

Schedule Item 3 - Changes to Table of Contents

How to read Variation 1:

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(Variation Number/ Chapter Number/ Amendment Reference)

Refer to following page:-[VAR1/TOC.1]

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**Schedule Item 4 - Changes to Chapter 0.1 – Rules Effective Immediately**

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(Variation Number/ Chapter Number/ Amendment Reference)

## Proposed Kaipara District Plan: Variation 1 Landscapes: Changes to Chapter 0.1 Rules That Take Legal Effect Immediately

### [VAR1/0.1.1]

Amend section 0.1.2 Rules that take effect from the date of notification of the Plan as follows:

#### 0.1.2 Rules that take effect from the date of notification of the Plan

In terms of the Proposed Kaipara District Plan 2009 the following rules will take legal effect from the date of notification:-

Parameter	Rule
Network Utilities	<del>Rules 10.11.2 to Rule 10.11.11 inclusive</del> <del>Rule 10.12.1; Rule 10.12.2</del> <b>[Council. Res. 24.03.10]</b>
Excavation and Fill	Rules 12.10.1; Rule 13.10.1; Rule 14.10.1; Rule 15A.10.1; Rule 15B.10.1
Earthworks	Rule 16.8.2.11
Vegetation Clearance	Rule 12.10.2; Rule 13.10.2; Rule 14.10.2; Rule 15A.10.2; Rule 15B.10.2
Setbacks (Overlays)	<del>Rule 12.10.7(2); Rule 13.10.7(2); Rule 14.10.7;</del> <del>Rule 15A.10.8; Rule 15B.10.9</del> Rule 12.10.8(2); Rule 13.10.8(2); Rule 14.10.7; Rule 15A.10.9; Rule 15B.10.9
Separation Distance	<del>Rule 12.10.10; Rule 13.10.9; Rule 15A.10.10</del> <del>15A.10.11; Rule 15B.10.11</del> Rule 12.10.10; Rule 13.10.9; Rule 15A.10.10 15A.10.11; Rule 15B.10.11
Contaminated Land Change of Use	<del>Rule 12.10.17; Rule 13.10.20; Rule 14.10.19;</del> <del>Rule 15A.10.17; Rule 15B.10.18;</del> Rule 12.10.18; Rule 13.10.20; Rule 14.10.19; Rule 15A.10.18; Rule 15B.10.18;
Contaminated Land Remediation	<del>Rule 12.10.18; Rule 13.10.21; Rule 14.10.20;</del> <del>Rule 15A.10.18; Rule 15B.10.19</del> Rule 12.10.19; Rule 13.10.21; Rule 14.10.20; Rule 15A.10.19; Rule 15B.10.19
Hazardous Substances	<del>Rule 12.10.19; Rule 13.10.22; Rule 14.10.21;</del> <del>Rule 15A.10.19; Rule 15B.10.20</del> Rule 12.10.20; Rule 13.10.22; Rule 14.10.21; Rule 15A.10.20; Rule 15B.10.20
Radioactive Materials	<del>Rule 12.10.20; Rule 13.10.23; Rule 14.10.22;</del> <del>Rule 15A.10.20; Rule 15B.10.21;</del> Rule 12.10.21; Rule 13.10.23; Rule 14.10.22; Rule 15A.10.21; Rule 15B.10.21;

Parameter	Rule
Plant or animal effluent storage / disposal	<del>Rule 12.10.24; Rule 13.10.24; Rule 14.10.23;</del> <del>Rule 15A.10.24; Rule 15B.10.22</del> Rule 12.10.22; Rule 13.10.24; Rule 14.10.23; Rule 15A.10.22; Rule 15B.10.22
Preservation of Natural and Cultural Heritage Subdivision	Rule 12.12.2; Rule 13.11.3; Rule 15B.11.2 <i>(Note: Excludes Preservation of Natural and Cultural Heritage Subdivision for the protection of Notable Trees)</i>
Environmental Benefit Subdivision	Rule 12.13.1; Rule 15B.12.1
Esplanade Management (Performance Standards)	<del>Rule 12.15.9; Rule 13.15.9; Rule 14.13.9;</del> <del>Rule 15B.14.9; Rule 15B.15.9; Rule 15B.15.10</del> Rule 12.16.9; Rule 13.15.10; Rule 14.13.9; Rule 15B.15.9; Rule 15B.15.10
Chapter 17. Heritage	All Rules in Chapter 17 are effective
Development on a Reserve Management Unit that is subject to a Reserve Management Plan or Conservation Management Strategy	Rule 20.10.1

Subdivision Performance Standards	Rule
Stormwater Disposal	<del>Rule 12.15.5; Rule 13.15.5; Rule 14.13.5;</del> <del>Rule 15B.14.5; Rule 15B.15.5</del> Rule 12.16.5; Rule 13.15.5; Rule 14.13.5; Rule 15B.15.5
Wastewater Disposal	<del>Rule 12.15.6; Rule 13.15.6; Rule 14.13.6;</del> <del>Rule 15B.14.6; Rule 15B.15.6</del> Rule 12.16.6; Rule 13.15.6; Rule 14.13.6; Rule 15B.15.6

Table 16.7.3 – Stormwater Management Works

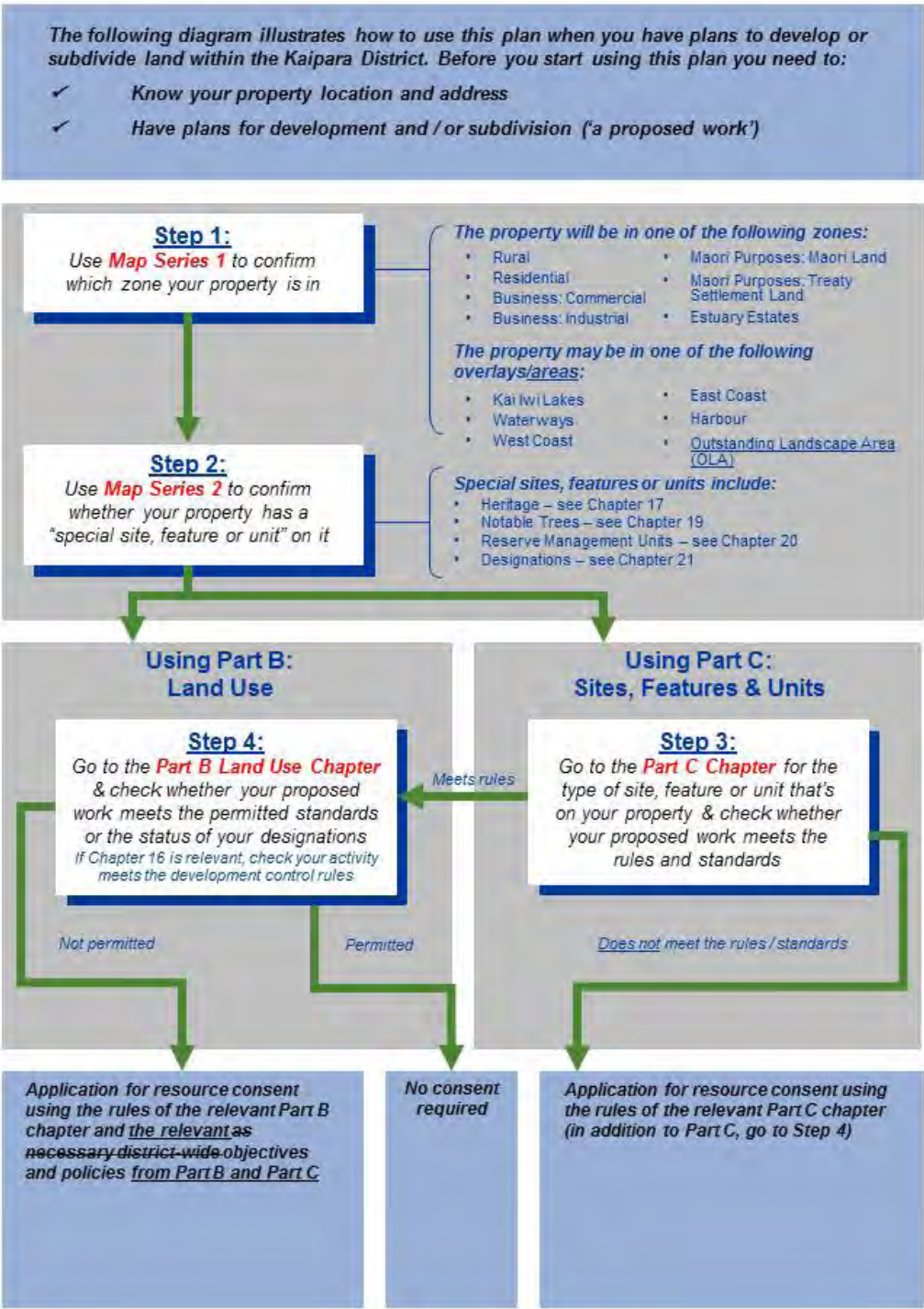
## Schedule Item 5 - Changes to Chapter 1 – Structure and Tools of the Plan

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(Variation Number/ Chapter Number/ Amendment Reference)

[VAR1/1.1]

Amend Figure 1-2 How to Use the District Plan as follows:-



\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

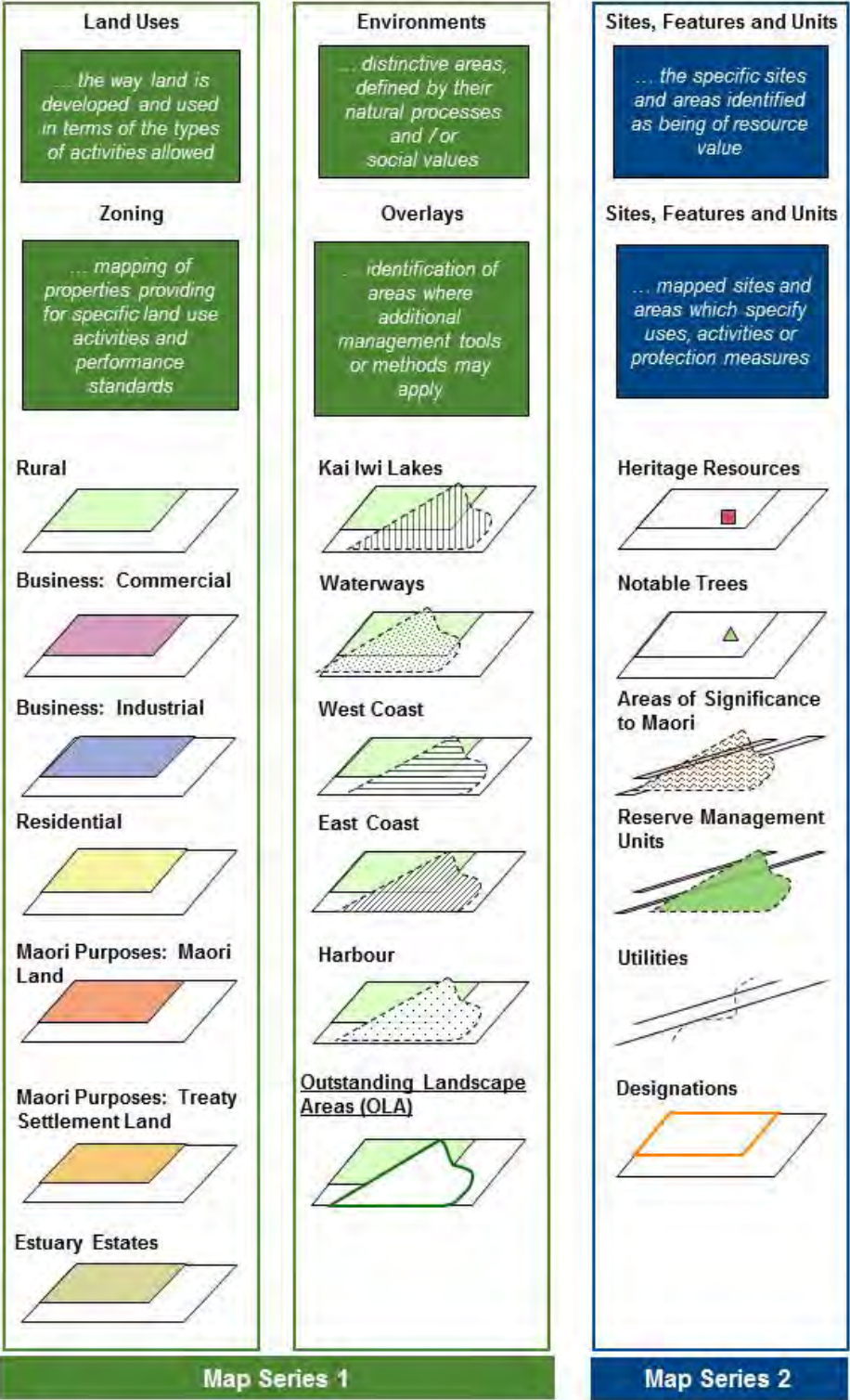


**Schedule Item 6 - Changes to Chapter 2 – District Wide Resource Management Issues**

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(Variation Number/ Chapter Number/ Amendment Reference)

[VAR1/2.1]  
Amend Figure 2.1 – District Plan Mapping Structure as follows:-





**Schedule Item 7 - Changes to Chapter 9 Definitions and Appendix 24h**

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(Variation Number/ Chapter Number/ Amendment Reference)

**[VAR1/9.1]**

Amend definition 9.45 Environmental Benefit as follows:

**9.45 Environmental Benefit**

Includes but not restricted to-

- a) Protection of stands of indigenous vegetation, riparian margins of waterways, including wetlands identified as being of ecological value by Department of Conservation's Protected Natural Areas programme or a suitably qualified ecologist or where ecological value is unknown it shall be measured against Appendix 14G;
- b) Areas of appropriately designed (by a suitably qualified ecologist) indigenous re-vegetation or enhancement that contribute to existing ecological corridors, expand other natural areas or are identified through Council's Reserves and Open Space Strategy (ROSS);
- c) An area that significantly contributes to public access to the coastal marine area; and
- d) Protection of Outstanding Landscape Areas or Visual Amenity Landscapes identified by a suitably qualified landscape architect.

**[VAR1/9.2]**

Insert new definition 9.95 Outstanding Landscape Area as follows:

**9.95 Outstanding Landscape Area**

Any landscape area or landscape feature identified as 'Outstanding' as listed in Appendix 18B of Chapter 18 of the Plan and shown on Series 1 of the District Plan Maps

Outstanding Landscape Areas are deemed to be those landscape units and landscape features which strongly display all of the key physical characteristics and character associated with a particular landscape type including experiential characteristics (as identified in Appendix 18A) and are prominent in the landscape, lending it a sense of spectacle and unity with a minimum of development or modification. For the purposes of the provisions of this Plan, areas of Outstanding Landscape and Outstanding Landscape Features are defined collectively as Outstanding Landscape Areas.

**[VAR1/9.3]**

Insert new definition 9.148 Visual Amenity Landscape as follows:

**9.148 Visual Amenity Landscape**

Any landscape area or landscape feature identified as 'Visual Amenity' as listed in Appendix 18B of Chapter 18 of the Plan and shown on Appendix G.

Visual Amenity Landscapes are those landscapes that display the key physical characteristics and character of the landscape type to a moderate level. They possess a sense of physical coherence which may include a level of modification or development. This is usually integrated successfully within the existing landscape patterns and structure. In the District Plan Outstanding Landscape Areas are given the highest level of protection and are identified on the planning maps. Visual Amenity Landscapes are the not mapped and there are no specific rules associated with them, however their location is indicated within Appendix G for information purposes.

**Schedule Item 8 - Changes to Chapter 10 – Network Utilities**

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(Variation Number/ Chapter Number/ Amendment Reference)

**[VAR1/10.1]**

Amend Rule 10.10.2 Restricted Discretionary Activities as follows:

10.10.2 Restricted Discretionary Activities

The following Network utilities activities are **Restricted Discretionary Activities**:

(a) Activities that do not comply with Rules 10.11.2-10.11.14~~2~~ and 10.12.2

**[VAR1/10.2]**

Amend Rule 10.11.2 Existing Network Utilities as follows:

**10.11 Network Utility Performance Standards (excluding telecommunications facilities in the road reserve refer to section 10.12)**

Rule	Parameter	Permitted Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.2	Existing Network Utilities	<p>The operation, maintenance, minor upgrading and removal of existing electricity and telecommunication lines is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) The existing voltage is not increased beyond 110kv and the electricity line remains in compliance with NZECP 34:2001; and</li> <li>b) The height of support structures (excluding earthwires, earthpeaks and lightning rods) is not increased; and</li> <li>c) The ground is reinstated on completion of works.</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Chapter, Council will have regard to the following matters when considering an application for resource consent:</p> <p><b>(1) General Criteria</b></p> <p>[.....]</p> <ul style="list-style-type: none"> <li>iii) Whether and the extent to which the proposal will impact on any natural ecosystem <u>or</u> cultural site, <del>or significant landscape feature;</del></li> </ul> <p>[.....]</p> <ul style="list-style-type: none"> <li>vii) If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; <u>and</u></li> <li>viii) <u>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.</u></li> </ul> <p><u>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).</u></p> <p>[.....]</p>

**[VAR1/10.3]**

Insert new Rule 10.11.3 Network Utilities and alterations to network Utilities within an Outstanding Landscape Area as follows:

Rule	Parameter	Permitted Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
<b>10.11.3</b>	<u>Network Utilities and Alterations to Network Utilities Within an Outstanding Landscape Area</u>	<p><u>The installation and alterations to Network Utilities in an Outstanding Landscape Area is a permitted activity if:</u></p> <ul style="list-style-type: none"> <li>a) <u>These services are underground;</u></li> <li>b) <u>The alterations are required for routine maintenance to an existing network utility and do not involve any change in scale, character and appearance of the feature.</u></li> </ul>	<u>Discretionary Activity</u>	<p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <ul style="list-style-type: none"> <li>i) <u>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.</u></li> </ul> <p><u>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).</u></p>

**[VAR1/10.4]**

Amend Assessment criteria for Rule 10.11.3 Maximum Height, Rule 10.11.4 Maximum Diameter, Rule 10.11.5, Separation Distances, Rule 10.11.6 Maximum Length, Rule 10.11.7 Maximum Area, Rule 10.11.8 Maximum Volume, Rule 10.11.9 Maximum Length, Rule 10.11.10 Design, Rule 10.11.11 Landscaping as follows:

Rule	Parameter	Permitted Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
<del>10.11.3</del> <b>10.11.4</b>	<b>Maximum Height</b>	<p>1 Any pole, mast, aerial, panel, element or dish associated with a Network Utility is a permitted activity if it does not exceed the following height limits above ground:</p> <p>a) All zones except Business – 15m; and</p> <p>b) Business Zone - 20m; and</p> <p>2 Any aerial or dish, panel or element associated with a Network Utility is a permitted activity if it does not exceed the following height limit above a building:</p> <p>a) All Zones – 2m.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Chapter, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>iii) Whether and the extent to which the proposal will impact on any natural ecosystem <u>or</u> cultural site, <del>or significant landscape feature</del>;</p> <p>[.....]</p>
<del>10.11.4</del> <b>10.11.5</b>	<b>Maximum Diameter</b>	<p>1 Any pole or mast associated with a Network Utility is a permitted activity if it does not exceed the following diameters:</p> <p>a) All zones except Business - 700mm; and</p> <p>b) Business zone - 1,300mm.</p> <p>2 Any aerial, panel or element or dish associated with a Network Utility is permitted activity if it does not exceed the following diameters:</p> <p>a) All zones except Business – 1.2m; and</p> <p>b) Business zone - 2m.</p>	Restricted Discretionary Activity	<p>vii) If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; <u>and</u></p> <p>viii) <u>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.</u></p> <p><u>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).</u></p>
<del>10.11.5</del> <b>10.11.6</b>	<b>Separation distances</b>	<p>Any pole or mast associated with a Network Utility is a permitted activity if it exceeds the following separation distances between individual poles and masts:</p> <p>a) In all Zones - 15m (except where located adjacent to two or more roads); and</p> <p>b) In all Zones where located adjacent to two or more roads - 5m.</p> <p><b>[Council Res. 27 Jan 2010]</b></p>	Restricted Discretionary Activity	<p>[.....]</p>
<del>10.11.6</del> <b>10.11.7</b>	<b>Maximum Length</b>	<p>Any aerial, panel, element or dish associated with a Network Utility is a permitted activity if it does not exceed the following length:</p> <p>a) In all Zones - 6m.</p>	Restricted Discretionary Activity	
<del>10.11.7</del> <b>10.11.8</b>	<b>Maximum Area</b>	<p>Any aerial or dish is permitted activity if it does not exceed the following area:</p> <p>a) All zones except Business - 1.77m<sup>2</sup>;</p> <p>b) Business zone - 9.85m<sup>2</sup>.</p>	Restricted Discretionary Activity	
<del>10.11.8</del> <b>10.11.9</b>	<b>Maximum Volume</b>	<p>1 Any structure located <b>above ground</b> associated with a Network Utility is a permitted activity if it does not exceed the following volumes:</p> <p>a) All zones except Business - 6.5m<sup>3</sup>;</p> <p>b) Business zone - 25m<sup>3</sup>.</p> <p>2 Structures located <b>below ground</b> associated with a Network Utility are a permitted activity if they do not exceed the following volume:</p> <p>a) In all Zones - 40m<sup>3</sup>.</p>	Restricted Discretionary Activity	
<del>10.11.9</del> <b>10.11.10</b>	<b>Maximum Length</b>	<p>Any structure located <b>above ground</b> associated with a Network Utility is a permitted activity if it does not exceed the following dimension:</p> <p>a) In all Zones - 3m.</p>	Restricted Discretionary Activity	
<del>10.11.10</del> <b>10.11.11</b>	<b>Design</b>	<p>Any structure located <b>above ground</b> associated with a Network Utility is a permitted activity if it meets the following criteria:</p> <p>a) Is painted in a recessive colour (to integrate with the surrounding environment); and</p> <p>b) Is located so that it does not impede pedestrians, cyclists or motorists.</p> <p>Note 1: Where possible the following design guidelines should be met to minimise visual clutter:</p> <ul style="list-style-type: none"> <li>– Be integrated with existing street furniture e.g. lighting poles; and</li> <li>– Co-location of cabinets in the road reserve.</li> </ul>	Restricted Discretionary Activity	

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.



<del>10.11.14</del> <b>10.11.12</b>	<b>Landscaping</b>	For above ground structures, (excluding lines and support structures for lines and above ground pipes and associated structures): a) Those areas not used for buildings, structures, operation of the facility, access, or parking shall be planted for amenity purposes; and b) In addition to (a) for substations a minimum 5m wide strip of amenity planting shall be provided around the outside of facilities which together comprise a substation.	Restricted Discretionary Activity	
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**[VAR1/10.5]**

Amend Rule 10.12.2 Telecommunication facilities in the road reserve as follows:

**10.12 Network Utility Performance Standards for Telecommunications Facilities in the Road Reserve (for telecommunications outside the road reserve refer to 10.11)**

Rule	Parameter	Permitted Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
<b>10.12.2</b>	<b>Telecommunication facilities in the road reserve</b>	Telecommunications facilities in the road reserve are a permitted activity if: a) The telecommunication facility meets the National Environmental Standard for Telecommunication Facilities Regulations 2008.	Restricted Discretionary	Where an activity is not permitted by this Chapter, Council will have regard to the following matters when considering an application for resource consent: [.....] iii) Whether and the extent to which the proposal will impact on any natural ecosystem <u>or</u> cultural site, <del>or significant landscape feature</del> ; [.....]  vii) If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; <u>and</u> viii) <u>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.</u>  <u>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).</u> [.....]

Schedule Item 9 - Changes to Chapter 11 – Transport Network

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(Variation Number/ Chapter Number/ Amendment Reference)

[VAR1/11.1]

Insert a new note underneath Section 11.10 The Transport Network Performance Standards, as follows:

11.10 The Transport Network Performance Standards

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).

