.</del></p> <p>[was 12.10.27(viii) prior to Decisions Version]</p>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				[...] Note 2: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).
12.10.30 [was 12.10.28 prior to Decisions Version]	Loading	g) <u>The site is not within an Outstanding Landscape Area or Outstanding Natural Feature as identified in Map Series 2.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: [...] vii) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area <u>and/or Outstanding Natural Feature</u> identified in <u>Map Series 2</u> <del>Map Series 4</del> , or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets <del>the objectives, policies and outcomes of Chapter 18 – Landscapes</del> and the additional assessment criteria contained in Appendix 18BC. [was 12.10.28(viii) prior to Decisions Version] [...] Note2: A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Report (2010).

12.12 Controlled Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	General Rural Subdivision	<b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision: <b>(1) Rural Zone (excluding Overlay Areas)</b> [...] c) <del># The proposed allotment</del> is not within an Outstanding Landscape Area <u>or Outstanding Natural Feature</u> , as identified in Map Series 42. <b>Overlay Areas (Kai Iwi Lakes, Waterways Valued Natural Environments of Mangawhai, East Coast, and West Coast and Harbour (Mangawhai and Kaipara) Overlays)</b> [...] c) <del># The site is not within an Outstanding Landscape Area or Outstanding Natural Feature</del> , as identified in Map Series 42. [...]	<b>Council</b> will reserve control over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this Rule: <b>General Subdivision</b> [...] xx) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area <u>and/or Outstanding Natural Feature</u> identified in <u>Map Series 2</u> <del>Map Series 4</del> , or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets <del>the objectives, policies and outcomes of Chapter 18 – Landscapes</del> and the additional assessment criteria contained in Appendix 18BC. [was 12.12.1(xvii) prior to Decisions version] [...] Note 4: A description of the landscapes <u>and natural features</u> is provided in Appendix 18AB, <del>and 4</del> . The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010). [was Note 2 prior to Decisions Version]
OR			
12.12.2	Preservation of Natural and Cultural Heritage	<b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Controlled Activity</b> if it meets the following terms for subdivision: [...] g) <del># The site is not within an Outstanding Landscape Area or Outstanding Natural Feature</del> , as identified in Map Series 42.	<b>Council</b> will reserve control over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this Rule: <b>General Subdivision</b> [...] ii) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area <u>and/or Outstanding Natural Feature</u> identified in <u>Map Series 2</u> <del>Map Series 4</del> , or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets <del>the objectives, policies and outcomes of Chapter 18 – Landscapes</del> and the additional assessment criteria contained in Appendix 18BC. [...] Note 2: A description of the landscapes <u>and natural features</u> is provided in Appendix 18AB, <del>and 4</del> . The values associated with both

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).
OR			
12.12.3	Boundary Adjustment	<p><b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>[...]</p> <p>e) <del>#</del>The site is not within an Outstanding Landscape Area or Outstanding Natural Feature, as identified in Map Series 42.</p>	<p><b>Council</b> will reserve control over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this Rule:</p> <p><b>General Subdivision</b></p> <p>[...]</p> <p>iii) <del>Effects on the landscape and heritage</del> Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 <del>Map Series 4</del>, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets <del>the objectives, policies and outcomes of Chapter 18 – Landscapes</del> and the additional assessment criteria contained in Appendix 18B.</p> <p>Note 1: A description of the landscapes and natural features is provided in Appendix 18A, <del>and 4</del>. The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