[VAR1/11.2]

Amend Rule 11.10.1 Road Construction and Works on a Road as follows:

Rule		Permitted Activity Performance Standard	Activity Status if Activity does not meet the Performance Standards	Matters for Assessment
11.10.1	Road Construction and Works on a Road	Works within the road are a Permitted Activity if :  (a) The work is undertaken by the Council or other public road authority on a road that it owns or controls; or  (b) It is authorised by resource consent.	Restricted Discretionary Activity	Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for resource consent:  [.....]  (vii) Whether the works comply with all other provisions relating to activities within the Transport Network and the section 5 of the Kaipara District Council Engineering Standards 2009; <u>and</u>  (viii) <u>Effects on the landscape and heritage values of any Outstanding Landscape Areas 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.</u>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/11.3]**

Amend Rule 11.10.2 Any other works on a road, as follows:

Rule		Permitted Activity Performance Standard	Activity Status if Activity does not meet the Performance Standards	Matters for Assessment
<b>11.10.2</b>	Any other works on a road	<p>(1) Any other works in the road are a Permitted Activity if:-</p> <p>(a) Written approval from the Council has been obtained to undertake any works within road reserve; and</p> <p>(b) Written approval from the New Zealand Transport Agency has been obtained,(note: only applies if works are to be undertaken within the State Highway network); and</p> <p>(c) On completion of the works any part of the road reserve that has been disturbed will be restored in compliance with the Road Standards outlined in section 5.2 of the Kaipara District Council Engineering Standards 2009.</p> <p>(2) In addition, activities considered Permitted Activities by this Chapter of the District Plan must also comply with the relevant standards of:</p> <p>(a) The Zone in which the activity is located. Refer Chapters 12 - 16 in Part B of the District Plan (The road shall hold the Zoning of the adjoining land. Where the land on either side of the road holds different Zoning, the more restrictive Zoning shall apply. This is generally ordered as follows:</p> <ul style="list-style-type: none"> <li>- Residential;</li> <li>- Business;</li> <li>- Rural , Maori Purposes and Estuary Estates;</li> </ul> <p>(b) Chapters in Part C – Sites, Features and Units (and Part E - Maps); and</p> <p>(c) Chapter 10 – Network Utilities.</p>	<p>Restricted Discretionary Activity</p> <p>(plus the activity status of any activity within the zone that is not met).</p>	<p>Where an activity doesn't meet (a) then the following matters will be considered:</p> <p>[.....]</p> <p>(vii) Whether the works comply with all other provisions relating to activities within the Transport Network and the section 5 of the Kaipara District Council Engineering Standards 2009; <u>and</u></p> <p>(viii) <u>Effects on the landscape and heritage values of any Outstanding Landscape Areas 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.</u></p>

## Schedule Item 10 - Changes to Chapter 12 - Rural

### How to read Variation 1:

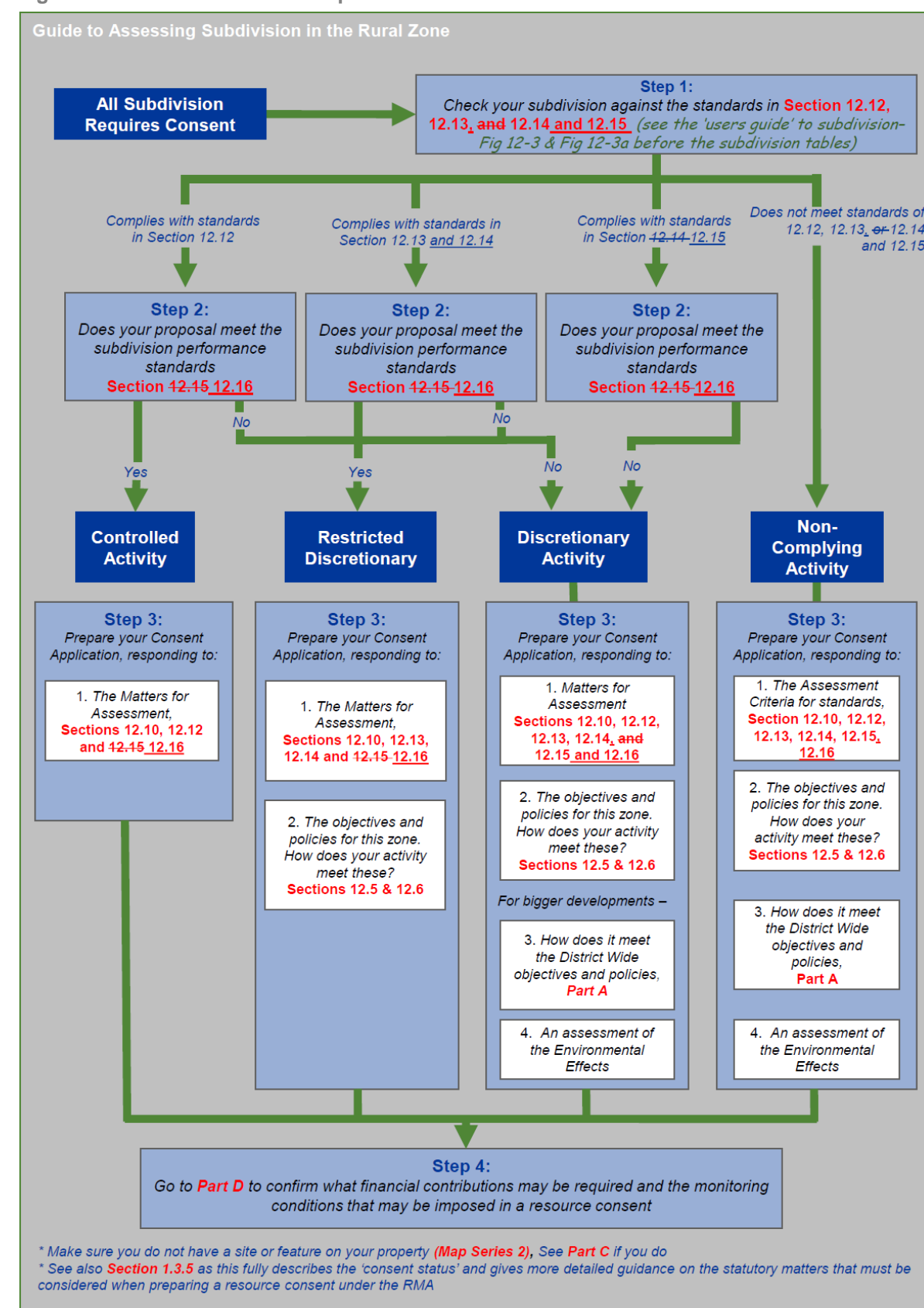
- All proposed text is shown underlined and text proposed to be deleted is shown ~~struck through~~.
- All other wording shown as grey is to provide context only and is not subject to this variation. It has not changed from the Proposed Kaipara District Plan as notified October 2009, as decisions on submissions on the Proposed Kaipara District Plan have not yet been released.
- Where text has not been included in Variation 1 (as it does not assist with the understanding of provisions Variation 1) this has been denoted by “[.....]”
- Variation references are denoted by the following references [VAR1/12.1]  
(Variation Number/ Chapter Number/ Amendment Reference)



[VAR1/12.1]

Amend Figure 12-2 as follows:

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



[VAR1/12.2]

Amend Rule 12.9.2 as follows:

12.9.2 **Controlled Activities**

The following activities shall be **Controlled** in the Rural Zone:

- 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.

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

Note 2: Applications for Controlled Activities will be considered without public notification or the need to obtain the written approval of affected parties. Conditions may be imposed in relation to the matters over which control will be exercised, listed in Section 12.12 of this Chapter.

[VAR1/12.3]

Amend Rule 12.9.3 Restricted Discretionary Activities as follows:

12.9.3 **Restricted Discretionary Activities**

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

- Any activity which does not meet any Performance Standards listed in Section 12.10 of this Chapter and is listed as a Restricted Discretionary Activity;
- 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;
- Where listed, restricted discretionary activities will be considered without notification.

Note 1: Applications for Restricted Discretionary Activities may be considered without public notification or the need to obtain the written approval of affected parties. Those noted will be considered on a non-notified basis.

Note 2: 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.

[VAR1/12.4]

Amend Rule 12.9.4 Discretionary Activities as follows:

12.9.4 **Discretionary Activities**

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

- Any activity which does not meet any Performance Standards listed in Section 12.10 of this Chapter and is listed as a Discretionary Activity; and
- 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.

[VAR1/12.5]

Amend Rule 12.9.5 Non Complying Activities as follows:

12.9.5 **Non Complying Activities**

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

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

Note 1: Applications for Non Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 12.10, 12.12, 12.13, 12.14, **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.

**[VAR1/12.6]**

Insert Note 1 underneath Section 12.10, as follows:

**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).

**[VAR1/12.7]**

Amend Rule 12.10.1 Excavation and Fill as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
12.10.1	Excavation and Fill	<p><b>(1) Rural Zone</b> Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The site is not within any area known to be subject to instability or flood hazard; and</li> <li>b) The volume is less than 2,000m<sup>3</sup> in any hectare in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>c) All bare earth areas, including excavation and fill batter faces, are revegetated within 6 months of the earthworks being completed; and</li> <li>d) All revegetated areas are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; <u>and</u></li> <li>e) <u>Provided the site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>In addition to the above Performance Standards:</p> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 1,000m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m; <u>and</u></li> <li>c) <u>Provided the site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(3) Kai Iwi Lakes and Waterways Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 150m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m; <u>and</u></li> <li>c) <u>Provided the site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(4) Outstanding Landscape Areas</b></p> <ul style="list-style-type: none"> <li>a) <u>The site is located within an Outstanding Landscape Area, as identified in Map Series 1;</u></li> <li>b) <u>Any excavation and fill that do not exceed 300m<sup>3</sup> in any 12 month period per site; and</u></li> <li>c) <u>Any excavation and fill that do not involve a cut and/or filled face exceeding 1.5m in height; and</u></li> <li>d) <u>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.</u></li> </ul> <p>[.....]</p>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area will be assessed as a Discretionary Activity.</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>ix) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></p> <p>[.....]</p>

**[VAR1/12.8]**

Amend Rule 12.10.2 Vegetation Clearance as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
12.10.2	Vegetation Clearance	<p><b>(1) Rural Zone</b></p> <p>The destruction or clearance of indigenous vegetation outside an overlay area is a Permitted Activity provided that :</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and over 1 hectare in area; <u>and</u></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1:</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>vi) The removal is for the construction of a fire break by a fire authority; or</li> <li>vii) 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</li> <li>viii) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</li> <li>ix) 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.</li> </ul> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b></p> <p>The destruction or clearance of indigenous vegetation within the East Coast &amp; West Coast and Harbours Overlay areas is a Permitted Activity, provided that:</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m<sup>2</sup> in area and is not located within 100m of the coastal marine area; <u>and</u></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1:</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> </ul>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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>ix) 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.</p> <p><b>(3) Waterways and Kai iwi Lakes Overlays-Areas</b></p> <p>The destruction or clearance of indigenous vegetation within the Waterways 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 a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area; <u>and</u></p> <p>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1</u></p> <p>Unless, with respect to a) or b) above one of the following exceptions are met:</p> <p>i) The removal is in accordance with an existing use right; or</p> <p>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>iv) 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</p> <p>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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>ix) 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.</p> <p><b><u>(4) Outstanding Landscape Areas</u></b></p> <p><u>The destruction or clearance of indigenous vegetation within an Outstanding Landscape Area, is a Permitted Activity provided that:</u></p> <p>a) <u>It is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area.</u></p> <p><u>Unless, with respect to a) above one of the following exceptions are met:</u></p> <p>i) <u>The removal is in accordance with an existing use right; or</u></p> <p>ii) <u>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</u></p> <p>iii) <u>The removal is of trees that are a danger to human life or existing structures (including network utilities); or</u></p> <p>iv) <u>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</u></p>		

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>300mm girth; or</p> <p>v) <u>The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</u></p> <p>vi) <u>The removal is for the construction of a fire break by a fire authority; or</u></p> <p>vii) <u>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</u></p> <p>viii) <u>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</u></p> <p>ix) <u>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.</u></p> <p>[.....]</p>		

**[VAR1/12.9]**

Insert new Rule 12.10.3 Erection and alterations of Dwellings and Structures within an Outstanding Landscape Area as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.3</b>	<b>Erection and alterations of dwellings and structures within an Outstanding Landscape Area</b>	<p>The Erection and Alteration of Dwellings located in an Outstanding Landscape Area is a permitted activity if:</p> <p>a) <u>It is no more than 8m in height; and</u></p> <p>b) <u>Does not exceed 50m<sup>2</sup> gross floor area; and</u></p> <p>c) <u>The exterior finish of the dwelling or structure has a reflectance value of, or less than 35% as defined within the BS5252 standard colour palette; and</u></p> <p>d) <u>It is located within an approved building envelope and complies with design guidelines explicitly approved in a land use or subdivision consent; and</u></p> <p>e) <u>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</u></p> <p>f) <u>It is required for maintenance to the interior and exterior of the dwelling or structure; or</u></p> <p>g) <u>It is required for renovations to the interior of the dwelling or structure;</u></p> <p>h) <u>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</u></p> <p>i) <u>Does not include Commercial or Industrial buildings.</u></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>i) <u>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.</u></p>

**[VAR1/12.10]**

Amend Rule 12.10.3 Dwellings as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.3</b> <b>12.10.4</b>	<b>Dwellings</b>	<p>Construction of a dwelling is a Permitted Activity if:</p> <p>a) <u>After completion, it will be the only dwelling on the site; or</u></p> <p>b) <u>It will be an additional dwelling on the site, and there is a minimum of 12ha of net site area</u></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p>



Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>associated with each dwelling in the Rural Zone, and 20ha in any Overlay Area;</p> <p>c) Each dwelling meets the Performance Standards of section 12.10;</p> <p>d) Each site meets the Performance Standards of section <del>12.156</del>;</p> <p>e) Minimum floor levels are designed in accordance with clause 6.2.3 (a) of the Kaipara District Council Engineering Standards 2009 with a minimum floor level of 5.0m above mean sea level <u>and</u></p> <p>f) <u>It is not located within any Outstanding Landscape Area identified in Map Series 1.</u></p> <p><b>Note 1:</b> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</u></p>		<p>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></p> <p>[.....]</p>

**[VAR1/12.11]**

Amend Rule 12.10.4 Commercial and Industrial Buildings as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.4</del> <b>12.10.5</b>	<b>Commercial and Industrial Buildings</b>	<p><b>(1) For Commercial or Industrial Activities in a Rural Zone</b></p> <p>Any building is a permitted activity if:</p> <p>a) The gross floor area of the building does not exceed 500m<sup>2</sup>; and</p> <p>b) The building is able to comply with the relevant Performance Standards of Rule 12.10;</p> <p>c) Where no Council sewerage system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards".</p> <p>d) Where a Council reticulated sewerage system is available the development complies with the requirements of Rule <del>12.156</del>.6(1)(a)-(d) inclusive;</p> <p>e) Where no Council sewerage system is available the development shall comply with the requirements of Rule <del>12.156</del>.6(c)-(d) inclusive.</p> <p>f) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule <del>12.156</del>.5(1)(a) and <del>12.156</del>.1(3)(a)-(i) inclusive;</p> <p>g) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule <del>12.156</del>.5(2)(a) and Rule <del>12.156</del>.5(3)(a)-(i) inclusive; <u>and</u></p> <p>h) <u>It is not located within any Outstanding Landscape Area identified in Map Series 1.</u></p> <p><b>Note 1:</b> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</u></p> <p>[.....]</p>	Restricted Discretionary Activity (assessed on a non-notified basis)	<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>[.....]</p> <p>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></p> <p>[.....]</p>

**[VAR1/12.12]**

Amend Rule 12.10.5 Maximum Height as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.5</b> <b>12.10.6</b>	<b>Maximum Height</b>	Any building is a Permitted Activity if: a) The building does not exceed 10m in height <u>and</u> b) <u>It is not located within any Outstanding Landscape Area identified in Map Series 1.</u>  <u>Note 1:</u> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  v) Effects on availability of sunlight to other properties; <u>and</u> vi) <u>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.</u>

**[VAR1/12.13]**

Amend Rule 12.10.6 Height in Relation to Boundary as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.6</b> <b>12.10.7</b>	<b>Height in Relation to Boundary</b>	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  i) The scale and bulk of the building in relation to the site; ii) The built character and rural amenity of the locality; iii) The extent to which the effects of the height in relation to boundary infringement can be mitigated by setbacks, planting, design or the topography of the site; iv) Effects on the locality, particularly the rural character and amenity values and those values associated with overlay areas; v) Effects on availability of sunlight to other properties; <u>and</u> vi) <u>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.</u>

**[VAR1/12.14]**

Amend Rule 12.10.7 Setbacks as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.7</b> <b>12.10.8</b>	<b>Setbacks</b>	<p><b>(1) Rural Zone</b> 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 - 10m, except where the building is for industrial purposes, where the setback shall be 20m; and</li> <li>b) Side and Rear yards - 10m; and</li> <li>c) Coast - 30m from the Coastal Marine Area; and</li> <li>d) Lake / River - 30m from the banks of any lake whose bed has an area of 8ha or more, or the bank of any river or perennial stream whose bed has an average width of 3m or more; and</li> <li>e) Any building is set back 20m from a railway line where there is an intersection of road and rail (level crossing) 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).</li> </ul> <p><b>(2) In addition to the setbacks above, in the Waterways and Kai Iwi Lakes Overlay:</b> 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) Waterway – 30m from the banks of any mapped waterway or wetland within this Overlay.</li> </ul> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>vi) Effects on landscape and heritage values <u>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,</u> in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</p> <p>[.....]</p>

**[VAR1/12.15]**

Amend Rule 12.10.8 Permeable Surfaces as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.10.8</b> <b>12.10.9</b>	<b>Permeable Surfaces</b>	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 15% in the Rural zone where it is not within an overlay;</li> <li>b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Rural zone where it is within an overlay.</li> </ul> <p>[.....]</p>	Restricted Discretionary (assessed on a non-notified basis).	<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>[.....]</p> <p>v) <u>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.</u></p>

**[VAR1/12.16]**

Amend Rule 12.10.9 Separation Distance as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.9</del> <b>12.10.10</b>	<b>Separation Distance</b>	<p>An activity is permitted if a 300m separation is maintained between the following activities and any dwelling used for a residential purpose:</p> <ul style="list-style-type: none"> <li>a) Building or enclosure intended for housing livestock;</li> <li>b) Sewage treatment site or other site of plant or animal effluent storage or disposal</li> <li>c) Building used for an industrial or commercial activity;</li> <li>d) Intensive feed lot or feed storage area;</li> <li>e) Intensive farming;</li> <li>f) Dairying shed;</li> <li>g) Mining or quarrying; and</li> <li>h) Any other activity that has existing use rights or resource consent to exceed the General Noise, Use of Explosives and Blasting standards, or a discharge consent relating to odour from the Regional Council.</li> </ul> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Any consultation with relevant property owners or occupiers; <del>and</del></li> <li>vii) Mechanisms to avoid potential future reverse sensitivity conflicts (including covenants on titles); <del>and</del></li> <li>viii) <u>Effects on the landscape and heritage values of or immediately adjacent to 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.</u></li> </ul>

**[VAR1/12.17]**

Amend Rule 12.10.11 Relocation of Buildings as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.11</del> <b>12.10.12</b>	<b>Relocation of Buildings</b>	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <ul style="list-style-type: none"> <li>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;</li> <li>b) Any relocated dwelling must have been previously designed built and used as a dwelling;</li> <li>c) A building inspection report shall accompany the building consent. The report is to identify all reinstatement work required to the exterior of the building; <del>and</del></li> <li>d) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site; <del>and</del></li> <li>e) <u>It is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><u>Note 1:</u> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 12.10.3 applies in this instance.</u></p>	Restricted Discretionary Activity (assessed on a non-notified basis)	<p>If the building infringes another Performance Standard then a consent will be required.</p> <p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>iv) Application of a bond to ensure reinstatement within a 12 month time limit; <del>and</del></li> <li>v) <u>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.</u></li> </ul>

**[VAR1/12.18]**

Amend Rule 12.10.17 Contaminated Land Change of use as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.17</del> <b>12.10.18</b>	<b>Contaminated Land Change of use</b>	Any activity on land which an activity identified in Appendix 24E (Potentially contaminating activities) has occurred is a permitted activity if: a) It is not: i) A dwelling; or ii) A school or early childhood centre; or iii) A sports field; and b) The site has been: i) Remediated to a standard suitable for the proposed use; or ii) Investigated and certified to be of a standard suitable for the proposed use; and c) Any containment works are not damaged or destroyed.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] vi) Whether the land is suitable for its intended end use; <u>and</u> vii) <u>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.</u> [.....]

**[VAR1/12.19]**

Amend Rule 12.10.18 Contaminated Land Remediation as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.18</del> <b>12.10.19</b>	<b>Contaminated Land Remediation</b>	Any activity is a Permitted Activity if: a) Remediation of contaminated land: i) Does not cause a greater risk to human health or the environment than if the work was not done; and ii) Disposes of removed material in a location approved for the receipt of such material; and iii) Is reported to the Council by the landowner at the completion of the work detailing: - The work done and the results obtained; and - The nature and location of remaining contaminated material on-site; and - As-built plans and specifications of any permanent containment structure.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] ix) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land; <u>and</u> x) <u>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.</u> [.....]



**[VAR1/12.20]**

Amend Rule 12.10.19 Hazardous Substances as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.19</del> <b>12.10.20</b>	<b>Hazardous Substances</b>	Any activity is a Permitted Activity if: a) The aggregate quantity of hazardous substances of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 24D (Hazardous Substances – Permitted Quantities Table 1); or b) The hazardous substances stored or used on the site are: i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire-fighting substances on emergency vehicles; or 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 d) Storage or use of hazardous substances complies with Appendix 24D (Hazardous Substances – Permitted Conditions Table 2).	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  <u>xvi) 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.</u>

**[VAR1/12.21]**

Amend Rule 12.10.20 Radioactive materials as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.20</del> <b>12.10.21</b>	<b>Radioactive materials</b>	Any activity is a permitted activity if: a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or b) Radioactive materials are confined to domestic appliances.	Controlled Activity if: (a) radioactivity does not exceed 100 terabecquerels.  Discretionary Activity If: (b) radioactivity exceeds 100 terabecquerels.	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; <u>and</u> <u>xiv) 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.</u>

**[VAR1/12.22]**

Amend Rule 12.10.21 Plant or animal effluent storage/disposal as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.21</del> <b>12.10.22</b>	<b>Plant or animal effluent storage/disposal</b>	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation): <ul style="list-style-type: none"> <li>i) Is set back at least 300m from a habitable building, educational facility, marae or community hall; and</li> <li>ii) Is operated at times and in wind conditions so as to avoid nuisance to adjoining property.</li> </ul> </li> </ul> <p>[.....]</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>xi) Proposed contingency measures and emergency plans; <del>and</del></li> <li>xii) Proposed monitoring and maintenance schedules; <u>and</u></li> <li><u>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.</u></li> </ul>

**[VAR1/12.23]**

Amend Rule 12.10.23 Signage (including signs on and adjacent to roads and on buildings) as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.23</del> <b>12.10.24</b>	<b>Signage (including signs on and adjacent to roads and on buildings)</b>	<p>The following signs are Permitted:</p> <ul style="list-style-type: none"> <li>a) Any business sign not exceeding 3m<sup>2</sup>, 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;</li> <li>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or requiring authority, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; and</li> <li>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 development, sale or auction, provided that any such sign shall only be erected for a period of up to 2 months and shall be removed within 7 days of the election, event, sale or auction taking place;</li> <li><u>d) Any sign, not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>a) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained.</li> <li>b) Where a sign is proposed to be located in a road reserve adjoining the State Highway network the approval of the NZ Transport Agency is also required; and</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>viii) The extent to which the sign is relevant to activities occurring on the subject site; <del>and</del></li> <li>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; <u>and</u></li> <li><u>x) 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.</u></li> </ul>

**[VAR1/12.24]**

Amend Rule 12.10.24 Vehicle Access and Driveways as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.24</del> <b>12.10.25</b>	<b>Vehicle Access and Driveways</b>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</li> <li>b) Each site shall be provided with and maintain a vehicle crossing in accordance with clause 5.2.18.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</li> <li>c) The location of vehicle crossings is designed and constructed in accordance with clause 5.2.18.2(a)-(g) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>d) The design and construction of vehicle crossings is in accordance with clause 5.2.18.3(a)-(e) inclusive of the Kaipara District Council Standards 2009;</li> <li>e) Where a loading ramp is required it shall meet the requirements of clause 5.2.18.4(a) of the Kaipara District Council Standards 2009;</li> <li>f) Each site shall be provided with and maintain a driveway in accordance with clause 5.2.19.(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>g) Driveways shall be designed and constructed in accordance with clause 5.2.19 (a)-(f) inclusive of the Kaipara District Council's Engineering Standards 2009</li> <li>h) Any gate on a driveway or private access shall comply with the requirements of clause 5.2.20(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</li> <li>i) Each driveway shall be provided with a stormwater drainage system that is designed in accordance with clause 5.2.21(a)-(c) inclusive of the Kaipara District Council Engineering Standards<del>–and</del></li> <li>j) <u>It is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul>	Restricted Discretionary Activity (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)	<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>[.....]</p> <ul style="list-style-type: none"> <li>xi) If a new access is being provided or modification of an existing access onto a State Highway, whether the consent of the NZ Transport Agency is obtained; <u>and</u></li> <li>xii) <u>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.</u></li> </ul>

**[VAR1/12.25]**

Amend Rule 12.10.26 Parking as follows:

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.26</del> <b>12.10.27</b>	<b>Parking</b>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site.</li> <li>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Part D – Appendices of this District Plan.</li> <li>c) Each parking space shall be of a useable size and shape and be formed and maintained in accordance with clause 5.2.10 (a)-(j) inclusive and drawing S20 of the Kaipara District Council Engineering Standards 2009.</li> <li>d) Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required.</li> <li>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, 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</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>viii) <u>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.</u></li> </ul> <p>[.....]</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>outlet.</p> <p>f) Each parking space shall have adequate physical access to a road, street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site. The Kaipara District Council Engineering Standards 2009, drawings S18 and S19 illustrate tracking curves that provide adequate access and manoeuvring for vehicles.</p> <p>g) Control of Access - Any parking area associated with a Commercial or Industrial activity which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's frontage not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided.</p> <p>h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street.</p> <p>i) Screening of Parking Areas - Any parking area which is adjacent to a Residential zone shall be effectively screened from residential sites by a close boarded fence, solid wall or other suitable screen at least 2m high.</p> <p>j) Control of Stormwater - Each parking area shall be provided with a stormwater drainage system that is designed in accordance with clause 5.2.21(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009- <u>and</u></p> <p><b>k) It is not within an Outstanding Landscape Area, as identified in Map Series 1.</b></p> <p>[.....]</p>		

**[VAR1/12.26]**

Amend Rule 12.10.27 Loading as follows:

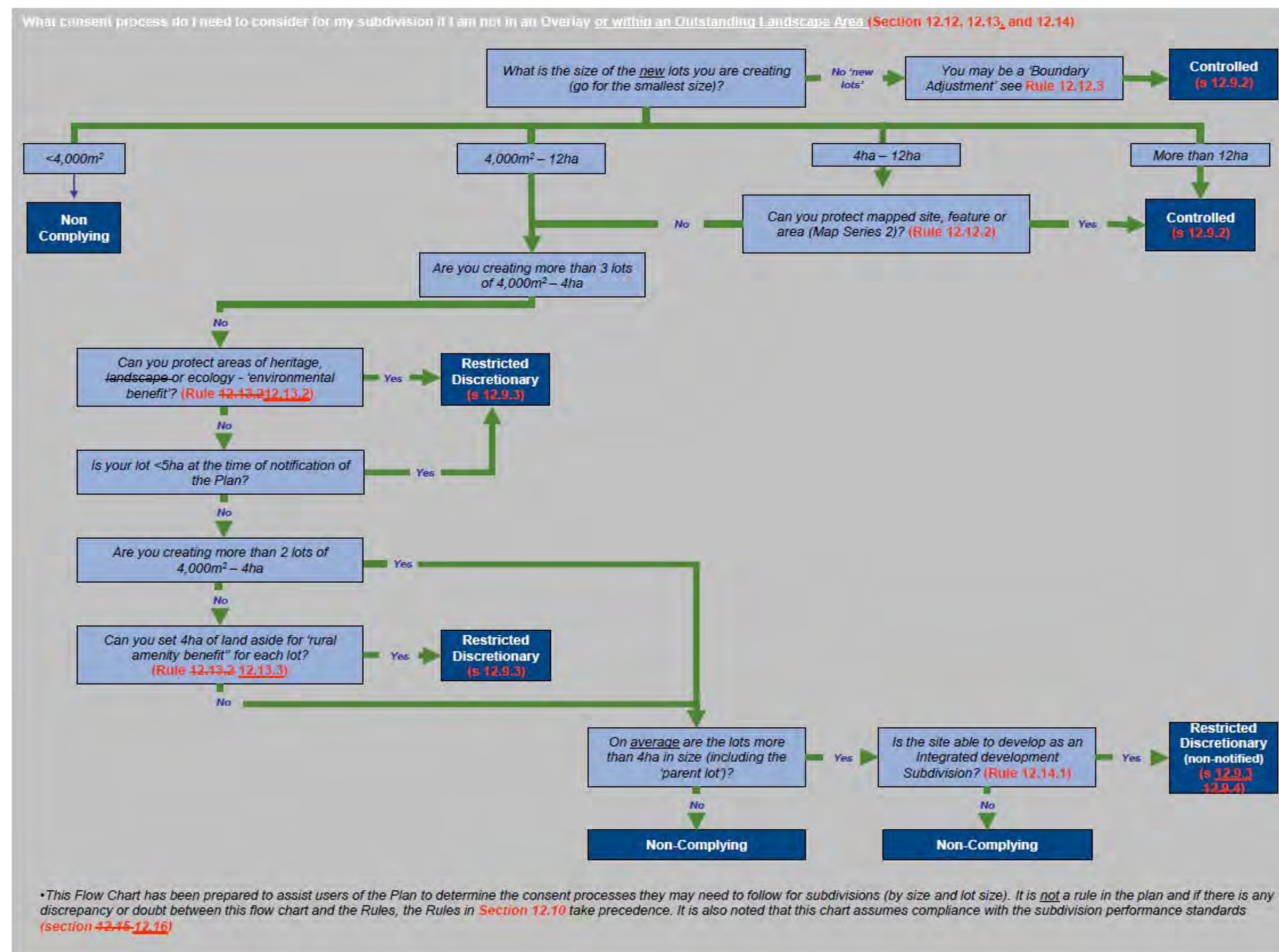
Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.10.27</del> <b>12.10.28</b>	<b>Loading</b>	<p><b>(1) For Commercial Activities in a Rural Zone</b></p> <p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site 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 Part D - Appendices.</p> <p>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile three axled truck illustrated in drawing S19 of the Kaipara District Council Engineering Standards 2009.</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum height of 4.25m <u>provided</u> that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m.</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the building which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile three axle truck curve illustrated in drawing S19 of the Kaipara District Council Engineering Standards 2009.</p> <p>f) Each loading space shall comply with clause 5.2.10(f) of the Kaipara District Council Engineering Standards 2009.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p><u>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.</u></p> <p>[.....]</p>

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<div>g) Loading bay pavements shall be designed and constructed in accordance with clause 5.2.10(i)-(j) of the Kaipara District Council Engineering Standards 2009.</div> <div>[.....]</div>		

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/12.27]**

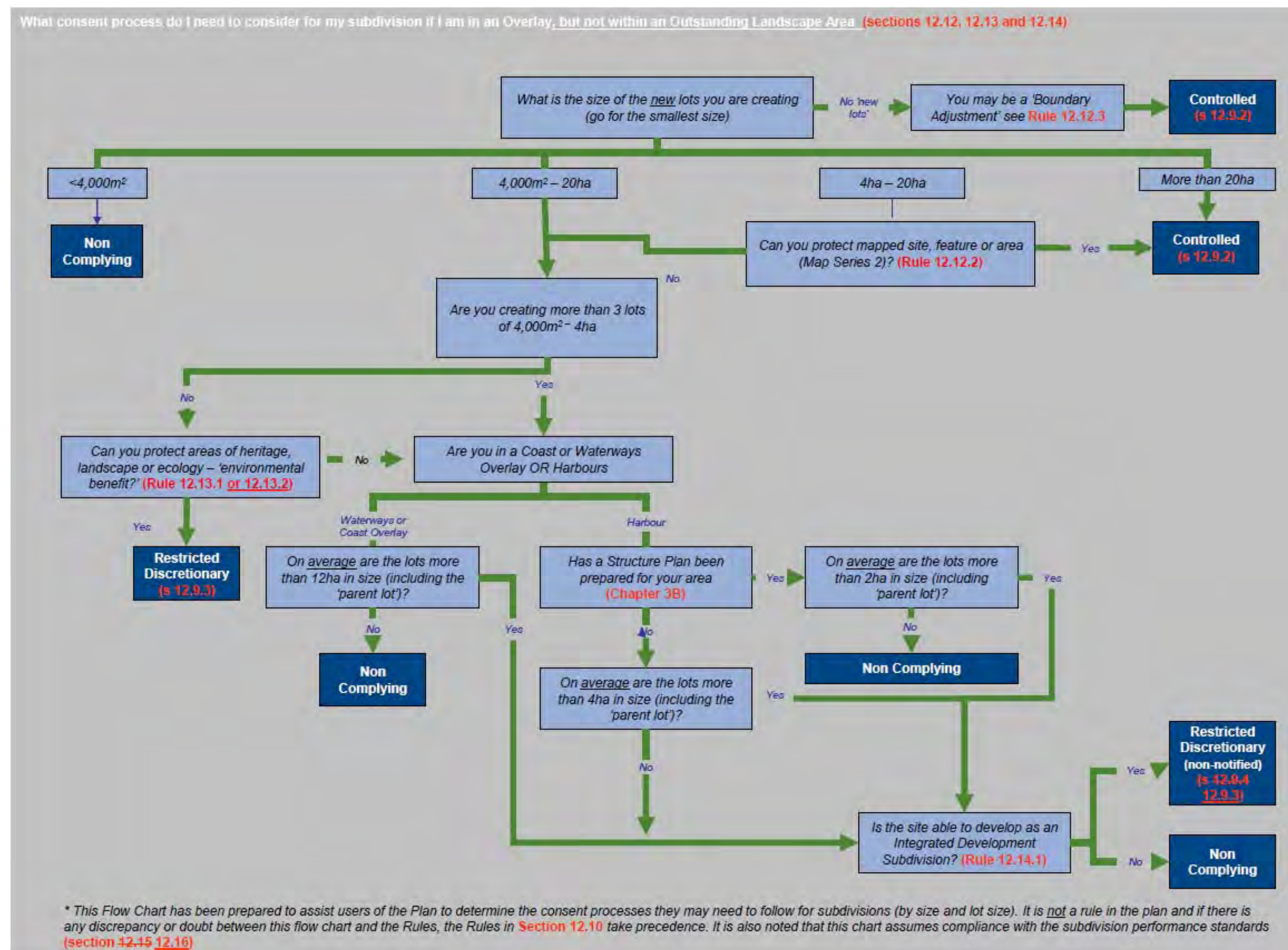
Amend Figure 12-3a: User Guide to Subdivision – not in an Overlay, as follows:





**[VAR1/12.28]**

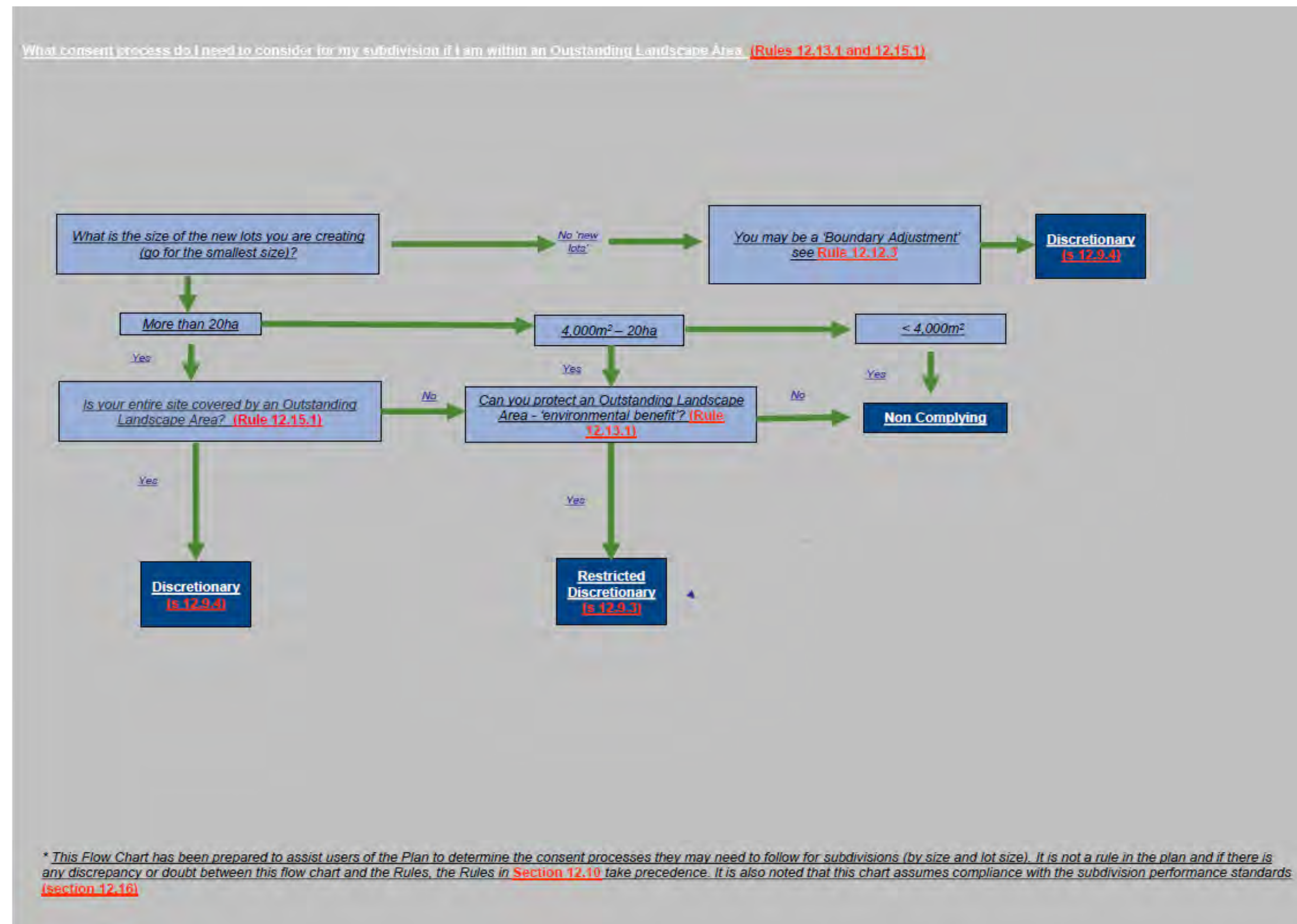
Amend Figure 12-3b: User Guide to Subdivision – in an Overlay as follows:



[VAR1/12.29]

Insert a new heading and Figure 12-3c: User Guide to Subdivision – in an Outstanding Landscape Area, as follows:

**Figure 12-3c: User Guide to Subdivision – in an Outstanding Landscape Area**





**[VAR1/12.30]**

Amend Rule 12.12.1 General Rural Subdivision as follows:

**12.12 Controlled Rural Subdivision**

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>12.12.1</b>	<b>General Rural Subdivision</b>	<p>Subdivision within the Rural zone is a Controlled Activity if it meets the following terms for subdivision:</p> <p><b>(1) Rural Zone (excluding Overlay Areas)</b></p> <p>a) Every proposed allotment has a minimum net site area of 12 hectares;</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter; <u>and</u></p> <p><u>c) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></p> <p><b>(2) Overlay Areas (Kai Iwi Lakes, Waterways, East Coast &amp; West Coast and Harbour (Mangawhai &amp; Kaipara) Overlays)</b></p> <p>a) Every proposed allotment has a minimum net site area of 20 hectares; and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter; <u>and</u></p> <p><u>c) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></p>	<p>Council will reserve control over 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>xvi) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: Esplanade Reserves and Strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements; <u>and</u></p> <p>xvii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 4: 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).</u></p>

**[VAR1/12.31]**

Amend Rule 12.12.2 Preservation of Natural and Cultural Heritage as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>12.12.2</b>	<b>Preservation of Natural and Cultural Heritage</b>	<p>Subdivision within the Rural Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision:</p> <p>a) Permanent physical and legal protection of the heritage feature is achieved; and</p> <p>b) The lot created for the preservation of heritage shall contain one or more of the following:-</p> <ul style="list-style-type: none"> <li>- Any historic site or feature listed in Part C: Chapter 17 – Heritage, Schedule 17.1; or</li> <li>- An 'Area of Significance to Maori' listed in Part C: Chapter 17 – Heritage, Schedule 17.2; or;</li> <li>- A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the district plan was notified;</li> <li>- A Notable Tree identified in Schedule 19.1;</li> </ul> <p>c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and</p> <p>d) On the lot on which the heritage feature is located, the minimum net site area shall be 4,000m<sup>2</sup> and shall contain 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 dwelling and associated wastewater treatment and disposal system (and this area will enable a building compliant with the relevant performance standards of 12.10 of this Chapter); and</p> <p>e) Any balance lot created must be a minimum net site area of 4 hectares; and</p> <p>f) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter; <u>and</u></p> <p><u>g) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></p>	<p>Council will reserve control over 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; and</p> <p>ii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.32]**

Amend Rule 12.12.3 Boundary Adjustment as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>12.12.3</b>	<b>Boundary</b>	Subdivision within the Rural Zone (including Overlays) is a Controlled Activity if it meets the	Council will reserve control over the following matters when considering an application for resource consent that meets the terms

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
	<b>Adjustment</b>	<p>following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) The boundaries of two or more adjacent allotments are adjusted; and</li> <li>b) No additional allotments will be created; and</li> <li>c) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and</li> <li>d) The proposed boundary adjustment complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter. Any existing buildings or activities on the created lots complies with the Performance Standards of Section 12.10 of this Chapter; <u>and</u></li> <li>e) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul>	<p>for subdivision under this rule:-</p> <p>General Subdivision</p> <ul style="list-style-type: none"> <li>ii) The extent to which a proposed boundary will provide for compliance with the performance standards in Section 12.10 in relation to the existing buildings, structures and services on site; <u>and</u></li> <li>iii) <u>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.</u></li> </ul> <p><u>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).</u></p>

**[VAR1/12.33]**

Amend Rule 12.13.1 Environmental Benefit as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<b>12.13.1</b>	<b>Environmental Benefit</b> <b><u>(One Environmental Benefit Lot Created)</u></b>	<p>Subdivision within the Rural zone (including Overlays) is a Restricted Discretionary Activity if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) Permanent physical and legal protection of the Environmental Benefits within the site is achieved; and</li> <li>b) The entire feature is protected; and</li> <li>c) The Environmental Benefit meets the minimum size requirements relevant to the type of environmental benefit proposed listed below: <ul style="list-style-type: none"> <li>i) An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; and</li> <li>ii) Where the total area of the Environmental Benefit is 9.0 hectares or more, this will be considered two Environmental Benefit Lots; or</li> <li>iii) A 'Landscape' Environmental Benefit shall result in the whole of the portion of the identified landscape located on the parent lot being physically and legally protected; and</li> </ul> </li> <li>d) No more than <del>three</del> <u>one</u> Environmental Benefit <del>Lots</del> can be created per site, and</li> <li>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</li> <li>f) Any balance lot created must be a minimum net site area of 4,000m<sup>2</sup>; and</li> <li>g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter.</li> <li>h) Only one consent for a restricted discretionary (subdivision) activity in terms of a 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;</li> </ul> <p>[.....]</p>	<p>Council will restrict its discretion over 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>[.....]</p> <ul style="list-style-type: none"> <li>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; <u>and</u></li> <li>viii) <u>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.</u></li> </ul> <p>[.....]</p> <p><u>Note 3: 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).</u></p>

[VAR1/12.34]

Insert new Rule 12.13.2 Environmental Benefit (2-3 Environmental Benefit Lots Created) as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<b>12.13.2</b>	<b><u>Environmental Benefit</u></b> <b><u>(2-3 Environmental Benefit Lots Created)</u></b>	<p><b><u>Subdivision within the Rural zone (including Overlays) is a Restricted Discretionary Activity if it meets the following terms for subdivision:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>Permanent physical and legal protection of the Environmental Benefits within the site is achieved; and</u></li> <li>b) <u>The entire feature is protected; and</u></li> <li>c) <u>The Environmental Benefit meets the minimum size requirements relevant to the type of environmental benefit proposed listed below:</u> <ul style="list-style-type: none"> <li>i) <u>An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; and</u></li> <li>ii) <u>Where the total area of the Environmental Benefit is 9.0 hectares or more, this will be deemed two Environmental Benefit Lots; and</u></li> </ul> </li> <li>d) <u>No more than three Environmental Benefit Lots can be created per site, and</u></li> <li>e) <u>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</u></li> <li>f) <u>Any balance lot created must be a minimum net site area of 4,000m<sup>2</sup>; and</u></li> <li>g) <u>The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter;</u></li> <li>h) <u>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</u></li> <li>i) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><u>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;</u></p> <p><u>Note 2: Refer to Part A: Chapter 9 Definitions for the definition of "Environmental Benefit".</u></p>	<p><u>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:-</u></p> <p><u>General Subdivision</u></p> <ul style="list-style-type: none"> <li>i) <u>The matters for control listed in Rule 12.12.1; and</u></li> <li>ii) <u>Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines;</u></li> <li>iii) <u>Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance ie. Mangawhai Structure Plan and Reserves and Open Space Strategy;</u></li> <li>iv) <u>Whether and the extent to which earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised;</u></li> <li>v) <u>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;</u></li> <li>vi) <u>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;</u></li> <li>vii) <u>Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</u></li> <li>viii) <u>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.</u></li> </ul> <p><u>Environmental Benefit</u></p> <p><u>Council will have regard to the following additional matters for discretion when assessing an application for consent under this rule:</u></p> <ul style="list-style-type: none"> <li>i) <u>The size of the feature to be protected;</u></li> <li>ii) <u>The qualities of the feature proposed to be protected;</u></li> <li>iii) <u>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;</u></li> <li>iv) <u>The significance of the feature to the natural character of the District;</u></li> <li>v) <u>The rarity of the feature;</u></li> <li>vi) <u>The extent to which the feature proposed for protection has been modified and the impact this has had on its significance;</u></li> <li>vii) <u>The type of permanent protection proposed;</u></li> <li>viii) <u>The future management of the feature, once protected;</u></li> <li>ix) <u>The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication;</u></li> <li>x) <u>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;</u></li> <li>xi) <u>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;</u></li> <li>xii) <u>Effects, including reverse sensitivity effects, due to the location and/ or size of the allotments proposed to be created;</u></li> <li>xiii) <u>The need for a bond or covenant to ensure performance or compliance with any conditions imposed;</u></li> <li>xiv) <u>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;</u></li> <li>xv) <u>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.</u></li> </ul>

			<p><u>Note 1: 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”.</u></p> <p><u>Note 2: 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:-</u></p> <ul style="list-style-type: none"> <li>- <u>Conservation Covenants (Reserves Act 1977);</u></li> <li>- <u>Protected Private Land (Reserves Act 1977);</u></li> <li>- <u>Open Space Covenants (Queen Elizabeth II National Trust 1977);</u></li> <li>- <u>Conservation Covenants (Conservation Act 1987).</u></li> </ul> <p><u>Note 3: 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).</u></p>
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**[VAR1/12.35]**

Amend Rule 12.13.2 Rural Amenity Lot as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<p><b>12.13.2</b> <b>12.13.3</b></p>	Rural Amenity Lot	<p>Provided that the site is not within an Overlay Area, any subdivision to create a Rural Amenity Lot is a Restricted Discretionary Activity if:</p> <ul style="list-style-type: none"> <li>a) No more than two Rural Amenity lots are created per parent site;</li> <li>b) The Rural Amenity lot created shall be a minimum net site area of 4,000m<sup>2</sup> (0.4 ha) and a maximum of 8,000m<sup>2</sup> (0.8 ha);</li> <li>c) If one Rural Amenity lot is being created, the balance lot created shall be a minimum net site area of 4 ha;</li> <li>d) If two Rural Amenity lots are being created, the balance lot created shall be a minimum net site area of 8 ha;</li> <li>e) Only one consent for a restricted discretionary (subdivision) activity in terms of a Rural Amenity Lot 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;</li> <li>f) Where more than one Rural Amenity Lot from a parent site is created either revegetation to create a future 'Ecological' environmental benefit of at least 0.5ha or an equivalent contribution is made to the Council Biodiversity Fund as a financial contribution;</li> <li>g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter; <u>and</u></li> <li>h) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>[.....]</p>	<p>Council will restrict its discretion over the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision [.....]</p> <ul style="list-style-type: none"> <li>i) The matters for control listed in Rule 12.12.1; and</li> <li>ii) Whether and the extent to which the subdivision is in accordance with adopted Design Guidelines;</li> <li>iii) Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance ie. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>iv) 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> <li>v) Whether and the extent to which the intensity of the subdivision and the arrangement of the sites results in the retention of a rural rather than urban character;</li> <li>vi) Whether and the extent to which earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised ;</li> <li>vii) Whether and the extent to which existing vegetation can be retained;</li> <li>viii) 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;</li> <li>ix) 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; and</li> <li>x) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; <u>and</u></li> <li>xi) <u>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.</u></li> </ul> <p><u>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).</u></p>

**[VAR1/12.36]**

Amend Rule 12.13.3 Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan) as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<del>12.13.3</del> <b>12.13.4</b>	<b>Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)</b>	<p>Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a Restricted Discretionary Activity if:</p> <ul style="list-style-type: none"> <li>a) The parent site must be 5 hectares or less and held in a separate Certificate of Title as of the date of notification of this district plan;</li> <li>b) The minimum net site area of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of 1 hectare can be achieved for the overall subdivision; and</li> <li>c) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and <del>12.156</del> of this Chapter; and</li> <li>d) No more than 3 new lots are created per site; <u>and</u></li> <li>e) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul>	<p>Council will restrict its discretion over the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision [.....]</p> <ul style="list-style-type: none"> <li>xii) Whether an integrated approach is taken to the subdivision layout, in order to ensure the open space characteristics and rural character are retained, and that house sites are clustered in nodes; <del>and</del></li> <li>xiii) Whether maximum use is made of common services, access ways, buildings and shared driveways or access points for each cluster of housing sites; <u>and</u></li> <li>xiv) <u>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.</u></li> </ul> <p><u>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).</u></p>

**[VAR1/12.37]**

Amend Rule 12.14.1 Integrated Development as follows:

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

Rule	Parameter	Terms for Subdivision	Assessment criteria
<b>12.14.1</b>	<b>Integrated Development</b>	<p>Integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <p><b>(1) Rural (excluding overlay areas)</b></p> <ul style="list-style-type: none"> <li>a) The number of total lots obtainable shall be 1 lot per 4 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; <u>and</u></li> <li>b) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1;</u></li> </ul> <p>OR</p> <p><b>(2) Coast, Waterways and Kai Iwi Lakes Overlay Areas, (excluding Harbour).</b></p> <ul style="list-style-type: none"> <li>a) The number of total lots obtainable shall be 1 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; <u>and</u></li> <li>b) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>OR</p> <p><b>(3) Harbour Overlay</b></p> <ul style="list-style-type: none"> <li>a) The number of total lots obtainable shall be 1 lot per 6 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</li> <li>b) Where there is a Council adopted Structure Plan, the total number of lots obtainable shall be 1 lot per 2 hectares of the parent title in the Rural Zone (excluding areas in the Waterway Overlay), with a minimum net site area of 4,000m<sup>2</sup> per lot; <u>and</u></li> <li>c) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Note 1: This is to give effect to the Rural-Residential Policy Areas within the Mangawhai Structure Plan.</p> <p>AND</p> <p><b>(4) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <ul style="list-style-type: none"> <li>a) The application must include a draft Integrated Development Plan as described in Appendix 24B.</li> </ul>	<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> <ul style="list-style-type: none"> <li>iii) Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance ie. Mangawhai Structure Plan and Reserves and Open Space Strategy; <u>and</u></li> <li>iv) <u>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.</u></li> </ul> <p><u>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).</u></p> <p>[.....]</p>

Rule	Parameter	Terms for Subdivision	Assessment criteria
		b) Only one consent for a restricted discretionary (subdivision) activity in terms of a Integrated Development can 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; 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 4 hectares; 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; e) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 <del>6</del> of this Chapter.	