12.13 Restricted Discretionary Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.13.1	<p><b>Environmental Benefit</b> <del>(One Environmental Benefit Lot Created)</del></p>	<p><b>Subdivision</b> within the Rural Zone (including Overlays) is a <b>Restricted Discretionary Activity</b> if it meets the following terms for subdivision: [...] d) No more than <del>three</del> <b>one</b> Environmental Benefit Lots <del>can be created per site in perpetuity (these can be created by either one subdivision consent or up to three consecutive consents)</del>, and [...]</p>	<p><b>Council</b> will restrict its discretion over the following matters when considering an application for Resource Consent that meets the terms for <b>subdivision</b> under this Rule: <b>General Subdivision</b> vii) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; <del>and</del> viii) <del>Whether and to what extent provision has been made for the exercise of matauranga maori and tikanga;</del> <b>and</b> ix) <del>Effects on the landscape and heritage</del> <b>Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 1, or landscape Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18B.</b> [...] Note 3: A description of the landscapes <del>and natural features</del> is provided in Appendix 18A, <del>and 1.</del> The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
<b>OR</b>			
12.13.2	<p><b>Environmental Benefit (2-3 Environmental Benefit Lots Created)</b></p>	<p>Subdivision within the Rural zone (including Overlays) is a Restricted Discretionary Activity if it meets the following terms for subdivision: a) Permanent physical and legal protection of the Environmental Benefits within the site is achieved; and b) The entire feature is protected; and c) The Environmental Benefit meets the minimum size requirements relevant to the type of environmental benefit proposed listed below: i) An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; and ii) Where the total area of the Environmental Benefit is 9.0 hectares or more, this will be deemed two Environmental Benefit Lots; and d) No more than three Environmental Benefit Lots can be created per site; and e) On the lot which the Environmental Benefit is located, an area of at least 2,500m<sup>2</sup> exclusive of the area being permanently protected, shall be made available to accommodate a dwelling and associated wastewater treatment and disposal system; and f) Any balance lot created must be a minimum net site area of 4,000m<sup>2</sup>; and g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter; h) Only one consent for a restricted discretionary (subdivision) activity in terms of an Environmental Benefit subdivision can be granted in respect of a site or any specified portion of a site and the provisions contained within this rule can be used only once for each specified portion of the site; and i) It is not within an Outstanding Landscape Area, as identified in Map Series 1.  Note 1: Where an application is made under this provision, for an area of significant indigenous vegetation or significant habitat of indigenous fauna, the Department of Conservation the following shall be included as affected parties in terms of s93 and s94 of the Act;  Note 2: Refer to Part A: Chapter 9 Definitions for the definition of "Environmental Benefit".</p>	<p>Council will restrict its discretion under section 104B of the RMA and may consider but will not be limited to the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:- <b>General Subdivision</b> i) The matters for control listed in Rule 12.12.1; and ii) Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; iii) Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance ie. Mangawai Structure Plan and Reserves and Open Space Strategy; iv) Whether and the extent to which earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised; v) Whether and the extent to which 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; vi) Whether and the extent to which the density of the subdivision and development avoids adverse effects on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; vii) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; viii) Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.  <b>Environmental Benefit</b>  Council will have regard to the following additional matters for discretion when assessing an application for consent under this rule: i) The size of the feature to be protected; ii) The qualities of the feature proposed to be protected; iii) The location of the feature and its surrounding environment e.g. whether it forms part of an Outstanding Landscape Area or adjoins / buffers an existing protected area;</p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<p>iv) <del>The significance of the feature to the natural character of the District;</del></p> <p>v) <del>The rarity of the feature;</del></p> <p>vi) <del>The extent to which the feature proposed for protection has been modified and the impact this has had on its significance;</del></p> <p>vii) <del>The type of permanent protection proposed;</del></p> <p>viii) <del>The future management of the feature, once protected;</del></p> <p>ix) <del>The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication;</del></p> <p>x) <del>Identification of any other features on the site and the contribution (positive or negative) these make to the significance of the features proposed to be protected;</del></p> <p>xi) <del>Whether the site (or sites) is located so that a household unit can be erected on it without significantly detracting, from, damaging or destroying any features on the site required to be protected, or from the visual amenity values present in the vicinity of the site;</del></p> <p>xii) <del>Effects, including reverse sensitivity effects, due to the location and/ or size of the allotments proposed to be created;</del></p> <p>xiii) <del>The need for a bond or covenant to ensure performance or compliance with any conditions imposed;</del></p> <p>xiv) <del>The need for restrictions on future, land use/development within proximity (but still within the boundary of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance;</del></p> <p>xv) <del>If the site is in an Overlay, whether and the extent to which the subdivision meets the objectives and outcomes of Chapter 4 for the relevant Overlay.</del></p> <p>Note 1: <del>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”.</del></p> <p>Note 2: <del>At the time of subdivision the Council may also require that the owner will enter into a binding covenant to preserve the environmental feature with one of the following:-</del></p> <ul style="list-style-type: none"> <li><del>— Conservation Covenants (Reserves Act 1977);</del></li> <li><del>— Protected Private Land (Reserves Act 1977);</del></li> <li><del>— Open Space Covenants (Queen Elizabeth II National Trust 1977);</del></li> <li><del>— Conservation Covenants (Conservation Act 1987).</del></li> </ul> <p>Note 3: <del>A description of the landscapes and natural features is provided in Appendix 18AB, and t. The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.13.3	Rural Amenity Lot	<p>Provided that the <i>site</i> is not within an Overlay Area, any <i>subdivision</i> to create a <i>Rural Amenity Lot</i> is a <i>Restricted Discretionary Activity</i> if:</p> <p>[...]</p> <p>g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.156 of this Chapter; and</p> <p>h) <del>†The site is not within an Outstanding Landscape Area or Outstanding Natural Feature, as identified in Map Series 42.</del></p> <p>[...]</p>	<p><b>Council</b> will restrict its discretion over the following matters when considering an application for Resource Consent that meets the terms for <i>subdivision</i> under this Rule:</p> <p><b>General Subdivision</b></p> <p>[...]</p> <p>xii) <del>Effects on the landscape and heritage-Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18BC.</del></p> <p>Note 1: <del>A description of the landscapes and natural features is provided in Appendix 18AB, and t. The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
OR			
12.13.4	Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	<p>Provided that the <i>site</i> is not within an Overlay Area, any <i>subdivision</i> for Small Lot Development is a <i>Restricted Discretionary Activity</i> if:</p> <p>[...]</p> <p>e) <del>†The site is not within an Outstanding Landscape Area or Outstanding Natural Feature, as identified in Map Series 42.</del></p>	<p><b>Council</b> will restrict its discretion over the following matters when considering an application for Resource Consent that meets the terms for <i>subdivision</i> under this Rule:</p> <p><b>General Subdivision</b></p> <p>[...]</p> <p>xv) <del>Effects on the landscape and heritage-Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and</del></p>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<p data-bbox="1555 212 2623 239"><del>outcomes of Chapter 18 – Landscapes and the</del> additional assessment criteria contained in Appendix 18B<del>C</del>.</p> <p data-bbox="1501 254 2843 331">Note 1: A description of the landscapes <u>and natural features</u> is provided in Appendix 18A<del>B</del>, <del>and t</del>. The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>