**[VAR1/12.38]**

Insert new heading 12.15 Discretionary Rural Subdivision as follows:

**12.15 Discretionary Rural Subdivision****[VAR1/12.39]**

Insert new Rule 12.15.1 Subdivision in an Outstanding Landscape Area as follows:

Rule	Parameter	Terms for Subdivision	Assessment criteria
<b><u>12.15.1</u></b>	<b><u>Subdivision in an Outstanding Landscape Area</u></b>	Subdivision within the Rural zone is a Discretionary Activity if it meets the following terms for subdivision: <b><u>(1) Outstanding Landscape Areas</u></b> a) <u>Every proposed allotment has a minimum net site area of 20 hectares; and</u> b) <u>The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.16 of this Chapter; and</u> <b><u>(2) Where Lots are divided by an Outstanding Landscape Area</u></b> a) <u>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;</u> b) <u>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.</u>	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:- <u>General Subdivision</u> i) <u>The matters for control listed in Rule 12.12.1</u> ii) <u>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.</u>  <u>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).</u>

**[VAR1/12.40]**

Amend Rule 12.15 Performance Standards for All Rural Subdivision as follows:

**12.16 12.15 Performance Standards for All Rural Subdivision**

Where activities do not comply with the Performance Standards in Section 12.15~~6~~ the specific assessment criteria for the standard infringed contained within section 12.15~~6~~ 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.~~

**[VAR1/12.41]**

Amend Rule 12.15.1 Suitable Building Area as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.15.1</del> <b><u>12.16.1</u></b>	<b><u>Suitable Building Area</u></b>	Every allotment of less than 4ha on a subdivision: a) Contains a geotechnically stable building area of at least 150m <sup>2</sup> (10m depth required) with a practicable access on which a dwelling can be built so that there is compliance as a Permitted	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule [.....]

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>Activity with the relevant performance standards in Section 12.10 and <b>12.156</b> of this District Plan.</p> <p>Note 1: Council may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>		<p>vi) Where a site is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment; <u>and</u></p> <p>vii) <u>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.</u></p> <p>[.....]</p> <p>Note 2: 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).</p>

**[VAR1/12.42]**

Amend Rule 12.15.2 Road, Private Way Formation and Property Access as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.15.2</b> <b>12.16.2</b>	<b>Road, Private Way Formation and Property Access</b>	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>(1) Property Access:</p> <ul style="list-style-type: none"> <li>a) Every allotment within the subdivision is capable of having vehicular access to a road; and</li> <li>b) Property access is formed where it is shared by 2 or more allotments;</li> <li>c) Vehicle Access and driveways comply with Rule 12.10.25</li> <li>d) No more than 3 allotments are served by a private shared access.</li> <li>e) Access ways onto the road or private way are located in a manner that will allow the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds</li> <li>f) Access ways onto the road or private way are located to provide adequate sight distances for the safe functioning of the vehicle crossing and access;</li> <li>g) The property access is of a suitable width to contain required services; and</li> </ul> <p>(2) Road, Private Way and Property Access Formation</p> <ul style="list-style-type: none"> <li>a) Road vesting in accordance with clause 5.1.1 (a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009; and</li> <li>b) New roads and private ways are designed and constructed to comply with clause 5.2.1(a) and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</li> <li>c) The legal width of roads, private ways and property access are designed to comply with clause 5.2.4(a)-(b) inclusive and Table 5.1 of the Kaipara District Council Engineering Standards 2009.</li> <li>d) Use and construction of existing unformed legal roads is in accordance with clause 5.1.2 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009, subject to Council approval.</li> <li>e) Carriageway width complies with the requirements in clause 5.2.5(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>f) The carriageway surface is designed and constructed to comply with the requirements of clause 5.2.6(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>g) Edge treatment is designed and constructed to comply with clause 5.2.7(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>h) Geometric design shall comply with clause 5.2.11(a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>i) The pavement Structural Design complies with clause 5.2.13(a)-(i) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>i) Where footpaths are provided they are designed and constructed to comply with clause 5.2.8(a)-(c)</li> </ul>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule</p> <p>[.....]</p> <p>xiv) Whether and the extent to which the road, private way or property access complies with section 5.0 of the Kaipara District Council Engineering Standards 2009; <u>and</u></p> <p>xv) <u>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.</u></p> <p>[.....]</p> <p>Note 2: 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).</p>

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>inclusive of the Kaipara District Council Engineering Standards 2009’;</p> <p>j) Where bridges are provided they comply with clause 5.2.14(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>k) Where culverts are provided the culvert design complies with clause 5.2.15(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>l) Where intersections are required the intersection design complies with clause 5.2.16(a)-(d)</p> <p>m) Where cul-de-sacs are required the cul-de-sac complies with clause 5.2.17(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>n) Where a gate is provided as part of the road, private way, cycle way or property access it complies with clause 5.2.20(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>o) Road drainage complies with clause 5.2.21(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>p) Road signs and markings comply with clause 5.2.22(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>q) Where a roadway or intersection lighting is provided, it complies with clause 5.2.24(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p>		

**[VAR1/12.43]**

Amend Rule 12.15.3 Provision for the Extension of Services as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.15.3</del> <b>12.16.3</b>	<b>Provision for the Extension of Services</b>	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>a) The efficient and effective future extension of water and electricity supply, stormwater, sewage, public access, walking trails, bridal ways and roads to any adjoining land.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>vi) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <b>and</b></p> <p>vii) Whether and the extent to which the extension of services meet the relevant provisions of sections 4.0, 5.0, 6.0, 7.0, 8.0 and 10.0 of the Kaipara District Council Engineering Standards 2009; <b>and</b></p> <p>viii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.44]**

Amend Rule 12.15.4 Water Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.15.4</del> <b>12.16.4</b>	<b>Water Supply</b>	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the subdivision;</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council water supply;</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p>



Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>c) The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</p> <p>d) All water pipelines vested with Council shall be protected by an Easement in favour of Council;</p> <p>(2) Where a public supply is not available:</p> <p>a) The applicant shall demonstrate that a water supply is able to be provided in accordance with the water supply design requirements of section 8.2(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</p>		<p>viii) Whether there is provision of practical vehicular access from a public road to and along any area vested with Council for water supply purposes; <del>and</del></p> <p>ix) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <u>and</u></p> <p>x) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.45]**

Amend Rule 12.15.5 Stormwater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.15.5</b> <b>12.16.5</b>	<b>Stormwater Disposal</b>	<p>(1) Where available all allotments are provided, within their net site area, with:</p> <p>a) A connection to a Council-maintained stormwater system; or</p> <p>Note 1: This is only likely to apply for a Integrated Development subdivision in Structure Plan growth areas);</p> <p>(2) Where no Council system is available:</p> <p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment;</p> <p>AND</p> <p>(3) For all sites</p> <p>a) The stormwater system is designed and constructed to meet the minimum requirements of clause 6.1.1 (a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>b) Drainage Reserves and Easements shall comply with the requirements of clause 6.1.2 (a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>c) Stormwater drainage shall be designed to comply with the requirements of clause 6.2.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>d) Primary and Secondary Flow paths shall be designed to comply with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>e) Minimum freeboard heights shall be designed to comply with clause 6.2.3(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>f) Stormwater systems shall be designed for storm events of up to 100 ARI as described in clause 6.2.5 (a) of the Kaipara District Council Engineering Standards 2009;</p> <p>g) Stormwater control shall comply with the specific area requirements in clause 6.2.6 of the Kaipara District Council Engineering Standards 2009.</p> <p>h) Stormwater discharges shall comply with the requirements of clause 6.2.7 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>i) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the <i>Regional Water and Soil Plan for Northland</i> or have a discharge consent from the Northland Regional Council for the activity.</p> <p>[.....]</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>xi) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater; <del>and</del></p> <p>xii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; <u>and</u></p> <p>xiii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.46]**

Amend Rule 12.15.6 Wastewater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.15.6</del> <b>12.16.6</b>	<b>Wastewater Disposal</b>	<p>(1) Where a Council reticulated sewerage system is available:</p> <ul style="list-style-type: none"> <li>a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council sewerage system can be extended to serve the subdivision;</li> <li>b) All allotments are provided, within their net site area, with a connection to the Council reticulated sewerage system;</li> <li>c) The reticulated sewerage system is designed and constructed in accordance with the specific requirements of the Council sewerage system; and</li> </ul> <p>(2) All sewer pipelines vested with Council shall be protected by an Easement in favour of Council</p> <ul style="list-style-type: none"> <li>a) Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards" and a resource consent shall be obtained from the Northland Regional Council for the discharge.</li> </ul> <p>(3) Where no Council system is available, all allotments are provided, within their net site area, with</p> <ul style="list-style-type: none"> <li>a) 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas;</li> <li>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the <i>Regional Water and Soil Plan for Northland</i> can be installed on each allotment. .</li> <li>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 have been obtained).</li> </ul> <p>[.....]</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>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; <del>and</del></li> <li>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater-; <u>and</u></li> <li>xiii) <u>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.</u></li> </ul> <p>[.....]</p> <p>.</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.47]**

Amend Rule 12.15.7 Energy Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>12.15.7</del> <b>12.16.7</b>	<b>Energy Supply</b>	<p>All allotments are provided with:</p> <ul style="list-style-type: none"> <li>a) A connection to a reticulated electrical supply system at the boundary of the net site area.</li> </ul> <p>.</p>	Restricted - Discretionary Activity (assessed on a non-notified basis)	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Whether the proposed reticulation system will have potential adverse effects on amenity values; <del>and</del></li> <li>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed-; <u>and</u></li> <li>vii) <u>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.</u></li> </ul> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/12.48]**

Amend Rule 12.15.8 Telecommunications as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.15.8</b> <b>12.16.8</b>	<b>Telecommu- nications</b>	All allotments are provided with: a) A connection to a telecommunications system at the boundary of the net site area.	Restricted - Discretionary Activity (assessed on a non-notified basis)	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....]  ii) The ability for the allotments to be provided with alternate phone coverage (e.g. mobile phone coverage); <b>and</b> iii) <u>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.</u> [.....]  Note 3: 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).

**[VAR1/12.49]**

Amend Rule 12.15.9 Esplanade Management for Lots Less than 4ha as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.15.9</b> <b>12.16.9</b>	<b>Esplanade Management for Lots Less Than 4ha</b>	Where an allotment of less than 4ha is created on subdivision of land which adjoins the sea, rivers over 3m in width or lakes over 8ha in area, an <b>esplanade reserve or strip</b> of 20m in width shall be set aside, except where: a) The subdivision involves only a minor boundary adjustment and no additional building sites will be created and; b) The proposed subdivision activity arises solely due to land being acquired for any road designation or a site to be created only for a network utility. [.....]	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an esplanade reserve or strip: [.....]  x) Where waahi tapu or other culturally significant sites are present and creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; <b>and</b> xi) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Act; <b>and</b> xii) <u>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.</u>  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). [.....]

**[VAR1/12.50]**

Amend Rule 12.15.10 Esplanade Management for Lots More Than 4ha as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>12.15.10</b> <b>12.16.10</b>	<b>Esplanade Management for Lots More Than 4ha</b>	<p>The Council has determined in accordance with the empowering provisions in Section 77 of the Act that a 20m wide Esplanade Reserve or Strip is to be set aside where an allotment of 4ha or more is created in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) The lot itself contains land, or adjoins a section of the coastal marine area, a lake or river, which has important recreational values and where; <ul style="list-style-type: none"> <li>i) 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 road, access strip or reserve including an adjacent Esplanade Reserve; or</li> <li>ii) In respect of the coastal marine area public access is currently available to the foreshore from the water and it can be used for the landing of small craft.</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 natural hazard processes and where; <ul style="list-style-type: none"> <li>i) 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 which has significant indigenous vegetation and significant habitats of indigenous fauna or supports the habitat of trout, and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>ii) where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act.</li> </ul> </li> <li>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> <li>ii) The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> </li> </ul> <p>Note 1: For the purpose of this Rule, “significant” refers to either:</p> <ul style="list-style-type: none"> <li>i) All those sites containing indigenous vegetation or habitat ranked moderate, moderate-high, high or outstanding on the Sites of Special Biological Interest (SSBI) database or equivalent under the Protected Natural Areas (PNA) programme; or</li> <li>ii) In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology (see Appendix 24G).</li> </ul>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an Esplanade Reserve or Strip:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>x) Where waahi tapu or other culturally significant sites are present and the creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; <del>and</del></li> <li>xi) The nature of any special conditions or restrictions proposed for any Esplanade Strip including those relating to periodic closure as provided for in the Tenth Schedule of the Act; <u>and</u></li> <li>xii) <u>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.</u></li> </ul> <p><u>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).</u></p> <p>[.....]</p>

## Schedule Item 11 - Changes to Chapter 13 - Residential

### How to read Variation 1:

- All proposed text is shown underlined and text proposed to be deleted is shown ~~struck through~~.
- All other wording shown as grey is to provide context only and is not subject to this variation. It has not changed from the Proposed Kaipara District Plan as notified October 2009, as decisions on submissions on the Proposed Kaipara District Plan have not yet been released.
- Where text has not been included in Variation 1 (as it does not assist with the understanding of provisions Variation 1) this has been denoted by “[.....]”
- Variation references are denoted by the following references [VAR1/13/1]  
(Variation Number/ Chapter Number/ Amendment Reference)

[VAR1/13.1]

Amend Rule 13.9.2

13.9.2 Controlled Activities

The following activities shall be **Controlled** in the Residential Zone:

a) Any subdivision complying with the Terms for Subdivision listed in Section 13.11 and Performance Standards listed in Section 13.13~~4~~ 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.

Note 2: Applications for Controlled Activities will be considered without public notification or the need to obtain the written approval of affected parties. Conditions may be imposed in relation to the matters over which control will be exercised, listed in Section 13.11 of this Chapter.

13.9.3 Restricted Discretionary Activities

The following shall be **Restricted Discretionary Activities** in the Residential Zone:

a) Any activity which does not meet any Performance Standard listed in Section 13.10 of this Chapter and is listed as a Restricted Discretionary Activity.

b) Any subdivision complying with the Terms for Subdivision listed in Section 13.12 and Performance Standards listed in Section 13.13~~4~~ of this Chapter.

Note 1: Applications for Restricted Discretionary Activities may be considered without public notification or the need to obtain the written approval of affected parties. Those noted will be considered on a non-notified basis.

Note 2: Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 13.10 of this Chapter and the relevant objectives and policies that relate to the matters for which discretion has been restricted.

13.9.4 Discretionary Activities

The following shall be **Discretionary Activities** in the Residential Zone:

a) Any activity which does not meet any Performance Standard listed in Section 13.10 and 13.13~~4~~ of this Chapter and is listed as a Discretionary Activity.

Note 1: Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 13.10, 13.12, 13.13 and 13.13~~4~~ of this Chapter, the objectives and policies of this Chapter and Part A of the District Plan.

13.9.5 Non Complying Activities

The following shall be **Non Complying Activities** in the Residential Zone:

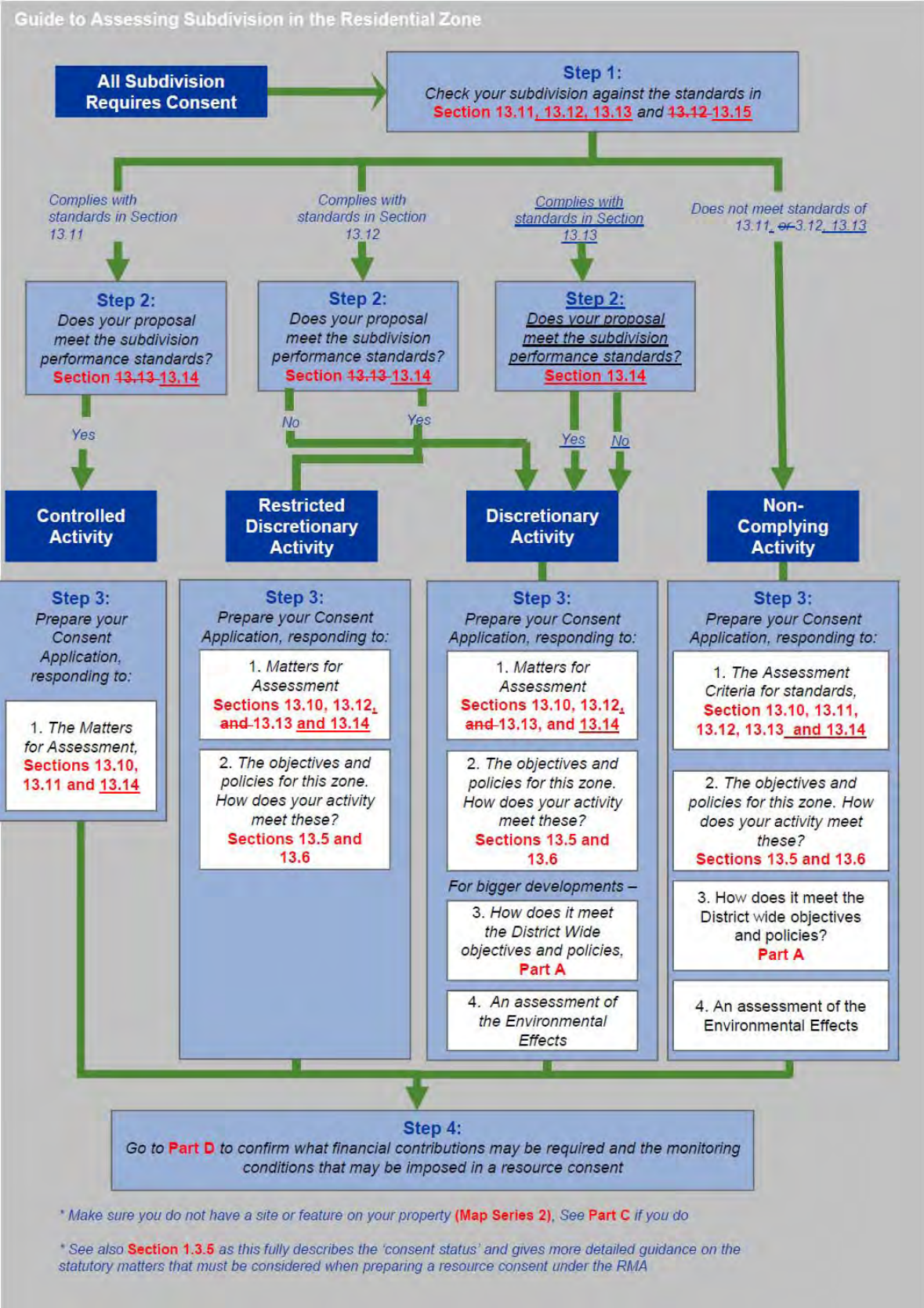
a) Any subdivision not in accordance with the Controlled, or Restricted Discretionary Activity Terms for Subdivision listed in Sections 13.11 and 13.12 of this Chapter.

Note 1: Applications for Non Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 13.10, 13.11, 13.12, 13.13 and 13.13~~4~~ of this Chapter, the objectives and policies of this District Plan and the effects of the activity on the environment.

[VAR1/13.2]

Amend Figure 13.2 How to Use this Chapter: Subdivision as follows:

Figure 13-2: How to Use this Chapter: Subdivision



\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/13.3]**

Insert a new note underneath Section 13.10 as follows:

**13.10 Performance Standards Residential 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).

**[VAR1/13.4]**

Amend Rule 13.10.1 Excavation and Fill as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
13.10.1	Excavation and Fill	<p><b>1) Residential Zone</b> Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The site is not within any area known to be subject to instability or flood hazard; and</li> <li>b) The volume is less than 200m<sup>3</sup> in any hectare in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>c) It does not involve an excavation or fill exceeding 1.5m in depth or height; and</li> <li>d) Any excavation or fill on land does not have an average slope greater than 1 in 8, and extend over an area greater than 200m<sup>2</sup>, and</li> <li>e) All bare earth areas, including excavation and fill batter faces, are revegetated within 6 months of the earthworks being completed; and</li> <li>f) All revegetated areas are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed-; <u>and</u></li> <li>g) <u>Provided that the site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>In addition to the above Performance Standards:</p> <p><b>2) In All Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 100m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body-; <u>and</u></li> <li>b) <u>The site is not located within an Outstanding Landscape Area as identified in Map Series 1.</u></li> </ul> <p><b><u>(3) Outstanding Landscape Areas</u></b></p> <ul style="list-style-type: none"> <li>a) <u>The site is located within an Outstanding Landscape Area as identified in Map Series 1;</u></li> <li>b) <u>Any excavation and fill that do not exceed 300m<sup>3</sup> in any 12 month period per site; and</u></li> <li>c) <u>Any excavation and fill that do not involve a cut and/or filled face exceeding 1.5m in height; and</u></li> <li>d) <u>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.</u></li> </ul> <p>[.....]</p>	<p>Restricted Discretionary Activity</p> <p><u>Activities within Outstanding Landscape Areas will be assessed as a Discretionary Activity.</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>ix) Effects on landscape and heritage values <u>of any Outstanding Landscape Areas 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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>



**[VAR1/13.5]**

Amend Rule 13.10.2 Vegetation Clearance as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
13.10.2	<b>Vegetation Clearance</b>	<p><b>1) Residential Zone</b> The destruction or clearance of indigenous vegetation outside an overlay area is a Permitted Activity provided that :</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and over 200m<sup>2</sup> in area; <del>and</del></li> <li>c) <u>It is not located within an Outstanding Landscape Areas as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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</li> <li>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>vi) The removal is for the construction of a fire break by a fire authority; or</li> <li>vii) 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</li> <li>viii) 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>ix) 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.</li> </ul> <p><b>2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b> The destruction or clearance of indigenous vegetation within the East Coast and West Coast and Harbours Overlay areas is a Permitted Activity, provided that:</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and over 100m<sup>2</sup> in area, and is not located within 100m of the coastal marine area; <del>and</del></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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</li> <li>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> </ul>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Areas, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Effects on landscape and heritage values <u>of any Outstanding Landscape Area identified in Map Series 1 or adjacent to any 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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>



Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
		<p>300mm girth; or</p> <p>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b>3) Waterways and Kai iwi Lakes Overlays</b></p> <p>The destruction or clearance of indigenous vegetation within the Waterways 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 a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m<sup>2</sup> in area and is not located within 100m of the coastal marine area;<del>and</del></p> <p><b>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></p> <p>Unless, with respect to a) or b) above one of the following exceptions are met:</p> <p>i) The removal is in accordance with an existing use right; or</p> <p>ii) 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</p> <p>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>iv) 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</p> <p>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b><u>(4) Outstanding Landscape Areas</u></b></p> <p><u>The destruction or clearance of indigenous vegetation within an Outstanding Landscape Area is a Permitted Activity provided that:</u></p> <p><b>a) <u>It is not part of a continuous area of predominantly indigenous vegetation, greater than 3m in height, and over 50m<sup>2</sup> in area, and is not located within 100m of the coastal marine area.</u></b></p> <p><u>Unless, with respect to a) above one of the following exceptions are met:</u></p> <p><b>i) <u>The removal is in accordance with an existing use right; or</u></b></p> <p><b>ii) <u>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</u></b></p>		

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
		<p><u>provide access to existing farming or forestry activities; or</u></p> <p>iii) <u>The removal is of trees that are a danger to human life or existing structures (including network utilities); or</u></p> <p>iv) <u>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</u></p> <p>v) <u>The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</u></p> <p>vi) <u>The removal is for the construction of a fire break by a fire authority; or</u></p> <p>vii) <u>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</u></p> <p>viii) <u>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</u></p> <p>ix) <u>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.</u></p> <p>[.....]</p>		

**[VAR1/13.6]**

Insert new Rule 13.10.3 Erection and Alterations of Buildings and Structures and Within an Outstanding Landscape Areas as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.3</b>	<b>Erection and Alterations of Dwellings and Structures Within an Outstanding Landscape Area</b>	<p>The erection and alteration of dwellings and structures located in an Outstanding Landscape Areas is a permitted activity if:</p> <p>a) <u>It is no more than 8m in height; and</u></p> <p>b) <u>Does not exceed 50m<sup>2</sup> gross floor area; and</u></p> <p>c) <u>The exterior finish of the dwelling or structure has a reflectance value of, or less than 35% as defined within the BS5252 standard colour palette; and</u></p> <p>d) <u>It is located within an approved building envelope and complies with design guidelines explicitly approved in a land use or subdivision consent; and</u></p> <p>e) <u>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</u></p> <p>f) <u>It is required for maintenance to the interior and exterior of the dwelling or structure; or</u></p> <p>g) <u>It is required for renovations to the interior of the dwelling or structure;</u></p> <p>h) <u>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 dwelling or structure; and</u></p> <p>i) <u>Does not include commercial and industrial buildings.</u></p>	<u>Discretionary Activity</u>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) <u>Effects on the landscape and heritage values of any Outstanding Landscape Areas identified in Map Series 1 or adjacent to any 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.</u></p>

**[VAR1/13.7]**

Amend Rule 13.10.3 Dwellings as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.3</del> <b>13.10.4</b>	<b>Dwellings</b>	<p>Construction of a dwelling is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) After completion, it will be the only dwelling on the site: or</li> <li>b) It will be an additional dwelling on the site, and the minimum net site area associated with each additional dwelling is: <ul style="list-style-type: none"> <li>- 600m<sup>2</sup> for a serviced site not in an overlay area; or</li> <li>- 1,000m<sup>2</sup> for a serviced site in an overlay area; or</li> <li>- 3,000m<sup>2</sup> for an un-serviced site.</li> </ul> </li> <li>c) There is a separation distance of at least 3m from any other detached dwelling;</li> <li>d) There is a separation distance of at least 6m where there is a Private Open Space area located between two residential dwellings</li> <li>e) Each dwelling meets the Performance Standards of section 13.10;</li> <li>f) Each site meets the Performance Standards of Section 13.134;</li> <li>g) Minimum floor levels are designed in accordance with clause 6.2.3(a) of the Kaipara District Council Engineering Standards 2009 with a minimum floor level of 5.0m above mean sea level.; <u>and</u></li> <li>h) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul> <p><u>Note 1: This rule does not apply within an Outstanding Landscape Area. Rule 13.10.3 applies in this instance.</u></p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

**[VAR1/13.8]**

Amend Rule 13.10.4 Commercial and Industrial Buildings as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.4</del> <b>13.10.5</b>	<b>Commercial and Industrial Buildings</b>	<p><b>(1) For Commercial or Industrial Activities in a Residential Zone</b></p> <p>Any building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) The building is able to comply with the relevant Performance Standards of Rule 13.10;</li> <li>b) Where no Council reticulated sewerage system is available the On Site Treatment and Disposal systems shall be design and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards";</li> <li>c) Where a Council reticulated sewerage system is available the development complies with the requirements of Rule 13.134.6(1)(a)-(d) inclusive;</li> <li>d) Where no Council sewerage system is available the development shall comply with the requirements of Rule 13.134.6(c)-(d) inclusive;</li> <li>e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.134.5(1)(a) and 13.134.1(3)(a)-(i) inclusive;</li> <li>f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.134.5(2)(a) and Rule 13.134.5(3)(a)-(i) inclusive; and</li> <li>g) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul>	Restricted Discretionary Activity (assessed on a non-notified basis)	<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>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
		Note 1: This rule does not apply within an Outstanding Landscape Area, Rule 13.10.3 applies in this instance. [.....]		

**[VAR1/13.9]**

Amend Rule 13.10.5 Maximum Height as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.5</del> <b>13.10.6</b>	<b>Maximum Height</b>	Any building is a Permitted Activity if: a) The building does not exceed 10m in height, where it is not within an Overlay area; or b) The building does not exceed 8m in height, where it is within an Overlay area; <b>and</b> c) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u> <u>Note 1: This rule does not apply within an Outstanding Landscape Area, Rule 13.10.3 applies in this instance.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] vi) <u>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.</u>

**[VAR1/13.10]**

Amend Rule 13.10.6 Height in Relation to Boundary as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.6</del> <b>13.10.7</b>	<b>Height in Relation to Boundary</b>	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a residential zone or reserve.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] v) Effects on availability of sunlight to other properties; <b>and</b> vi) <u>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.</u>

**[VAR1/13.11]**

Amend Rule 13.10.7 Setbacks as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.7</del> <b>13.10.8</b>	<b>Setbacks</b>	<b>1) Residential Zone</b> Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) Front yard - 5m;	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
		<p>b) Side yards – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;</p> <p>c) Rear yards - 3m except on rear sites where one yard of 1.5m may be provided;</p> <p>d) Coast - 30m from the Coastal Marine Area; and</p> <p>e) Lake / River - 30m from the banks of any lake whose bed has an area of 8ha or more, or the bank of any river or perennial stream whose bed has an average width of 3m or more;</p> <p>f) Any building is set back 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m; and</p> <p>g) 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);</p> <p>Provided that an accessory building may be erected in any side or rear yard where:</p> <p>h) Vehicle access is retained to the rear of the site; and</p> <p>i) It is located at least 3m from any habitable room on an adjoining site; and</p> <p>j) It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</p> <p>In addition to the above performance standards</p> <p><b>2) Waterways and Kai iwi Lakes Overlay:</b> Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) Waterway – 30m from the banks of any mapped perennial waterway or wetland within this Overlay.</p> <p>[.....]</p>		<p>v) Effects on 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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</p> <p>[.....]</p>

**[VAR1/13.12]**

Amend Rule 13.10.8 Separation Distance as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.8</b> <b>13.10.9</b>	<b>Separation Distance</b>	<p>Any activity is permitted if a 300m separation distance is maintained between the following activities:</p> <p>a) Building or enclosure intended for housing livestock;</p> <p>b) Sewerage treatment site or other site of plant or animal effluent storage or disposal;</p> <p>c) Building used for an industrial or commercial activity;</p> <p>d) Intensive feed lot or feed storage area;</p> <p>e) Intensive farming;</p> <p>f) Dairying shed;</p> <p>g) Mining or quarrying; and</p> <p>h) Any other activity that has existing use rights or resource consent to exceed the General Noise, Use of Explosives and Blasting standards, or a discharge consent relating to odour from the Regional Council.</p> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>vii) Mechanisms to avoid potential future reverse sensitivity conflicts (including covenants on titles); <u>and</u></p> <p>viii) <u>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.</u></p>

**[VAR1/13.13]**

Amend Rule 13.10.10 Relocation of Buildings as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.10</b> <b>13.10.11</b>	<b>Relocation of Buildings</b>	Relocated buildings are permitted where the following matters can be satisfied: a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan; b) Any relocated dwelling must have been previously designed built and used as a dwelling; c) A building inspection report shall accompany the building consent. The report is to identify all reinstatement work required to the exterior of the building; and d) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site-; <u>and</u> e) <u>It is not within an Outstanding Landscape Area, as identified in Map Series 1</u> <u>Note 1: This rule does not apply within an Outstanding Landscape Area, Rule 13.10.3 applies in this instance.</u>	Restricted Discretionary Activity (assessed on a non-notified basis)	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Application of a bond to ensure reinstatement within a 12 month time limit-; <u>and</u> v) <u>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.</u>

**[VAR1/13.14]**

Amend Rule 13.10.11 Private Open Space as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.11</b> <b>13.10.12</b>	<b>Private Open Space</b>	A dwelling is a Permitted Activity if the private open space meets the following: a) Is equivalent to 50% of the gross floor area of the dwelling; b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter; c) Is located on the east, north or west side of the dwelling; d) Has direct access from the main living area of the dwelling; e) Is unobstructed by vehicle access or parking areas; and f) Is adequately screened from adjoining dwellings and adjacent sites, except in the case of reserves.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] ii) The open space nature of the surrounding neighbourhood-; <u>and</u> iii) <u>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.</u>

**[VAR1/13.15]**

Amend Rule 13.10.12 Permeable Surfaces as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.12</b> <b>13.10.13</b>	<b>Permeable Surfaces</b>	Any activity is a Permitted Activity if: a) The area of any site covered by buildings and other impermeable surfaces is less than 50% of the net site area- [.....]	Restricted Discretionary Activity (assessed on a non-notified basis)	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Section 6 of the Kaipara District Council Engineering Standards 2009-; <u>and</u> v) <u>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</u>

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
				<u>subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</u>

**[VAR1/13.16]**

Amend Rule 13.10.13 Building Coverage as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.13</del> <b>13.10.14</b>	<b>Building Coverage</b>	Any activity is a Permitted Activity if: a) Building coverage on a site is less than 35% of the net site area.  <u>Note 1: Building Coverage within an Outstanding Landscape Area is controlled by Rule 13.10.3</u> b) 'Erection and alteration of Dwellings and Structures in Outstanding Landscape Area	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) The availability of useable on-site outdoor living space-; and v) <u>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.</u>

**[VAR1/13.17]**

Amend Rule 13.10.19 Contaminated Land – Change of Use as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.19</del> <b>13.10.20</b>	<b>Contaminated Land - Change of use</b>	Any activity on land on which an activity identified in Appendix 24E (Potentially contaminating activities) has occurred is a permitted activity if: (a) It is not: i) A dwelling; or ii) A school or early childhood centre; or iii) A sports field; and (b) The site has been: i) Remediated to a standard suitable for the proposed use; or ii) Investigated and certified to be of a standard suitable for the proposed use; and (c) Any containment works are not damaged or destroyed.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] vi) Whether the land is suitable for its intended end use-; and vii) <u>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.</u> [.....]

**[VAR1/13.18]**

Amend Rule 13.10.20 Contaminated Land Remediation as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.20</b> <b>13.10.21</b>	<b>Contaminated Land Remediation</b>	Any activity is a permitted activity if: a) Remediation of contaminated land: i) Does not cause a greater risk to human health or the environment than if the work was not done; and ii) Disposes of removed material in a location approved for the receipt of such material; and iii) Is reported to the Council by the landowner at the completion of the work detailing: - The work done and the results obtained; and - The nature and location of remaining contaminated material on-site; and - As-built plans and specifications of any permanent containment structure.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  ix) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land-; <b>and</b> <b>x) <u>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.</u></b> [.....]

**[VAR1/13.19]**

Amend Rule 13.10.21 Hazardous Substances as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.21</b> <b>13.10.22</b>	<b>Hazardous Substances</b>	Any activity is a Permitted Activity if: a) The aggregate quantity of hazardous substances of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 24D (Hazardous Substances – Permitted Quantities Table 1); or b) The hazardous substances stored or used on the site are i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire-fighting substances on emergency vehicles; or c) The activity is not a service station; and d) Storage or use of hazardous substances complies with Appendix 24D (Hazardous Substances – Permitted Conditions Table 2).	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xiv) Proposed monitoring and maintenance schedules; <b>and</b> xv) Any consultation, assessment or responses received from the New Zealand Fire Service-; <b>and</b> <b>xvi) <u>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.</u></b>



**[VAR1/13.20]**

Amend Rule 13.10.22 Radioactive Materials as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.22</b> <b>13.10.23</b>	<b>Radioactive materials</b>	Any activity is a Permitted Activity if: a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or b) Radioactive materials are confined to domestic appliances.	Controlled Activity if: (a) radioactivity does not exceed 100 terabecquerels.  Discretionary Activity if: (b) radioactivity exceeds 100 terabecquerels.	Where an activity is not Permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; <del>and</del> <u>xiv) 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.</u>

**[VAR1/13.21]**

Amend Rule 13.10.23 Plant or animal effluent storage/disposal as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.23</b> <b>13.10.24</b>	<b>Plant or animal effluent storage / disposal</b>	No activity is a Permitted Activity in this Zone regarding the treatment and application of liquid effluent from plants or animals or whey (including disposal onto land by spray irrigation). [.....]	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] xi) Proposed contingency measures and emergency plans; <del>and</del> xii) Proposed monitoring and maintenance schedules; <del>and</del> <u>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.</u>

**[VAR1/13.22]**

Amend Rule 13.10.24 Lighting and Glare as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.24</b> <b>13.10.25</b>	<b>Lighting and Glare</b>	Any activity is permitted if between the hours of 2200 and 0700 any artificial lighting does not exceed 10 lux, measured at any point on boundary of any Residential Zoned site or at the notional boundary of any Rural or Maori Purpose Zoned site	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] v) Proposed monitoring and maintenance schedules; <del>and</del> <u>vi) 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.</u>

**[VAR1/13.23]**

Amend Rule 13.10.25 Signage (including signs on and adjacent to roads and on buildings) as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.25</b> <b>13.10.26</b>	<b>Signage (including signs on and adjacent to roads and on buildings)</b>	<p>The following signs are permitted:</p> <ul style="list-style-type: none"> <li>a) Any business sign not exceeding 1m<sup>2</sup> in area advertising or providing information on the owner or occupier of the site, or any facilities, goods or services available from it, provided that no more than one such sign shall be erected on the site.</li> <li>b) Any public sign providing information on facilities and services of public interest erected by or with the written approval of any heritage protection authority, local authority, Minister of the Crown or requiring authority, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions.</li> <li>c) Any temporary sign not exceeding 3m<sup>2</sup> in area advertising or providing information on central or local government elections, cultural, social or sporting events, sites for development, sale or auctions, provided that any such sign may be erected for a period of up to 2 months and shall be removed within 7 days of the election, event, sale or auction taking place-; <u>and</u></li> <li>d) <u>Any sign not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>i) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained.</li> <li>ii) Where a sign is proposed to be located in a road reserve adjoining the State Highway network the approval of the NZ Transport Agency is also required.</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>x) The extent to which the sign is relevant to activities occurring on the subject site; <u>and</u></li> <li>xi) Whether and the extent to which any adverse effects on traffic safety can be mitigated through the appropriate positioning or placement of the sign on a site-; <u>and</u></li> <li>xii) <u>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.</u></li> </ul>

**[VAR1/13.24]**

Amend Rule 13.10.26 Vehicle Access and Driveways as follows.

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<b>13.10.26</b> <b>13.10.27</b>	<b>Vehicle Access and Driveways</b>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</li> <li>b) Each site shall be provided with and maintain a vehicle crossing in accordance with clause 5.2.18.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>c) The location of vehicle crossings is designed and constructed in accordance with clause 5.2.18.2(a)-(f) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>d) The design and construction of vehicle crossings is in accordance with clause 5.2.18.3(a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>e) Where a loading ramp is required it shall meet the requirements of clause 5.2.18.4(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>f) Each site shall be provided with and maintain a driveway in accordance with clause 5.2.19.1 of the Kaipara District Council Engineering Standards 2009;</li> <li>g) Driveways shall be designed and constructed in accordance with clause 5.2.19(a)-(f) inclusive of the Kaipara District Council Engineering Standards 2009;</li> </ul>	Restricted Discretionary Activity (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)	<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>[.....]</p> <ul style="list-style-type: none"> <li>x) Any foreseeable future changes in traffic patterns in the area; <u>and</u></li> <li>xi) If a new access is being provided or modification of an existing access onto a State Highway, whether the consent of the NZ Transport Agency is obtained-; <u>and</u></li> <li>xii) <u>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.</u></li> </ul>

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
		h) Any gate on a driveway or private access shall comply with the requirements of clause 5.2.20(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009; <u>and</u> i) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u>		

**[VAR1/13.25]**

Amend Rule 13.10.28 Parking as follows:

Rule	Parameter	Residential Performance Standard	Activity Status if Activity does not meet the Performance Standards	Assessment Criteria
<del>13.10.28</del> <b><u>13.10.29</u></b>	<b>Parking</b>	Any activity is permitted if: a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site. b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Part D – Appendices of this District Plan. c) Each parking space shall be of a useable size and shape and be formed and maintained in accordance with clause 5.2.10 (a)-(j) inclusive and drawing s20 of the Kaipara District Council Engineering Standards 2009. d) Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required. e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet. f) Each parking space shall have adequate physical access to a road, street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site. The Kaipara District Council Engineering Standards 2009, drawings S18 and S19 illustrate tracking curves that provide adequate access and manoeuvring for vehicles. g) Control of Access - Any parking area associated with a Commercial or Industrial activity which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's frontage not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided. h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street. i) Screening of Parking Areas - Any parking associated with a Commercial or Industrial activity shall be effectively screened from residential sites by a close boarded fence, solid wall or other suitable screen at least 2m high. j) Control of Stormwater - Each parking area shall be provided with a stormwater drainage system that is designed in accordance with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009 and shall discharge into the Council's stormwater system or other approved outlets. [.....]	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] vi) The size and number of vehicles expected to use the site; <u>and</u> vii) Whether and the extent to which the proposed parking area is designed, constructed and adequately drained in accordance with the requirements of the Kaipara District Council Engineering Standards 2009; <u>and</u> viii) <u>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.</u> [.....]

**[VAR1/13.26]**

Amend Rule 13.11.1 Controlled Residential Subdivision as follows:

**13.11 Controlled Residential Subdivision**

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	<p>Subdivision within the Residential zone is a Controlled Activity if it meets the following terms for subdivision</p> <p><b>(1) Residential Zone</b></p> <ul style="list-style-type: none"> <li>a) Every proposed allotment has a minimum net site area of 600m<sup>2</sup>, where a connection to reticulated wastewater infrastructure is available; or</li> <li>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; and</li> <li>c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and <del>13.134</del> of this Chapter; <b>and</b></li> <li>d) <u>The site is not within an Outstanding Landscape Area listed in Appendix 18B and identified in Map Series 1.</u></li> </ul> <p><b>(2) All Overlays</b></p> <ul style="list-style-type: none"> <li>a) Every proposed allotment has a minimum net site area of 1,000m<sup>2</sup>; where a connection to reticulated wastewater infrastructure is available; or</li> <li>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; and</li> <li>c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and <del>13.134</del> of this Chapter; <b>and</b></li> <li>d) <u>The site is not within an Outstanding Landscape Area listed in Appendix 18B and identified in Map Series 1.</u></li> </ul>	<p>Council will reserve control over the following matters when considering an application for resource consent that meets the terms for subdivision under this Rule:</p> <p>General Subdivision [.....]</p> <ul style="list-style-type: none"> <li>xv) Whether and the extent to which it is necessary to extend the duration of a resource consent beyond 5 years, under section 125 of the Resource Management Act 1991; <b>and</b></li> <li>xvi) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: Esplanade Reserves and Strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements; <b>and</b></li> <li>xvii) <u>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.</u></li> </ul> <p>Note 1: Where activities do not comply with the Performance Standards in Section <del>13.134</del>, the specific assessment criteria for the standard infringed contained within section <del>13.134</del> need to be considered. This will result in the activity being assessed as a discretionary activity;</p> <p>Note 2: Where activities do not comply with the Performance Standards in Section 13.10 the specific assessment criteria and activity status contained within Section 13.10 will need to be considered; <b>and</b></p> <p>Note 3: It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design and construction is undertaken in accordance with the Kaipara District Council Engineering Standards 2009. Conditions will be placed on the consent to this effect; <b>and</b></p> <p><u>Note 4: 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).</u></p>

**[VAR1/13.27]**

Amend Rule 13.11.2 Boundary Adjustment as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.2	Boundary Adjustment	<p>Subdivision within the Residential zone is a Controlled Activity if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) The boundaries of two or more adjacent allotments are adjusted; and</li> <li>b) No additional allotments will be created; and</li> <li>c) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and</li> <li>d) The minimum net site area of any proposed allotment created by the boundary adjustment is 600m<sup>2</sup> in the Residential Zone and 1,000m<sup>2</sup> in all Overlays; or 3,000m<sup>2</sup> where no connection to reticulated wastewater infrastructure is available; and</li> <li>e) The proposed boundary adjustment complies with the relevant Performance Standards in Section 13.10 and <del>13.134</del> of this Chapter. Any existing buildings or activities on the created lots comply with the Performance Standards of Section 13.10 of this Chapter; <b>and</b></li> <li>f) <u>The site is not within an Outstanding Landscape Area listed in Appendix 18B and identified in Map Series 1.</u></li> </ul>	<p>Council will reserve control over the following matters when considering an application for resource consent that meets the terms for subdivision under this Rule:</p> <p>General Subdivision</p> <ul style="list-style-type: none"> <li>ii) The extent to which a proposed boundary will provide for compliance with the performance standards in Section 13.10 in relation to the existing buildings, structures and services on site; <b>and</b></li> <li>iii) <u>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.</u></li> </ul> <p><u>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).</u></p>

**[VAR1/13.28]**

Amend Rule 13.11.3 Preservation of Natural and Cultural Heritage as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.3	Preservation of Natural and Cultural Heritage	<p><b>1) Residential Zone</b> Subdivision within the Residential zone, where it is not in an overlay area, is a Controlled Activity if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) Permanent physical and legal protection of the 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 site or feature listed in Part C: Chapter 17 – Heritage, Schedule 17.1; or</li> <li>- An ‘Area of Significance to Maori’ listed in Part C: Chapter 17 – Heritage, Schedule 17.2; or;</li> <li>- A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the district plan was notified;</li> <li>- A Notable Tree identified in Schedule 19.1;</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) Where a connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 375m<sup>2</sup> with the exception of the lot containing the mapped site or feature; and</li> <li>e) Where no connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 3,000m<sup>2</sup> with the exception of the lot containing the mapped site or feature; and</li> <li>f) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and <del>13.134</del> of this Chapter; <b>and</b></li> <li><b>g) <u>The site is not within an Outstanding Landscape Area listed in Appendix 18B and identified in Map Series 1;</u></b></li> </ul> <p><b>2) Overlay Areas</b> Subdivision within the Residential zone, within an Overlay Area, is a Controlled Activity if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) Permanent physical and legal protection of the 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 site or feature listed in Part C: Chapter 17 – Heritage, Schedule 17.1; or</li> <li>- An ‘Area of Significance to Maori’ listed in Part C: Chapter 17 – Heritage, Schedule 17.2; or;</li> <li>- A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the district plan was notified;</li> <li>- A Notable Tree identified in Schedule 19.1;</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) Where a connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 750m<sup>2</sup> with the exception of the lot containing the mapped site or feature; and</li> <li>e) Where no connection to reticulated wastewater infrastructure is available, every proposed allotment has a net site area of 3,000m<sup>2</sup> with the exception of the lot containing the mapped site or feature; and</li> <li>f) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 <b>and</b> <del>13.134</del> of this Chapter.</li> </ul>	<p>Council will reserve control over 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>ii) <u>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.</u></p> <p>[.....]</p>

**[VAR1/13.29]**

Amend Rule 13.12.1 Integrated Development as follows:

**13.12 Restricted Discretionary Residential Subdivision (Non-Notified)**

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
<b>13.12.1</b>	<b>Integrated Development</b>	<p><b>(1) Residential Zone</b> Integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <ul style="list-style-type: none"> <li>a) Where a connection to reticulated wastewater infrastructure is available, the number of total lots obtainable shall be an average of at least 1 lot per 500m<sup>2</sup> of the parent title in the Residential Zone, with a minimum net site area of 375m<sup>2</sup> per lot; or</li> <li>b) Where a connection to reticulated wastewater infrastructure is not available, the number of total lots obtainable shall be an average of at least 1 lot per 3,000m<sup>2</sup> of the parent title in the Residential Zone, with a minimum net site area of 2,000m<sup>2</sup> per lot; or</li> <li>c) Where a connection to reticulated wastewater infrastructure is not available, but a private wastewater system is proposed to be established to serve all lots within the subdivision, the number of total lots obtainable shall be an average of at least 1 lot per 500m<sup>2</sup> of the parent title (excluding area required for wastewater or access lots) in the Residential Zone, with a minimum net site area of 375m<sup>2</sup> per lot; <u>and</u></li> <li>d) <u>The site is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul> <p>OR</p> <p><b>(2) All Overlays</b> Integrated development subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <ul style="list-style-type: none"> <li>a) Where a connection to reticulated wastewater infrastructure is available, the number of total lots obtainable shall be an average of at least 1 lot per 900m<sup>2</sup> of the parent title in an Overlay Area, with a minimum net site area of 750m<sup>2</sup> per lot;</li> <li>b) Where a connection to reticulated wastewater infrastructure is not available, the number of total lots obtainable shall be an average of at least 1 lot per 3,000m<sup>2</sup> of the parent title in an Overlay Area, with a minimum net site area of 2,000m<sup>2</sup> per lot,</li> <li>c) Where a connection to reticulated wastewater infrastructure is not available, but a private wastewater system is proposed to be established to serve all lots within the subdivision, the number of total lots obtainable shall be an average of at least 1 lot per 900m<sup>2</sup> of the parent title (excluding area required for wastewater or access lots) in the Residential Zone, with a minimum net site area of 750m<sup>2</sup> per lot;</li> <li>d) <u>The site is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul> <p>AND</p> <p><b>(3) For all Integrated Development subdivision the following terms of subdivision must be met:</b> Integrated development subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <ul style="list-style-type: none"> <li>a) The application must include a draft Integrated Development Plan as described in Appendix 24B</li> <li>b) Only one consent for a restricted discretionary (subdivision) activity in terms of an Integrated Development can 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;</li> <li>c) The development bonuses available under Rule 13.11 will not be available as part of the process of obtaining such a consent;</li> <li>d) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and <del>13.134</del> <u>13.134</u> of this Chapter;</li> <li>e) <u>The site is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul>	<p>Council will restrict its discretion over the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision</p> <ul style="list-style-type: none"> <li>iii) Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy; <u>and</u></li> <li>iv) <u>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.</u></li> </ul> <p><u>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).</u></p> <p>[.....]</p>

**[VAR1/13.30]**

Insert new Rule 13.13.1 Subdivision in an Outstanding Landscape Area as follows:

**13.13 Discretionary Residential Subdivision**

Rule	Parameter	Terms for Subdivision	Assessment Criteria
<b>13.13.1</b>	<b>Subdivision in an Outstanding Landscape Area</b>	<p>Subdivision within the Residential Zone is a Discretionary Activity if it meets the following terms for subdivision:</p> <p>(1) <b>Outstanding Landscape Areas</b></p> <p>a) Every proposed allotment has a minimum net site area of 20 hectares; and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and</p> <p>(2) <b>Where Lots are divided by an Outstanding Landscape Area</b></p> <p>a) 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;</p> <p>b) 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 13.14.1(1)(a)-(b) above.</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><u>General Subdivision</u></p> <p>i) The matters for control listed in Rule 13.11.1; and</p> <p>ii) 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.</p> <p>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).</p>

**[VAR1/13.31]**

Amend Rule 13.13.1 Suitable Building Area as follows:

**~~13.13~~ 13.14 Performance Standards for All Residential Subdivision**

Where activities do not comply with the Performance Standards in Section 13.13~~4~~ the specific assessment criteria for the standard infringed contained within section 13.13~~4~~ need to be considered, in addition to the relevant Assessment Criteria under Rule 13.10, 13.11 or 13.12.