### 12.14 Restricted Discretionary Rural Subdivision (Non-Notified)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.14.1	Integrated Development	<p>Integrated <i>Development subdivision</i> is a <i>Restricted Discretionary Activity</i> where it complies with the following:</p> <p><b>(1) Rural (excluding overlay areas)</b></p> <p>[...]</p> <p>b) The site is not within an Outstanding Landscape Area <u>or Outstanding Natural Feature</u>, as identified in Map Series 42.</p> <p>OR</p> <p><b>(2) Coast, <del>Waterways</del> Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas (excluding Harbour)</b></p> <p>[...]</p> <p>b) The site is not within an Outstanding Landscape Area <u>or Outstanding Natural Feature</u>, as identified in Map Series 42.</p> <p>OR</p> <p><b>(3) Harbour Overlay</b></p> <p>[...]</p> <p>c) The site is not within an Outstanding Landscape Area <u>or Outstanding Natural Feature</u>, as identified in Map Series 42.</p> <p>[...]</p>	<p><b>Council</b> will restrict its discretion over the following matters when considering an application for Resource Consent that meets the terms for <i>subdivision</i> under this Rule:-</p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <p>[...]</p> <p>xvii) <del>Effects on the landscape and heritage</del> <u>Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18BG.</u></p> <p>Note 1: A description of the landscapes <u>and natural features</u> is provided in Appendix 18AB, <del>and t.</del> The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

### 12.15 Discretionary Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Assessment Criteria
12.15.1	Subdivision of a site within in an Outstanding Landscape Area <u>or Outstanding Natural Feature</u>	<p>Subdivision within the Rural zone <u>for any site containing an Outstanding Landscape Area or Outstanding Natural Feature</u> is a Discretionary Activity. <del>if it meets the following terms for subdivision:</del></p> <p><del>(1) Outstanding Landscape Areas</del></p> <p>a) <del>Every proposed allotment has a minimum net site area of 20 hectares; and</del></p> <p>b) <del>The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter; and</del></p> <p><del>(2) Where Lots are divided by an Outstanding Landscape Area</del></p> <p>a) <del>In those parts of a lot that are not covered by an Outstanding Landscape Area, the rules relating to allotment size for the particular zone apply as if the legal boundary of the site was located along the boundary of the landscape or feature;</del></p> <p>b) <del>Where a lot is divided by the boundary of an Outstanding Landscape Area, subdivision of that part of the lot within the landscape must meet the requirements of Rule 12.15.1(1)(a) (b) above.</del></p>	<p>Council will exercise its discretion under section 104B of the RMA and may consider but will not be limited to the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision</p> <p>i) The matters for control listed in Rule 12.12.1</p> <p>ii) <del>Effects on the landscape and heritage</del> <u>Whether and the extent to which the proposal will affect the values of any Outstanding Landscape Area and/or Outstanding Natural Feature identified in Map Series 2 Map Series 4, or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18BG.</u></p> <p>iii) <u>The extent to which the lot sizes created are consistent with the relevant terms for subdivision in Sections 12.12 – 12.14 of this Chapter.</u></p> <p>Note 1: A description of the landscapes <u>and natural features</u> is provided in Appendix 18AB, <del>and t.</del> The values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

### 12.16 Performance Standards for All Rural Subdivision

Where activities do not comply with the Performance Standards in Section 12.156 the specific assessment criteria for the standard infringed contained within Section 12.156 need to be considered in addition to the relevant Assessment Criteria under Rule 12.10, 12.11, 12.12, 12.13, ~~or~~ 12.14 or 12.15.

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.16.1	Suitable Building Area		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>[...]</p> <p>vii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B, the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.2	Road, Private Way Formation and Property Access		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>[...]</p> <p>xvi) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B, the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.3	Provision for the Extension of Services		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>[...]</p> <p>viii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.4	Water Supply		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>[...]</p> <p>xi) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.5	Stormwater Disposal		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>[...]</p> <p>xiv) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18</del></p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<p><del>Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.6	Wastewater Disposal		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>[...]</p> <p>xiii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.7	Energy Supply	a)	Restricted - Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>[...]</p> <p>vii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 2: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.8	Telecommunications		Restricted - Discretionary Activity <del>(assessed on a non-notified basis)</del>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>[...]</p> <p>iii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 3: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.9	Esplanade Management for Lots Less Than 4ha		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> <p>[...]</p> <p>xvi) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 1: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>
12.16.10	Esplanade	vi)	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
	Management for Lots More Than 4ha			<p>under this Rule to reduce or waive the requirement for an <i>esplanade reserve</i> or strip:</p> <p>[...]</p> <p>xii) <del>Effects on the landscape and heritage values of any Outstanding Landscape Area identified in Map Series 1 or Visual Amenity Landscape identified in Appendix G; and the extent to which the subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 Landscapes and the additional assessment criteria contained in Appendix 18C.</del></p> <p>[...]</p> <p><del>Note 1: A description of the landscapes is provided in Appendix 18B the values associated with both Outstanding Landscape Areas and Visual Amenity Landscapes are described in the Kaipara District Landscape Technical Report (2010).</del></p>