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<del>13.13.1</del> <b>13.14.1</b>	<b>Suitable Building Area</b>	<p>Every allotment of less than 4ha on a subdivision:</p> <p>a) Contains a geotechnically stable building area of at least 150m<sup>2</sup> (10m depth required) with a practicable access on which a dwelling can be built so that there is compliance as a Permitted Activity with the relevant performance standards in Section 13.10 of this District Plan.</p> <p>Note 1: Council may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule</p> <p>[.....]</p> <p>v) Whether and the extent to which the location of building areas avoids Maori heritage sites and features; <del>and</del></p> <p>vi) Where a site is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment; <del>and</del></p> <p>vii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/13.32]**

Amend Rule 13.13.2 Road, Private Way Formation and Property Access as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<del>13.13.2</del> <b>13.14.2</b>	<b>Road, Private Way Formation and Property Access</b>	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>(1) Property Access</p> <p>a) Every allotment within the subdivision is capable of having vehicular access to a</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule</p> <p>[.....]</p> <p>xiii) The provision made to mitigate the effects of stormwater runoff and any impact on roading and</p>

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
		<p>road; and</p> <p>b) Property access is formed where it is shared by 2 or more allotments;</p> <p>c) Vehicle Access and driveways comply with Rule 13.10.26;</p> <p>d) No more than 3 allotments are served by a private shared access;</p> <p>e) Access ways onto the road or private ways are located in a manner that will allow for the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>f) Access ways onto the road or private ways are located to provide adequate sight distances for the safe functioning of the vehicle crossing and access; and</p> <p>g) The property access is of a suitable width to contain required services.</p> <p>(2) Road, Private Way, Cycle Way and Property Access Formation</p> <p>a) Road vesting in accordance with clause 5.1.1(a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>b) New Roads or private ways are designed and constructed to comply with clause 5.2.1(a) and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</p> <p>c) The legal width of roads, private ways and property access are designed to comply with clause 5.2.4(a)-(b) inclusive and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</p> <p>d) Use and construction of existing unformed legal roads is in accordance with clause 5.1.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>e) Carriageway width complies with the requirements in clause 5.2.5(a)-(c) inclusive of the draft Kaipara District Council Engineering Standards 2009;</p> <p>f) The carriageway surface is designed and constructed to comply with the requirements of clause 5.2.6(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>g) Edge treatment is designed and constructed to comply with clause 5.2.7(a) of the Kaipara District Council Engineering Standards 2009.</p> <p>h) Where pavements are provided the pavement Structural Design complies with clause 5.1.13(a)-(h) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>i) Where footpaths are provided they are designed and constructed to comply with clause 5.2.8(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>j) Where bridges are provided they comply with clause 5.2.14(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>k) Where culverts are provided the culvert design complies with clause 5.2.15(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>l) Where intersections are required the intersection design complies with clause 5.2.16(a)-(d);</p> <p>m) Where cul-de-sacs are required the cul-de-sac complies with clause 5.2.17(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>n) Where a gate is provided as part of the road, private way, cycle way or property access it complies with Rule 5.2.20(a)-(b) inclusive;</p> <p>o) Road drainage complies with clause 5.2.21(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>p) Road signs and markings comply with clause 5.2.22(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>q) Where a roadway or intersection is provided it complies with clause 5.2.24(a)-(b) inclusive.</p>		<p>access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties; <b>and</b></p> <p>xiv) Whether and the extent to which the road, private way or property access complies with section 5.0 of the Kaipara District Council Engineering Standards 2009; <b>and</b></p> <p>xv) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>



**[VAR1/13.33]**

Amend Rule 13.13.3 Provision for the Extension of Services as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b>13.13.3</b> <b>13.14.3</b>	<b>Provision for the Extension of Services</b>	The design and layout of the subdivision provides for, and takes into account: a) The efficient and effective future extension of water and electricity supply, stormwater, sewerage, public access, walking trails, bridal ways and roads to any adjoining land.	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] vi) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <del>and</del> vii) Whether and the extent to which the extension of services meet the relevant provisions of sections 4.0, 5.0, 6.0, 7.0, 8.0 and 10.0 of the Kaipara District Council Engineering Standards 2009; <u>and</u> viii) <u>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.</u> [.....] <u>Note 2: 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).</u>

**[VAR1/13.34]**

Amend Rule 13.13.4 Water Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b>13.13.4</b> <b>13.14.4</b>	<b>Water Supply</b>	(1) Where a Council water supply is available: a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the subdivision; b) All allotments are provided, within their net site area, with a connection to the Council water supply; c) The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and d) All water pipelines vested with Council shall be protected by an Easement in favour of Council.  (2) Where a public supply is not available: a) The applicant shall demonstrate that a water supply is able to be provided in accordance with the water supply design requirements of section 8.2(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] viii) Whether there is the provision of practical vehicular access from a public road to and along any area vested with Council for water supply purposes; <del>and</del> ix) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <del>and</del> <u>x) 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.</u> [.....] <u>Note 2: 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).</u>

**[VAR1/13.35]**

Amend Rule 13.13.5 Stormwater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b>13.13.5</b> <b>13.14.5</b>	<b>Stormwater Disposal</b>	(1) Where available all allotments are provided, within their net site area, with: a) A connection to a Council-maintained stormwater system; or  (2) Where no Council system is available:	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule: xi) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater; <del>and</del>

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
		<p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment;</p> <p>AND</p> <p>(3) For all sites:</p> <p>a) The stormwater system is designed and constructed to meet the minimum requirements of clause 6.1.1(a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009; and</p> <p>b) All storm water pipelines, stormwater treatment, detention ponds and overland flow paths that are not contained within Council roads or within the boundaries of the site, shall be within a reserve vested in Council. The minimum width of land to vest shall be 3m; and</p> <p>c) Drainage Reserves and Easements shall comply with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>d) Stormwater drainage shall be designed to comply with clause 6.2.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>e) Primary and Secondary Flow paths shall be designed to comply with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>f) Minimum freeboard heights shall be designed to comply with clause 6.2.3(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>g) Stormwater systems shall be designed for stormwater events of up to 100 ARI as described in clause 6.2.5(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>h) Stormwater control shall comply with the specific area requirements in clause 6.2.6 of the Kaipara District Council Engineering Standards 2009;</p> <p>i) Stormwater discharges shall comply with the requirements of clause 6.2.7 of the Kaipara District Council Engineering Standards 2009;</p> <p>j) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the <i>Regional Water and Soil Plan for Northland</i> or have a discharge consent from the Northland Regional Council for the activity.</p> <p>[.....]</p>		<p>xii) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels-; <b>and</b></p> <p><u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/13.36]**

Amend Rule 13.13.6 Wastewater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b><u>13.13.6</u></b> <b><u>13.14.6</u></b>	<b>Wastewater Disposal</b>	<p>(1) Where a Council reticulated sewerage system is available:</p> <p>a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council sewerage system can be extended to serve the subdivision;</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council reticulated sewerage system;</p> <p>c) The reticulated sewerage system is designed and constructed in accordance with the specific requirements of the Council sewerage system;</p> <p>d) All sewer pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards" and a resource consent shall be obtained from the Northland Regional Council for the discharge.</p> <p>(3) Where no Council system is available, all allotments are provided, within their net site</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>xi) The provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; <b>and</b></p> <p>xii) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater-; <b>and</b></p> <p><u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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</u></p>

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
		<p>area, with:</p> <p>a) 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the <i>Regional Water and Soil Plan for Northland</i> can be installed.</p> <p>c) Applicants shall demonstrate that any effluent discharges comply with the requirements of the <i>Regional Water and Soil Plan for Northland</i> (or consent for discharges from the Northland Regional Council have been obtained).</p> <p>[.....]</p>		<u>Landscape Technical Report (2010).</u>

**[VAR1/13.37]**

Amend Rule 13.13.7 Energy Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<del>13.13.7</del> <b>13.14.7</b>	<b>Energy Supply</b>	<p>All allotments are provided with:</p> <p>a) A connection to a reticulated electrical supply system at the boundary of the net site area.</p>	Discretionary Activity (assessed on a non-notified basis)	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>v) Whether the proposed reticulation system will have potential adverse effects on amenity values; <b>and</b></p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed; <b>and</b></p> <p>vii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/13.38]**

Amend Rule 13.13.8 Telecommunications as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<del>13.14.8</del> <b>13.14.8</b>	<b>Telecommunications</b>	<p>All allotments are provided with:</p> <p>a) A connection to a telecommunications system at the boundary of the net site area; or</p> <p>b) Where the subdivision is within any Overlay, all new lines including service leads / lines / connections shall be underground or wireless.</p>	Discretionary Activity (assessed on a non-notified basis)	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>iv) <u>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.</u></p> <p>[.....]</p> <p><u>Note 3: 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).</u></p>

**[VAR1/13.39]**

Amend Rule 13.13.9 Esplanade Management for Lots Less than 4ha as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b>13.13.9</b> <b>13.14.9</b>	<b>Esplanade Management for Lots Less Than 4ha</b>	<p>Where an allotment of less than 4ha is created on subdivision of land which adjoins the sea, rivers over 3m in width or lakes over 8ha in area, an esplanade reserve or strip of a of 20m in width shall be set aside, except where:</p> <ul style="list-style-type: none"> <li>a) The subdivision involves only a minor boundary adjustment and no additional building sites will be created; and</li> <li>b) The proposed subdivision activity arises solely due to land being acquired for any road designation or a site to be created only for a network utility.</li> </ul> <p>[.....]</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an esplanade reserve or strip:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>xiii) Where waahi tapu or other culturally significant sites are present and creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; <b>and</b></li> <li>xiv) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Act; <b>and</b></li> <li>xv) <u>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.</u></li> </ul> <p>[.....]</p> <p><u>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).</u></p>

**[VAR1/13.40]**

Amend Rule 13.13.10 Esplanade Management for Lots More than 4ha as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b>13.13.10</b> <b>13.14.10</b>	<b>Esplanade Management for Lots More Than 4ha</b>	<p>The Council has determined in accordance with the empowering provisions in Section 97 of the Act that a 20m wide Esplanade Reserve and Strip is to be set aside where an allotment 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 coastal marine area, a lake or river, which has important recreational values and where; <ul style="list-style-type: none"> <li>i) public access is either currently available to the waterbody and associated margins or where there is reasonable likelihood of such access being available in the future from a road, access strip or reserve including an adjacent Esplanade Reserve; or</li> <li>ii) in respect of the coastal marine area public access is currently available to the foreshore from the water and it can be used for the landing of small craft.</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 natural hazard processes and where; <ul style="list-style-type: none"> <li>i) 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 which has significant indigenous vegetation and significant habitats of indigenous fauna or supports the habitat of trout, and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>ii) where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act.</li> </ul> </li> <li>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> </ul> </li> </ul>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an Esplanade Reserve or Strip:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>xiii) Where waahi tapu or other culturally significant sites are present and the creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; <b>and</b></li> <li>xiv) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act; <b>and</b></li> <li>xv) <u>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.</u></li> </ul> <p>[.....]</p> <p><u>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).</u></p>

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
		<p>ii) the Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</p> <p>[.....]</p>		

**[VAR1/13.41]**

Amend Rule 13.13.11 Esplanade Areas on Road Stopping as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Matters for Assessment
<b><u>13.13.11</u></b> <b><u>13.14.11</u></b>	<b>Esplanade Areas on Road Stopping</b>	<p>a) Circumstances Where an Esplanade Strip May be Used Instead of an Esplanade Reserve</p> <p>The requirements in Section 345 of the Local Government Act relating to the setting aside of an Esplanade Reserve when a road is stopped may be replaced by a requirement to create an Esplanade Strip where unrestricted public access could restrict conservation.</p> <p>b) Circumstances When an Esplanade Reserve or Strip Less Than 20m Wide or Where No Esplanade Reserve or Strip May be Required</p> <p>The width of any Esplanade Reserve or Strip required under Section 345 of the Local Government Act or this District Plan when a road is stopped may be reduced from 20m or waived altogether where the esplanade strip can be equally or better achieved through alternative means.</p> <p>c) Circumstances When an Esplanade Reserve or Strip More Than 20m Wide May be Required</p> <p>The width of any Esplanade Reserve or Strip required when a road is stopped under section 345 of the Local Government Act or this District Plan may be increased from 20m when erosion is likely to reduce the width of the Esplanade Reserve.</p>	Discretionary Activity	Any request to Council to consider the provision of an Esplanade Reserve or Strip greater or less than 20m wide when a road is stopped is to be made taking into account the Assessment Criteria in Sections <b><u>13.13.9</u></b> (i)-(xv) inclusive and <b><u>13.13.10</u></b> (i)-(xv) inclusive.

**Schedule Item 12 - Changes to Chapter 15A - Maori Purposes: Maori Land****How to read Variation 1:**

- All proposed text is shown underlined and text proposed to be deleted is shown ~~struck through~~.
- All other wording shown as grey is to provide context only and is not subject to this variation. It has not changed from the Proposed Kaipara District Plan as notified October 2009, as decisions on submissions on the Proposed Kaipara District Plan have not yet been released.
- Where text has not been included in Variation 1 (as it does not assist with the understanding of provisions Variation 1) this has been denoted by “[.....]”
- Variation references are denoted by the following references [VAR1/15A/1]  
(Variation Number/ Chapter Number/ Amendment Reference)

**[VAR1/15A.1]**

Insert Note 1 underneath Section 15A.10, as follows:

**15A.10 Performance Standards Maori Land**

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).

**[VAR1/15A.2]**

Amend Rule 15A.10.1 Excavation and Fill as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
15A.10.1	Excavation and Fill	<p><b>(1) Maori Purposes: Maori Land Zone</b></p> <p>Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The site is not within any area known to be subject to instability or flood hazard; and</li> <li>b) The volume is less than 2,000m<sup>3</sup> in any hectare in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>c) All bare earth areas, including excavation and fill batter faces, are revegetated within 6 months of the earthworks being completed; and</li> <li>d) All revegetated areas are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed; <u>and</u></li> <li>e) <u>The site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>In addition to the above Performance Standards:</p> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 1,000m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m; <u>and</u></li> <li>c) <u>The site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(3) Kai Iwi Lakes and Waterways Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 150m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m; <u>and</u></li> <li>c) <u>The site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(4) Outstanding Landscape Areas</b></p> <ul style="list-style-type: none"> <li>a) <u>The site is located within an Outstanding Landscape Area, as identified in Map Series 1;</u></li> <li>b) <u>Any excavation and fill that do not exceed 300m<sup>3</sup> in any 12 month period per site; and</u></li> <li>c) <u>Any excavation and fill that do not involve a cut and/or filled face exceeding 1.5m in height; and</u></li> <li>d) <u>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.</u></li> </ul> <p>[.....]</p>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>ix) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

**[VAR1/15A.3]**

Amend Rule 15A.10.2 Vegetation Clearance as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>15A.10.2</b>	<b>Vegetation Clearance</b>	<p><b>(1) Maori Purposes: Maori Land Zone</b> The destruction or clearance of indigenous vegetation outside an overlay area is a Permitted Activity provided that :</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6 in height and over 1 hectare in area. <u>and</u></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>vi) The removal is for the construction of a fire break by a fire authority; or</li> <li>vii) 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</li> <li>viii) 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>ix) 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.</li> </ul> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b> The destruction or clearance of indigenous vegetation within the East Coast &amp; West Coast and Harbours Overlay areas is a Permitted Activity, provided that:</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 1,000m<sup>2</sup> in area and is not located within 100m of the coastal marine area;</li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track</li> </ul>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>



		<p>including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b>(3) Waterways and Kai iwi Lakes Overlay Areas</b></p> <p>The destruction or clearance of indigenous vegetation within the Waterways 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 a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area; <b>and</b></p> <p><b>c) <u>It is not located within an Outstanding Landscape Area, as identified in Appendix 18B and Map Series 1.</u></b></p> <p>Unless, with respect to a) or b) above one of the following exceptions are met:</p> <p>i) The removal is in accordance with an existing use right; or</p> <p>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>iv) 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</p> <p>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b><u>(4) Outstanding Landscape Areas</u></b></p> <p><b><u>The destruction or clearance of indigenous vegetation within an Outstanding Landscape Area, is a Permitted Activity provided that:</u></b></p> <p><b><u>a) <u>It is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area;</u></u></b></p> <p><b><u>Unless with respect to the above, one or more of the conditions outlined in Rule 15A.10.2(3)(i)-(ix) inclusive is met.</u></b></p> <p>[.....]</p>		
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**[VAR1/15A.4]**

Add new Rule 15A.10.3 Erection and Alteration of Dwellings and Structures within an Outstanding Landscape Area as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
15A.10.3	<b>Erection and Alteration of Dwellings, and Structures within an Outstanding Landscape Area</b>	<p>The erection and alteration of dwellings and structures located in an Outstanding Landscape Area is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) It is no more than 8m in height; and</li> <li>b) Does not exceed 50m<sup>2</sup> gross floor area; and</li> <li>c) The exterior finish of the dwelling or structure has a reflectance value of, or less than 35% as defined within the BS5252 standard colour palette; and</li> <li>d) It is located within an approved building envelope and complies with design guidelines explicitly approved in a land use or subdivision consent; and</li> <li>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</li> <li>f) It is required for maintenance to the interior and exterior of the dwelling or structure; or</li> <li>g) It is required for renovations to the interior of the dwelling or structure; and</li> <li>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</li> <li>i) Does not include Commercial or Industrial buildings or Papakainga.</li> </ul>	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> <ul style="list-style-type: none"> <li>i) 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.</li> </ul>

**[VAR1/15A.5]**

Amend Rule 15A.10.3 Dwellings (excluding Papakainga) Outside of an Outstanding Landscape Area as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.3</del> 15A.10.4	<b>Dwellings (excluding Papakainga)</b>	<p>Construction of a dwelling is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) After completion, it will be the only dwelling on the site; or</li> <li>b) It will be an additional dwelling on the site, and there is a minimum of 4ha of net site area associated with each dwelling in the Maori Purposes Zone;</li> <li>c) Water supply provided in accordance with section 8.2 of Kaipara District Council's Engineering Standards 2009;</li> <li>d) Each dwelling meets the Performance Standards of section 15A.10; and</li> <li>e) Minimum floor levels are in accordance with clauses 6.2.2, 6.2.3, and 6.2.4 of Kaipara District Council's Engineering Standards 2009;</li> <li>f) All dwellings are provided with the means for the transport and disposal of collected stormwater from the roof of all associated impervious surfaces including ancillary structures and paved areas, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, and for all sites: <ul style="list-style-type: none"> <li>i) The stormwater system is designed and constructed to meet the minimum requirements of clause 6.1.1 (a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>ii) Drainage Reserves and Easements shall comply with the requirements of clause 6.1.2 (a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</li> <li>iii) Stormwater drainage shall be designed to comply with the requirements of clause 6.2.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>iv) Primary and Secondary Flow paths shall be designed to comply with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>v) Minimum freeboard heights shall be designed to comply with clause</li> </ul> </li> </ul>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on 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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</li> </ul> <p>[.....]</p>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>6.2.3(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>vi) Stormwater systems shall be designed for storm events of up to 100 ARI as described in clause 6.2.5 (a) of the Kaipara District Council Engineering Standards 2009;</p> <p>vii) Stormwater control shall comply with the specific area requirements in clause 6.2.6 of the Kaipara District Council Engineering Standards 2009.</p> <p>viii) Stormwater discharges shall comply with the requirements of clause 6.2.7 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>ix) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the <i>Regional Water and Soil Plan for Northland</i> or have a discharge consent from the Northland Regional Council for the activity.</p> <p>g) Where no Council wastewater System is available, all dwellings are provided, with</p> <p>i) A community wastewater designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"; or</p> <p>ii) A 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas;</p> <p>iii) 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 have been obtained); <u>and</u></p> <p><b>h) It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</b></p> <p><b>Note 4:</b>  <b><u>This Rule does not apply within an Outstanding Landscape Area, Rule 15A.10.3 applies in this instance.</u></b></p> <p>[.....]</p>		

**[VAR1/15A.6]**

Amend Rule 15A.10.4 Papakainga as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.4</del> <b>15A.10.5</b>	<b>Papakainga</b>	<p>Construction of papakainga is a Permitted Activity if:</p> <p>a) The papakainga comprises no more than 10 individual units per site;</p> <p>b) Water supply provided in accordance with section 8.2 of Kaipara District Council's Engineering Standards 2009;</p> <p>c) Each papakainga unit meets the Performance Standards of section 15A.10; and</p> <p>d) Minimum floor levels are in accordance with clauses 6.2.2, 6.2.3, and 6.2.4 of Kaipara District Council's Engineering Standards 2009.</p> <p>e) Each papakainga unit is provided with the means for the transport and disposal of collected stormwater from the roof of all associated impervious surfaces including ancillary structures and paved areas, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment, and shall comply with Rule 15A.10.3(f)(i)-(ix) inclusive.</p> <p>f) Where no Council wastewater System is available, all papakainga units are</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></p> <p>[.....]</p>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>provided, within their net site area, with</p> <ul style="list-style-type: none"> <li>i) A community wastewater designed in accordance with AS/NZS1547:2008 “Onsite Wastewater Management Standards”; or</li> <li>ii) A 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas.</li> <li>g) 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 have been obtained); <u>and</u></li> <li>h) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul> <p><u>Note 4:</u> This Rule does not apply within an Outstanding Landscape Area. Rule 15A.10.3 applies in this instance.</p>		

**[VAR1/15A.7]**

Amend Rule 15A.10.5 Commercial and Industrial Buildings as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.5</del> <u>15A.10.6</u>	<b>Commercial and Industrial Buildings</b>	<p><b>(1) For Commercial or Industrial Activities in the Maori Land Zone</b></p> <p>Any building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) The gross floor area of the building does not exceed 1000m<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 Council sewerage system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS1547:2008 “Onsite Wastewater Management Standards”;</li> <li>d) Where no Council sewerage system is available applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or consent for discharges from the Northland Regional Council have been obtained);</li> <li>h) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 15A.10.3(f)(i)-(ix) inclusive; <u>and</u></li> <li>i) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></li> </ul> <p><u>Note 3:</u> This Rule does not apply within an Outstanding Landscape Area. Rule 15A.10.3 applies in this instance.</p> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council’s Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

**[VAR1/15A.8]**

Amend Rule 15A.10.6 Maximum Height as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.6</del> <u>15A.10.7</u>	<b>Maximum Height</b>	Any building is a Permitted Activity if: a) The building does not exceed 10m in height; <u>and</u> b) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u>  <b>Note 1:</b> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 15A.10.3 applies in this instance.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Effects on the locality, particularly the rural character and amenity values and those values associated with overlay areas; <del>and</del> v) Effects on availability of sunlight to other properties; <u>and</u> vi) <u>Effects on 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</u>

**[VAR1/15A.9]**

Amend Rule 15A.10.7 Height in Relation to Boundary as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.7</del> <u>15A.10.8</u>	<b>Height in Relation to Boundary</b>	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjoining the Rural Zone	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] v) Effects on availability of sunlight to other properties; <u>and</u> vi) <u>Effects on 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</u>

**[VAR1/15A.10]**

Amend Rule 15A.10.8 Setbacks as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.8</del> <u>15A.10.9</u>	<b>Setbacks</b>	<b>(1) Maori Land Zone</b> Any building is a Permitted Activity if it is located outside the following setback distances (yards): a) Front yard - 10m, except where the building is for industrial purposes, where the setback shall be 20m; and b) Side and Rear yards - 10m; and c) Coast - 30m from the Coastal Marine Area; and d) Lake / River - 30m from the banks of any lake whose bed has an area of 8ha or more, or the bank of any river or perennial stream whose bed has an average width of 3m or more; and e) Any building is set back 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m. and	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u> [.....]

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>f) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).</p> <p><b>(2) In addition to the setbacks above, in the Waterways and Kai Iwi Lakes Overlay:</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) Waterway – 30m from the banks of any mapped waterway or wetland within this Overlay.</p> <p>[.....]</p>		

**[VAR1/15A.11]**

Amend Rule 15A.10.9 Permeable Surfaces as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.9</del> <b><u>15A.10.10</u></b>	<b>Permeable Surfaces</b>	<p>Any activity is a permitted activity if:</p> <p>a) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 15% in the Maori Land zone where it is not within an overlay;</p> <p>b) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 10% in the Maori Land zone where it is within an overlay.</p> <p>[.....]</p>	Restricted Discretionary (assessed on a non-notified basis).	<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>[.....]</p> <p>iii) Methods of attenuating stormwater flows to pre-development rates;<del>and</del></p> <p>iv) Section 6.0 of the Kaipara District Council Engineering Standards 2009-; <u>and</u></p> <p><b>v) <u>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.</u></b></p>

**[VAR1/15A.12]**

Amend Rule 15A.10.10 Separation Distance as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.10</del> <b><u>15A.10.11</u></b>	<b>Separation Distance</b>	<p>An activity is a permitted if a 300m separation is maintained between the following activities and any residential dwelling, marae or papakainga:</p> <p>a) Building or enclosure intended for housing livestock;</p> <p>b) Sewerage treatment or other site of plant or animal effluent storage or disposal</p> <p>c) Building used for an industrial or commercial activity;</p> <p>d) Intensive feed lot or feed storage area;</p> <p>e) Intensive farming;</p> <p>f) Dairying shed;</p> <p>g) Mining or quarrying; and</p> <p>h) Any other activity that has existing use rights or resource consent to exceed the General Noise, Use of Explosives and Blasting standards, or a discharge consent relating to odour from the Regional Council.</p> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>vii) Mechanisms to avoid potential future reverse sensitivity conflicts (including covenants on titles);<del>and</del></p> <p><b>vi) <u>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.</u></b></p>

**[VAR1/15A.13]**

Amend Rule 15A.10.17 Contaminated Land Change of Use as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.17</del> <u>15A.10.18</u>	<b>Contaminated Land Change of use</b>	Any activity on land which an activity identified in Appendix 24E (Potentially contaminating activities) has occurred is a permitted activity if: a) It is not: i) A dwelling; or ii) A school or early childhood centre; or iii) Papakainga; or iv) A sports field; and b) The site has been: i) Remediated to a standard suitable for the proposed use; or ii) Investigated and certified to be of a standard suitable for the proposed use; and c) Any containment works are not damaged or destroyed.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  vi) Whether the land is suitable for its intended end use; <u>and</u> vii) <u>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.</u> [.....]

**[VAR1/15A.14]**

Amend Rule 15A.10.18 Contaminated Land Remediation as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.18</del> <u>15A.10.19</u>	<b>Contaminated Land Remediation</b>	Any activity is a Permitted Activity if: a) Remediation of contaminated land: i) Does not cause a greater risk to human health or the environment than if the work was not done; and ii) Disposes of removed material in a location approved for the receipt of such material; and iii) Is reported to the Council by the landowner at the completion of the work detailing: - The work done and the results obtained; and - The nature and location of remaining contaminated material on-site; and - As-built plans and specifications of any permanent containment structure.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  x) <u>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.</u> [.....]

**[VAR1/15A.15]**

Amend Rule 15A.10.19 Hazardous Substances as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.19</del> <u>15A.10.20</u>	<b>Hazardous Substances</b>	Any activity is a Permitted Activity if: a) The aggregate quantity of hazardous substances of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 24D (Hazardous Substances – Permitted Quantities Table 1); or b) The hazardous substances stored or used on the site are: i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  xv) Any consultation, assessment or responses received from the New Zealand Fire Service; <u>and</u> xvi) <u>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</u>

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		iv) consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire-fighting substances on emergency vehicles; or 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 d) Storage or use of hazardous substances complies with Appendix 24D (Hazardous Substances – Permitted Conditions Table 2).		– Landscapes and the additional assessment criteria contained in Appendix 18C.

**[VAR1/15A.16]**

Amend Rule 15A.10.20 Radioactive materials as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.20</del> <u>15A.10.21</u>	<b>Radioactive materials</b>	Any activity is a permitted activity if: a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or b) Radioactive materials are confined to domestic appliances.	Controlled Activity if: (a) radioactivity does not exceed 100 terabecquerels  Discretionary Activity If: (b) radioactivity exceeds 100 terabecquerels	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; <b>and</b> <b>xiv)</b> <u>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.</u>

**[VAR1/15A.17]**

Amend Rule 15A.10.21 Plant or animal effluent storage/disposal as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.24</del> <u>15A.10.22</u>	<b>Plant or animal effluent storage/disposal</b>	Any activity is a permitted activity if: a) Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation): i) Is set back at least 300m from a habitable building, educational facility, marae or community hall; and ii) Is operated at times and in wind conditions so as to avoid nuisance to adjoining property.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xi) Proposed contingency measures and emergency plans; <b>and</b> xii) Proposed monitoring and maintenance schedules; <b>and</b> <b>xiii)</b> <u>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.</u>



**[VAR1/15A.18]**

Amend Rule 15A.10.22 Lighting and Glare as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>45A.10.22</del> <u>15A.10.23</u>	<b>Lighting and Glare</b>	Any activity is permitted if between the hours of 2200 and 0700 any artificial lighting does not exceed 10 lux, measured at any point on boundary of any <b>Residential Zoned</b> site or at the notional boundary of any <b>Rural or Maori Purpose Zoned</b> site	Restricted Discretionary Activity	Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  iv) Effects on amenity and character of the surrounding area; <del>and</del> v) Proposed monitoring and maintenance schedules; <u>and</u> vi) <u>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.</u>

**[VAR1/15A.19]**

Amend Rule 15A.10.23 Signage (including signs on and adjacent to roads and on buildings) as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>45A.10.23</del> <u>15A.10.24</u>	<b>Signage (including signs on and adjacent to roads and on buildings)</b>	<p>The following signs are Permitted:</p> <ul style="list-style-type: none"> <li>a) Any business sign not exceeding 3m², 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;</li> <li>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or requiring authority, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions;</li> <li>c) Any temporary sign not exceeding 3m², advertising or providing information on any central or local government elections, cultural, social or sporting events, sites for development, sale or auction, provided that any such sign shall only be erected for a period of up to 2 months and shall be removed within 7 days of the election, event, sale or auction taking place; <del>and</del></li> <li>d) <u>Any sign, not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>a) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained.</li> <li>b) Where a sign is proposed to be located in a road reserve adjoining the State Highway network the approval of the NZ Transport Agency is also required; and</li> </ul>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  viii) The extent to which the sign is relevant to activities occurring on the subject site; <del>and</del> 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; <u>and</u> x) <u>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.</u>

**[VAR1/15A.20]**

Amend Rule 15A.10.24 Vehicle Access and Driveways as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.24</del> <u>15A.10.25</u>	<b>Vehicle Access and Driveways</b>	Any activity is permitted if: <ol style="list-style-type: none"> <li>The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</li> <li>Each site shall be provided with and maintain a vehicle crossing in accordance with clause 5.2.18.1(a)-(b) inclusive of the draft Kaipara District Council Engineering Standards 2009.</li> <li>The location of vehicle crossings is designed and constructed in accordance with clause 5.2.18.2(a)-(f) inclusive of the draft Kaipara District Council Engineering Standards 2009;</li> <li>The design and construction of vehicle crossings is in accordance with clause 5.2.18.3(a)-(d) inclusive of the draft Kaipara District Council Standards 2009;</li> <li>Where a loading ramp is required it shall meet the requirements of clause 5.2.18.4 of the draft Kaipara District Council Standards 2009;</li> <li>each site shall be provided with and maintain a driveway in accordance with clause 5.2.19.1(a)-(e) of the draft Kaipara District Council Engineering Standards 2009;</li> <li>Driveways shall be designed and constructed in accordance with clause 5.2.19 (a)-(e) inclusive of the draft Kaipara District Council's Engineering Standards 2009;</li> <li>Any gate on a driveway or private access shall comply with the requirements of clause 5.2.20(a)-(b) inclusive of the draft Kaipara District Council Engineering Standards 2009; and</li> <li><u>It is not within an Outstanding Landscape Area as identified in Map Series 1.</u></li> </ol>	Restricted Discretionary Activity (assessed on a non-notified basis, unless access is onto the State Highway network, and the approval or the NZ Transport Agency is not obtained)	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  xi) If a new access is being provided or modification of an existing access onto a State Highway, whether the consent of the NZ Transport Agency is obtained; <u>and</u>  xii) <u>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.</u>

**[VAR1/15A.21]**

Amend Rule 15A.10.26 Parking as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.26</del> <u>15A.10.27</u>	<b>Parking</b>	Any activity is permitted if: <ol style="list-style-type: none"> <li>The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site.</li> <li>The number of parking spaces to be provided shall meet the minimum requirements outlined in Part D – Appendices of this District Plan.</li> <li>Each parking space shall be of a useable size and shape and be formed and maintained in accordance with clause 5.2.10 (a)-(j) inclusive and drawing S20 of the draft Kaipara District Council Engineering Standards 2009.</li> <li>Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required.</li> <li>Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, <u>except</u> 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.</li> <li>Each parking space shall have adequate physical access to a road, street or service</li> </ol>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....]  viii) <u>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.</u> [.....]

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>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. The draft Kaipara District Council Engineering Standards 2009, drawings S18 and S19 illustrate tracking curves that provide adequate access and manoeuvring for vehicles.</p> <p>g) Control of Access - Any parking area associated with a Commercial or Industrial activity which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's frontage not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided.</p> <p>h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street.</p> <p>i) Screening of Parking Areas - Any parking area which is adjacent to a Residential zone shall be effectively screened from residential sites by a close boarded fence, solid wall or other suitable screen at least 2m high.</p> <p>j) Control of Stormwater - Each parking area shall be provided with a stormwater drainage system that is designed in accordance with clause 6.2.2 (a)-(c) inclusive of the draft Kaipara District Council Engineering Standards 2009 and shall discharge into the Council's stormwater system or other approved outlets.</p> <p>[.....]</p>		

**[VAR1/15A.22]**

Amend Rule 15A.10.27 Loading as follows:

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15A.10.27</del> <u>15A.10.28</u>	<b>Loading</b>	<p><b>(1) For Commercial Activities in a Maori Land Zone</b></p> <p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site 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 Part D - Appendices.</p> <p>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile three axle truck illustrated in drawing S19 of the draft Kaipara District Council Engineering Standards 2009.</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum height of 4.25m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m.</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the building which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile three axle truck curve illustrated in drawing S19 of the draft Kaipara District Council Engineering Standards 2009.</p> <p>f) Each loading space shall comply with clause 5.2.10(f) of the draft Kaipara District Council Engineering Standards 2009.</p> <p>g) Loading bay pavements shall be designed and constructed in accordance with clause 5.2.10(i)-(j) of the draft Kaipara District Council Engineering Standards 2009.</p> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>vi) The size and number of vehicles expected to use the site; <del>and</del></p> <p>vii) Whether and the extent to which the proposed loading area meets the requirements of the draft Kaipara District Council Engineering Standards 2009; <del>and</del></p> <p>viii) <u>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.</u></p> <p>[.....]</p>

## Schedule Item 13 - Changes to Chapter 15B - Maori Purposes: Treaty Settlement Land

### How to read Variation 1:

- All proposed text is shown underlined and text proposed to be deleted is shown ~~struck through~~.
- All other wording shown as grey is to provide context only and is not subject to this variation. It has not changed from the Proposed Kaipara District Plan as notified October 2009, as decisions on submissions on the Proposed Kaipara District Plan have not yet been released.
- Where text has not been included in Variation 1 (as it does not assist with the understanding of provisions Variation 1) this has been denoted by “[.....]”
- Variation references are denoted by the following references [VAR1/15B/1]  
(Variation Number/ Chapter Number/ Amendment Reference)

**[VAR1/15B.1]**

Amend Rule 15B.10.2 as follows:

**15B.10.1 Controlled Activities**

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

(a) Any subdivision complying with the Terms for Subdivision listed in Section 15B.11 and ~~15B.44~~**15** of this Chapter.

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

Note 2: Applications for Controlled Activities will be considered without public notification or the need to obtain the written approval of affected parties. Conditions may be imposed in relation to the matters over which control will be exercised, listed in Section 15.11 of this Chapter.

**15B.10.2 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;

b) Any subdivision complying with the Terms for Subdivision listed in Section 15B.12 and the Performance Standards listed in Section ~~15B.44~~**15** of this Chapter.

Note 1: Applications for Restricted Discretionary Activities may be considered without public notification or the need to obtain the written approval of affected parties. Those noted will be considered on a non-notified basis.

Note 2: 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, 15B.13, ~~15B.14~~ and ~~15B.44~~**15** of this Chapter and the relevant objectives and policies that relate to the matters for which discretion has been restricted.

**15B.10.3 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 Performance Standards for all Treaty Settlement Land Subdivision in Section ~~15B.44~~**15** 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 and ~~15B.44~~**15** of this Chapter, the objectives and policies of this Chapter and Part A of the District Plan.

**15B.10.4 Non Complying Activities**

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

a) Any subdivision not in accordance with the Controlled or Restricted 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, ~~15B.14~~ and ~~15B.44~~**15** of this Chapter, the objectives and policies of this District Plan and the effects of the activity on the environment.

**[VAR1/15B.2]**

Insert a new note underneath Section 15B.10 Performance Standards Maori Purpose: Treaty Settlement Land Zone:

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

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).

**[VAR1/15B.3]**

Amend Rule 15B.10.1 Excavation and Fill as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
15B.10.5	Excavation and Fill	<p><b>(1) Treaty Settlement Land Zone</b> Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The site is not within any area known to be subject to instability or flood hazard; and</li> <li>b) The volume is less than 2,000m<sup>3</sup> in any hectare in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>c) All bare earth areas, including excavation and fill batter faces, are revegetated within 6 months of the earthworks being completed; and</li> <li>d) All revegetated areas are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed-; <u>and</u></li> <li>e) <u>The site is not located within an Outstanding Landscape Area, as identified in Map Series 1;</u></li> </ul> <p>In addition to the above Performance Standards:</p> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 1,000m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m-; <u>and</u></li> <li>c) <u>The site is not located within an Outstanding Landscape Area, as identified in Appendix 18B and Map Series 1;</u></li> </ul> <p><b>(3) Kai Iwi Lakes and Waterways Overlays</b></p> <ul style="list-style-type: none"> <li>a) Any excavation and fill is of a volume less than 150m<sup>3</sup> in any 12 month period and is not within 6m of a bank of any water body; and</li> <li>b) Any excavation or fill is less than 2m in depth or height over a distance less than 50m-; <u>and</u></li> <li>c) <u>The site is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(4) Outstanding Landscape Areas</b></p> <ul style="list-style-type: none"> <li>a) <u>The site is located within an Outstanding Landscape Area, as identified in Map Series 1; and</u></li> <li>b) <u>Any excavation and fill that do not exceed 300m<sup>3</sup> in any 12 month period per site; and</u></li> <li>c) <u>Any excavation and fill that do not involve a cut and/or filled face exceeding 1.5m in height; and</u></li> <li>d) <u>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.</u></li> </ul> <p>[.....]</p>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <p>ix) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></p> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.4]**

Amend Rule 15B.10.2 Vegetation Clearance as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>15B.10.6</b>	<b>Vegetation Clearance</b>	<p><b>(1) Treaty Settlement Land Zone</b>  The destruction or clearance of indigenous vegetation outside an overlay area is a Permitted Activity provided that :</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 6m in height and over 1 hectare in area; <u>and</u></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>vi) The removal is for the construction of a fire break by a fire authority; or</li> <li>vii) 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</li> <li>viii) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</li> <li>ix) 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.</li> </ul> <p><b>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</b>  The destruction or clearance of indigenous vegetation within the East Coast &amp; West Coast and Harbours Overlay areas is a Permitted Activity, provided that:</p> <ul style="list-style-type: none"> <li>a) It is not located within an indigenous wetland; and</li> <li>b) It is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 1,000m<sup>2</sup> in area and is not located within 100m of the coastal marine area-; <u>and</u></li> <li>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>Unless, with respect to a) or b) above, one or more of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) 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</li> <li>v) The removal is necessary for maintenance of any building, structure, road or track</li> </ul>	<p>Restricted Discretionary Activity</p> <p><u>Activities within an Outstanding Landscape Area, will be assessed as a Discretionary Activity</u></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

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Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b>(3) Waterways and Kai iwi Lakes Overlay Areas</b></p> <p>The destruction or clearance of indigenous vegetation within the Waterways 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 a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area; <u>and</u></p> <p>c) <u>It is not located within an Outstanding Landscape Area, as identified in Map Series 1.</u></p> <p>Unless, with respect to a) or b) above one of the following exceptions are met:</p> <p>i) The removal is in accordance with an existing use right; or</p> <p>ii) 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>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>iv) 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</p> <p>v) The removal is necessary for maintenance of any building, structure, road or track including any telecommunication work or utility service; or</p> <p>vi) The removal is for the construction of a fire break by a fire authority; or</p> <p>vii) 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</p> <p>viii) 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</p> <p>ix) 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.</p> <p><b><u>(4) Outstanding Landscape Areas</u></b></p> <p><u>The destruction or clearance of indigenous vegetation within an Outstanding Landscape Area, is a Permitted Activity provided that:</u></p> <p>a) <u>It is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 500m<sup>2</sup> in area and is not located within 100m of the coastal marine area.</u></p> <p><u>Unless with respect to (a) above, one or more of the conditions outlined in Rule 15B.10.2 (3) (i)-(ix) inclusive is met.</u></p> <p>[.....]</p>		



**[VAR1/15B.5]**

Insert new Rule 15B.10.3 Erection and alterations of dwellings and structures within an Outstanding Landscape Area as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<b>15B.10.3</b>	<b>Erection and alterations of dwellings and structures within an Outstanding Landscape Area</b>	<p>The erection and alteration of dwellings and structures located in an Outstanding Landscape Area is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) It is no more than 8m in height; and</li> <li>b) Does not exceed 50m<sup>2</sup> gross floor area; and</li> <li>c) The exterior finish of the dwelling or structure has a reflectance value of, or less than 35% as defined within the BS5252 standard colour palette; and</li> <li>d) It is located within an approved building envelope and complies with design guidelines explicitly approved in a land use or subdivision consent; and</li> <li>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</li> <li>f) It is required for maintenance to the interior and exterior of the dwelling or structure;</li> <li>g) It is required for renovations to the interior of the dwelling or structure; and</li> <li>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 dwelling or structure. and</li> <li>i) It does not include Commercial or Industrial buildings or Papakainga.</li> </ul>	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> <ul style="list-style-type: none"> <li>i) 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.</li> </ul>

**[VAR1/15B.6]**

Amend Rule 15B.10.3 Dwellings (excluding Papakainga) as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.3</del> <b>15B.10.4</b>	<b>Dwellings (excluding Papakainga)</b>	<p>Construction of a dwelling is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) After completion, it will be the only dwelling on the site; or</li> <li>b) It will be an additional dwelling on the site, and there is a minimum of 12ha of net site area associated with each dwelling in the Treaty Settlement Zone, and 20ha in any Overlay Area;</li> <li>c) Each dwelling meets the Performance Standards of section 15B.10;</li> <li>d) Each site meets the Performance Standards of section <del>15B.44</del>15;</li> <li>e) Minimum floor levels are designed in accordance with clause 6.2.3 (a) of the Kaipara District Council Engineering Standards 2009 with a minimum floor level of 5.0m above mean sea level; and</li> <li>f) <u>It is not located within any Outstanding Landscape Area identified in Map Series 1.</u></li> </ul> <p>[.....]</p> <p><b>Note 2:</b> <u>This Rule does not apply within an Outstanding Landscape Area. Rule 15B.10.3 applies in this instance.</u></p> <p>[.....]</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.7]**

Amend Rule 15B.10.4 Papakainga as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.4</del> <b>15B.10.5</b>	<b>Papakainga</b>	<p>Construction of papakainga is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The papakainga comprises no more than 10 individual units per site;</li> <li>b) Water supply provided in accordance with section 8.2 of Kaipara District Council's Engineering Standards 2009;</li> <li>c) Each papakainga unit meets the Performance Standards of section 15B.10; and</li> <li>d) Minimum floor levels are in accordance with clauses 6.2.2, 6.2.3, and 6.2.4 of Kaipara District Council's Engineering Standards 2009.</li> <li>e) Each site meets the Performance Standards of section <del>15B.1415</del>; and</li> <li>f) <u>It is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p>[.....]</p> <p><b>Note 2:</b> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 15B.10.3 applies in this instance.</u></p> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>v) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

**[VAR1/15B.8]**

Amend Rule 15B.10.5 Commercial and Industrial Buildings as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.5</del> <b>15B.10.6</b>	<b>Commercial and Industrial Buildings</b>	<p><b>(1) For Commercial or Industrial Activities</b></p> <p>Any building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) The gross floor area 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 Council sewerage system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards".</li> <li>d) Where a Council reticulated sewerage system is available the development complies with the requirements of Rule <del>15B.1415</del>.6(1)(a)-(d) inclusive;</li> <li>e) Where no Council sewerage system is available the development shall comply with the requirements of Rule <del>15B.1415</del>.6(c)-(d) inclusive.</li> <li>f) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule <del>15B.1415</del>.5(1)(a) and <del>15B.1415</del>.1(3)(a)-(i) inclusive;</li> <li>g) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule <del>15B.1415</del>.5 (2) (a) and Rule <del>15B.1415</del>.5 (3) (a)-(i) inclusive; <u>and</u></li> <li>h) <u>It is not within an Outstanding Landscape Area, as identified in Map Series 1;</u></li> </ul> <p>[.....]</p> <p><b>Note 2:</b> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 15B.10.3 applies in this instance.</u></p> <p>[.....]</p>	Restricted Discretionary Activity (assessed on a non-notified basis)	<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>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.9]**

Amend Rule 15B.10.6 Maximum Height as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.6</del> <b><u>15B.10.7</u></b>	<b>Maximum Height</b>	Any building is a Permitted Activity if: a) The building does not exceed 10m in height; <u>and</u> b) <u>It is not within an Outstanding Landscape Area, as identified on Map Series 1;</u>  <u>Note 1:</u> <u>This Rule does not apply within an Outstanding Landscape Area, Rule 15B.10.3 applies in this instance.</u>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Effects on the locality, particularly the rural character and amenity values and those values associated with overlay areas; <del>and</del> v) Effects on availability of sunlight to other properties-; <u>and</u> vi) <u>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.</u>

**[VAR1/15B.10]**

Amend Rule 15B.10.7 Height in Relation to Boundary as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.7</del> <b><u>15B.10.8</u></b>	<b>Height in Relation to Boundary</b>	Any building is a Permitted Activity if: a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Effects on the locality, particularly the rural character and amenity values and those values associated with overlay areas; <del>and</del> v) Effects on availability of sunlight to other properties-; <u>and</u> vi) <u>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.</u>

**[VAR1/15B.11]**

Amend Rule 15B.10.8 Setbacks as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.8</del> <b>15B.10.9</b>	Setbacks	<p><b>(1) Treaty Settlement Land Zone that adjoins the Rural 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 - 10m, except where the building is for industrial purposes, where the set back shall be 20m; and</li> <li>b) Side and Rear yards - 10m; and</li> <li>c) Coast - 30m from the Coastal Marine Area; and</li> <li>d) Lake / River - 30m from the banks of any lake whose bed has an area of 8ha or more, or the bank of any river or perennial stream whose bed has an average width of 3m or more; and</li> <li>e) Any building is set back 20m from a railway line where there is an intersection of road and rail (level crossing) 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).</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) Side yards – one of 1.5m and one of 3m; and</li> <li>c) Rear yards - 3m except on rear sites 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 lake whose bed has an area of 8ha or more, or the bank of any river or perennial stream whose bed has an average width of 3m or more; and</li> <li>f) Any building is set back 20m from a railway line where there is an intersection of road and rail (level crossing) within 300m. and</li> </ul> <p>In addition to the setbacks above:</p> <p><b>(3) Waterways and Kai Iwi Lakes Overlays:</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) Waterway – 30m from the banks of any mapped waterway or wetland within this Overlay.</li> </ul> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Effects on landscape and heritage values <u>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, in particular any site identified in the District Plan, or Council's Draft Kaipara District Plan Review Landscape Technical Report (2006);</u></li> </ul> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.12]**

Amend Rule 15B.10.9 Permeable Surfaces as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.9</del> <b><u>15B.10.10</u></b>	<b>Permeable Surfaces</b>	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) In any one hectare, the area of any site covered by buildings and other impermeable surfaces is less than 15% in the Treaty Settlement Land zone where it is not within an overlay;</li> <li>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.</li> </ul> <p>Note 1: The intention of this rule is to avoid large areas of continuous seal / hardstand.</p>	Restricted Discretionary (assessed on a non-notified basis).	<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>[.....]</p> <ul style="list-style-type: none"> <li>iii) Methods of attenuating stormwater flows to pre-development rates, <del>and</del></li> <li>iv) Section 6.0 of the Kaipara District Council Engineering Standards 2009; <del>i</del> <b>and</b></li> <li><b>v) <u>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.</u></b></li> </ul>

**[VAR1/15B.13]**

Amend Rule 15B.10.10 Separation Distance as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.10</del> <b><u>15B.10.11</u></b>	<b>Separation Distance</b>	<p>An activity is a permitted if a 300m separation is maintained between the following activities and any residential dwelling, marae or papakainga:</p> <ul style="list-style-type: none"> <li>a) Building or enclosure intended for housing livestock;</li> <li>b) Sewerage treatment or other site of plant or animal effluent storage or disposal</li> <li>c) Building used for an industrial or commercial activity;</li> <li>d) Intensive feed lot or feed storage area;</li> <li>e) Intensive farming;</li> <li>f) Dairying shed;</li> <li>g) Mining or quarrying; and</li> <li>h) Any other activity that has existing use rights or resource consent to exceed the General Noise, Use of Explosives and Blasting standards, or a discharge consent relating to odour from the Regional Council.</li> </ul> <p>Note 1: This Rule is intended to be implemented on a ‘first in, first served’ basis. In assessing activities against this Rule, primacy will be afforded to those activities already lawfully established.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) Any consultation with relevant property owners or occupiers; <del>and</del></li> <li>vii) Mechanisms to avoid potential future reverse sensitivity conflicts (including covenants on titles); <del>i</del> <b>and</b></li> <li><b>vi) <u>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.</u></b></li> </ul>

**[VAR1/15B.14]**

Amend Rule 15B.10.17 Contaminated Land Change of Use as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.17</del> <b>15B.10.18</b>	<b>Contaminated Land Change of use</b>	Any activity on land which an activity identified in Appendix 24E (Potentially contaminating activities) has occurred is a permitted activity if:  a) It is not: i) A dwelling; or ii) A school or early childhood centre; or iii) A sports field; and b) The site has been: i) Remediated to a standard suitable for the proposed use; or ii) Investigated and certified to be of a standard suitable for the proposed use; and c) Any containment works are not damaged or destroyed.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:  [.....]  vii) <u>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.</u>  [.....]

**[VAR1/15B.15]**

Amend Rule 15B.10.18 Contaminated Land Remediation as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.18</del> <b>15B.10.19</b>	<b>Contaminated Land Remediation</b>	Any activity is a Permitted Activity if:  a) Remediation of contaminated land: i) Does not cause a greater risk to human health or the environment than if the work was not done; and ii) Disposes of removed material in a location approved for the receipt of such material; and iii) Is reported to the Council by the landowner at the completion of the work detailing: The work done and the results obtained; and The nature and location of remaining contaminated material on-site; and As-built plans and specifications of any permanent containment structure.	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:  [.....]  x) <u>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.</u>  [.....]

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.16]**

Amend Rule 15B.10.19 Hazardous Substances as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.19</del> <b>15B.10.20</b>	<b>Hazardous Substances</b>	Any activity is a Permitted Activity if: a) The aggregate quantity of hazardous substances of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 24D (Hazardous Substances – Permitted Quantities Table 1); or b) The hazardous substances stored or used on the site are: i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire-fighting substances on emergency vehicles; or 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 d) Storage or use of hazardous substances complies with Appendix 24D (Hazardous Substances – Permitted Conditions Table 2).	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xiv) Proposed monitoring and maintenance schedules; <del>and</del> xv) Any consultation, assessment or responses received from the New Zealand Fire Service; <del>and</del> <u>xvi) 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.</u>

**[VAR1/15B.17]**

Amend Rule 15B.10.20 Radioactive materials as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.20</del> <b>15B.10.21</b>	<b>Radioactive materials</b>	Any activity is a permitted activity if: a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or b) Radioactive materials are confined to domestic appliances.	Controlled Activity if: (a) radioactivity does not exceed 100 terabecquerels. Discretionary Activity if: (b) radioactivity exceeds 100 terabecquerels.	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xiii) Any consultation, assessment or responses received from the New Zealand Fire Service; <del>and</del> <u>xiv) 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.</u>

**[VAR1/15B.18]**

Amend Rule 15B.10.21 Plant or animal effluent storage/disposal as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.21</del> <b>15B.10.22</b>	<b>Plant or animal effluent storage/disposal</b>	Any activity is a permitted activity if: a) Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation): i) Is set back at least 300m from a habitable building, educational facility, marae or community hall; and ii) Is operated at times and in wind conditions so as to avoid nuisance to adjoining property. [.....]	Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] xi) Proposed contingency measures and emergency plans; <del>and</del> xii) Proposed monitoring and maintenance schedules-; <u>and</u> <u>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.</u>

**[VAR1/15B.19]**

Amend Rule 15B.10.22 Lighting and Glare as follows

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.22</del> <b>15B.10.23</b>	<b>Lighting and Glare</b>	Any activity is permitted if between the hours of 2200 and 0700 any artificial lighting does not exceed 10 lux, measured at any point on boundary of any <b>Residential Zoned</b> site or at the notional boundary of any <b>Rural or Maori Purpose Zoned</b> site	Restricted Discretionary Activity	Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for resource consent: [.....] iv) Effects on amenity and character of the surrounding area; <del>and</del> v) Proposed monitoring and maintenance schedules-; <u>and</u> <u>vi) 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.</u>

**[VAR1/15B.20]**

Amend Rule 15B.10.23 Signage (including signs on and adjacent to roads and on buildings) as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.23</del> <b>15B.10.24</b>	<b>Signage (including signs on and adjacent to roads and on buildings)</b>	The following signs are Permitted: a) Any business sign not exceeding 3m², 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; b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or requiring authority, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; <del>and</del>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: [.....] viii) The extent to which the sign is relevant to activities occurring on the subject site; <del>and</del> 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-; <u>and</u> <u>x) 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</u>

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Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>c) Any temporary sign not exceeding 3m², advertising or providing information on any central or local government elections, cultural, social or sporting events, sites for development, sale or auction, provided that any such sign shall only be erected for a period of up to 2 months and shall be removed within 7 days of the election, event, sale or auction taking place-; <u>and</u></p> <p>d) <u>Any sign not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1;</u></p> <p>Provided the following conditions are met:</p> <p>i) No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained.</p> <p>ii) Where a sign is proposed to be located in a road reserve adjoining the State Highway network the approval of the NZ Transport Agency is also required; and</p>		<u>subdivision, use or development meets the objectives, policies and outcomes of Chapter 18 – Landscapes and the additional assessment criteria contained in Appendix 18C.</u>

**[VAR1/15B.21]**

Amend Rule 15B.10.24 Vehicle Access and Driveways as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.24</del> <u>15B.10.25</u>	<b>Vehicle Access and Driveways</b>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>b) Each site shall be provided with and maintain a vehicle crossing in accordance with clause 5.2.18.1(a)-(b) inclusive of the draft Kaipara District Council Engineering Standards 2009.</p> <p>c) The location of vehicle crossings is designed and constructed in accordance with clause 5.2.18.2(a)-(f) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>d) The design and construction of vehicle crossings is in accordance with clause 5.2.18.3(a)-(d) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>e) Where a loading ramp is required it shall meet the requirements of clause 5.2.18.4 of the Kaipara District Council Engineering Standards 2009;</p> <p>i) Each site shall be provided with and maintain a driveway in accordance with clause 5.2.19.1 of the Kaipara District Council Engineering Standards 2009;</p> <p>ii) Driveways shall be designed and constructed in accordance with clause 5.2.19 (a)-(f) inclusive of the Kaipara District Council's Engineering Standards 2009</p> <p>iii) Any gate on a driveway or private access shall comply with the requirements of clause 5.2.20(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009-; <u>and</u></p> <p>f) <u>It is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1;</u></p>	Restricted Discretionary Activity (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)	<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>[.....]</p> <p>xi) If a new access is being provided or modification of an existing access onto a State Highway, whether the consent of the NZ Transport Agency is obtained-; <u>and</u></p> <p>xii) <u>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.</u></p>

**[VAR1/15B.22]**

Amend Rule 15B.10.26 Parking as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.26</del> <u>15B.10.27</u>	<b>Parking</b>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site.</li> <li>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Part D – Appendices of this District Plan.</li> <li>c) Each parking space shall be of a useable size and shape and be formed and maintained in accordance with clause 5.2.10 (a)-(j) inclusive and drawing S20 of the Kaipara District Council Engineering Standards 2009.</li> <li>d) Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required.</li> <li>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, <u>except</u> 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.</li> <li>f) Each parking space shall have adequate physical access to a road, street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site. The Kaipara District Council Engineering Standards 2009, drawings S18 and S19 illustrate tracking curves that provide adequate access and manoeuvring for vehicles.</li> <li>g) Control of Access - Any parking area associated with a Commercial or Industrial activity which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the site's frontage not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided.</li> <li>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.</li> <li>i) Screening of Parking Areas - Any parking area which is adjacent to a Residential zone shall be effectively screened from residential sites by a close boarded fence, solid wall or other suitable screen at least 2m high.</li> <li>j) Control of Stormwater - Each parking area shall be provided with a stormwater drainage system that is designed in accordance with clause 6.2.2 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009 and shall discharge into the Council's stormwater system or other approved outlets.</li> </ul> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) The size and number of vehicles expected to use the site; <del>and</del></li> <li>vii) Whether and the extent to which the proposed parking area is designed, constructed and adequately drained in accordance with the requirements of the Kaipara District Council Engineering Standards 2009; <u>and</u></li> <li>viii) <u>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.</u></li> </ul> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.23]**

Amend Rule 15B.10.27 Loading as follows:

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.10.27</del> <b>15B.10.28</b>	<b>Loading</b>	<p><b>(1) For Commercial Activities</b></p> <p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each site provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site.</li> <li>b) The number of onsite loading spaces to be provided shall meet the minimum requirements outlined in Part D - Appendices.</li> <li>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile three axle truck illustrated in drawing S19 of the Kaipara District Council Engineering Standards 2009.</li> <li>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum height of 4.25m <u>provided</u> that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 18m.</li> <li>e) Each loading space shall have adequate physical access to a street or service lane and the building which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile three axle truck curve illustrated in drawing S19 of the Kaipara District Council Engineering Standards 2009.</li> <li>f) Each loading space shall comply with clause 5.2.10(f) of the Kaipara District Council Engineering Standards 2009.</li> <li>g) Loading bay pavements shall be designed and constructed in accordance with clause 5.2.10(i)-(j) of the Kaipara District Council Engineering Standards 2009.</li> </ul> <p>[.....]</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>vi) The size and number of vehicles expected to use the site; <del>and</del></li> <li>vii) Whether and the extent to which the proposed loading area meets the requirements of the Kaipara District Council Engineering Standards 2009; <del>and</del></li> <li><u>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.</u></li> </ul> <p>[.....]</p>

**[VAR1/15B.24]**

Amend Rule 15B.11.1 General Rural Subdivision as follows:

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

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>15B.11.1</b>	<b>General Rural Subdivision</b>	<p>Subdivision within the Maori Purposes: Treaty Settlement Zone is a Controlled Activity if it meets the following terms for subdivision:</p> <p><b>(1) Maori Purposes: Treaty Settlement Zone (excluding Overlay Areas)</b></p> <ul style="list-style-type: none"> <li>a) Every proposed allotment has a minimum net site area of 12 hectares; <del>and</del></li> <li>b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <del>15B.44</del><b>15</b> of this Chapter; <del>and</del></li> <li><u>c) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></li> </ul> <p><b>(2) Overlay Areas (Kai Iwi Lakes, Waterways, East Coast &amp; West Coast and Harbour (Mangawhai &amp; Kaipara) Overlays</b></p> <ul style="list-style-type: none"> <li>a) Every proposed allotment has a minimum net site area of 20 hectares;</li> <li>b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <del>15B.44</del><b>15</b> of this Chapter.</li> </ul>	<p>Council will reserve control over 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>[.....]</p> <ul style="list-style-type: none"> <li>xv) Whether and the extent to which it is necessary to extend the duration of a resource consent beyond 5 years, under section 125 of the Resource Management Act 1991; <del>and</del></li> <li>xvi) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: Esplanade Reserves and Strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements; <del>and</del></li> <li><u>xvii) 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.</u></li> </ul>

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Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
		<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 reticulated wastewater infrastructure is available; 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;</p> <p>c) The proposed subdivision can comply with the relevant Performance Standards in Section 13.10 and 13.13 of the Residential Chapter.</p>	<p>[.....]</p> <p><u>Note 4: 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).</u></p>

**[VAR1/15B.25]**

Amend Rule 15B.11.2 Preservation of Natural and Cultural Heritage as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>15B.11.2</b>	<b>Preservation of Natural and Cultural Heritage</b>	<p>Subdivision within the Maori Purposes: Treaty Settlement Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision:</p> <p>a) Permanent physical and legal protection of the heritage feature is achieved; and</p> <p>b) The lot created for the preservation of heritage shall contain one or more of the following:-</p> <ul style="list-style-type: none"> <li>- Any historic site or feature listed in Part C: Chapter 17 – Heritage, Schedule 17.1; or</li> <li>- An 'Area of Significance to Maori' listed in Part C: Chapter 17 – Heritage, Schedule 17.2; or</li> <li>- A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the district plan was notified;</li> <li>- A Notable Tree identified in Schedule 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> <p>c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and</p> <p>d) On the lot on which the heritage feature is located, the minimum net site area shall be 4,000m<sup>2</sup> and shall contain 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 dwelling and associated wastewater treatment and disposal system (and this area will enable a building compliant with the relevant performance standards of 15B.10 of this Chapter); and</p> <p>e) Any balance lot created must be a minimum net site area of 4 hectares; and</p> <p>f) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <b>15B.4415</b> of this Chapter; <u>and</u></p> <p><b>g) The site is not within an Outstanding Landscape Area, as identified in Map Series 1;</b></p> <p>[.....]</p>	<p>Council will reserve control over 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 15B.11.1; and</p> <p><b>ii) <u>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.</u></b></p> <p><u>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).</u></p> <p>[.....]</p> <p>Note <b>42</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>

**[VAR1/15B.26]**

Amend Rule 15B.11.3 Boundary Adjustment as follows:

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
<b>15B.11.3</b>	<b>Boundary Adjustment</b>	<p>Subdivision within the Treaty Settlement Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision:</p> <p>a) The boundaries of two or more adjacent allotments are adjusted; and</p> <p>b) No additional allotments will be created; and</p> <p>c) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and</p> <p>d) The proposed boundary adjustment complies with the relevant Performance Standards in Section 15B.10 and <b>15B.4415</b> of this Chapter. Any existing buildings or activities on the created lots complies with the Performance Standards of Section 15B.10 of this Chapter; <u>and</u></p> <p><b>e) The site is not within an Outstanding Landscape Area, as identified in Map Series 1;</b></p>	<p>Council will reserve control over 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 15B.11.1</p> <p>ii) The extent to which a proposed boundary will provide for compliance with the performance standards in Section 15B.10 in relation to the existing buildings, structures and services on site;</p> <p><b>iii) <u>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.</u></b></p> <p><u>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).</u></p>

**[VAR1/15B.27]**

Amend Rule 15B.12.1 Environmental Benefit as follows:

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

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<b>15B.12.1</b>	<b>Environmental Benefit</b> <b><u>(One Environmental Benefit Lot Created)</u></b>	<p>Subdivision within the Treaty Settlement Zone (including Overlays) is a Restricted Discretionary Activity if it meets the following terms for subdivision:</p> <ul style="list-style-type: none"> <li>a) Permanent physical and legal protection of the Environmental Benefits within the site is achieved; and</li> <li>b) The entire feature is protected; and</li> <li>c) The Environmental Benefit meets the minimum size requirements relevant to the type of environmental benefit proposed listed below: <ul style="list-style-type: none"> <li>i) An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; and</li> <li>ii) Where the total area of the Environmental Benefit is 9.0 hectares or more, this will be considered two Environmental Benefit Lots; or</li> <li>iii) A 'Landscape' Environmental Benefit shall result in the whole of the portion of the identified landscape located on the parent lot being physically and legally protected; and</li> </ul> </li> <li>d) No more than <del>three</del> <b>one</b> Environmental Benefit <del>Lots</del> can be created per site, and</li> <li>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</li> <li>f) Any balance lot created must be a minimum net site area of 4,000m<sup>2</sup>; and</li> <li>g) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <b>15B.4415</b> of this Chapter.</li> <li>h) Only one consent for a restricted discretionary (subdivision) activity in terms of a 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;</li> <li>i) In addition, where covenants for the protection of ecological or landscape values have already been applied to Treaty Settlement Land, 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;</li> </ul> <p>[.....]</p>	<p>Council will restrict its discretion over 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>[.....]</p> <ul style="list-style-type: none"> <li>v) 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; <del>and</del></li> <li>vi) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services-; <b>and</b></li> <li>vii) <b><u>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.</u></b></li> </ul> <p><b><u>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).</u></b></p> <p>[.....]</p>

**[VAR1/15B.28]**

Insert new Rule 15B.12.2 Environmental Benefit (2-3 Environmental Benefit Lots Created) as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<b><u>15B.12.2</u></b>	<b><u>Environmental Benefit</u></b> <b><u>(2-3 Environmental Benefit Lots Created)</u></b>	<p><b><u>Subdivision within the Maori Purposes: Treaty Settlement zone is a Restricted Discretionary Activity if it meets the following terms for subdivision:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>Permanent physical and legal protection of the Environmental Benefits within the site is achieved; and</u></li> <li>b) <u>The entire feature is protected; and</u></li> <li>c) <u>The Environmental Benefit meets the minimum size requirements relevant to the type of environmental benefit proposed listed below:</u> <ul style="list-style-type: none"> <li>i) <u>An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; and</u></li> <li>ii) <u>Where the total area of the Environmental Benefit is 9.0 hectares or more, this will be deemed two Environmental Benefit Lots; or</u></li> <li>iii) <u>No more than three Environmental Benefit Lots can be created per site, and</u></li> </ul> </li> <li>d) <u>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</u></li> <li>e) <u>Any balance lot created must be a minimum net site area of 4,000m<sup>2</sup>; and</u></li> <li>f) <u>The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and</u></li> </ul>	<p><u>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:-</u></p> <p><u>General Subdivision</u></p> <ul style="list-style-type: none"> <li>i) <u>The matters for control listed in Rule 15B.11.1; and</u></li> <li>ii) <u>Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines;</u></li> <li>iii) <u>Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance ie. Mangawhai Structure Plan and Reserves and Open Space Strategy;</u></li> <li>iv) <u>Whether and the extent to which earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised;</u></li> <li>v) <u>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;</u></li> <li>vi) <u>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</u></li> </ul>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
		<p><u>15B.15 of this Chapter:</u></p> <p>g) <u>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:</u></p> <p>h) <u>The site is not within an Outstanding Landscape Area identified in Appendix 18B and Map Series 1.</u></p> <p>Note 1: <u>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:</u></p> <p>Note 2: <u>Refer to Part A: Chapter 9 Definitions for the definition of “Environmental Benefit”.</u></p>	<p>management, and the natural character of the rural and coastal environment;</p> <p>vii) <u>Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</u></p> <p>viii) <u>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.</u></p> <p>Note 1: <u>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).</u></p> <p><u>Environmental Benefit</u></p> <p>i) <u>Council will have regard to the following additional matters for discretion when assessing an application for consent under this rule:</u></p> <p>ii) <u>The size of the feature to be protected;</u></p> <p>iii) <u>The quality of the feature proposed to be protected;</u></p> <p>iv) <u>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;</u></p> <p>v) <u>The significance of the feature to the natural character of the District;</u></p> <p>vi) <u>The rarity of the feature;</u></p> <p>vii) <u>The extent to which the feature proposed for protection has been modified and the impact this has had on its significance;</u></p> <p>viii) <u>The type of permanent protection proposed;</u></p> <p>ix) <u>The future management of the feature, once protected;</u></p> <p>x) <u>The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication;</u></p> <p>xi) <u>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;</u></p> <p>xii) <u>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;</u></p> <p>xiii) <u>Effects, including reverse sensitivity effects, due to the location and/ or size of the allotments proposed to be created;</u></p> <p>xiv) <u>The need for a bond or covenant to ensure performance or compliance with any conditions imposed;</u></p> <p>xv) <u>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;</u></p> <p>xvi) <u>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.</u></p> <p>Note 1: <u>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”.</u></p> <p>Note 2: <u>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:-</u></p> <ul style="list-style-type: none"> <li>- <u>Conservation Covenants (Reserves Act 1977);</u></li> <li>- <u>Protected Private Land (Reserves Act 1977);</u></li> <li>- <u>Open Space Covenants (Queen Elizabeth II National Trust 1977);</u></li> <li>- <u>Conservation Covenants (Conservation Act 1987);</u></li> </ul>
<b>OR</b>			

**[VAR1/15B.29]**

Amend Rule 15B.12.2 Rural Amenity Lot as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<del>15B.12.2</del> <b><u>15B.12.3</u></b>	<b>Rural Amenity Lot</b>	<p>Provided that the site is not within an Overlay Area, any subdivision to create a Rural Amenity Lot is a Restricted Discretionary Activity if:</p> <ul style="list-style-type: none"> <li>a) No more than two Rural Amenity lots are created per parent site;</li> <li>b) The Rural Amenity lot created shall be a minimum net site area of 4,000m<sup>2</sup> (0.4 ha) and a maximum of 8,000m<sup>2</sup> (0.8 ha);</li> <li>c) If one Rural Amenity lot is being created, the balance lot created shall be a minimum net site area of 4 ha;</li> <li>d) If two Rural Amenity lots are being created, the balance lot created shall be a minimum net site area of 8 ha;</li> <li>e) Only one consent for a restricted discretionary (subdivision) activity in terms of a Rural Amenity Lot 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;</li> <li>f) Where more than one Rural Amenity Lot from a parent site is created either revegetation to create a future 'Ecological' environmental benefit of at least 0.5ha or an equivalent contribution is made to the Council Biodiversity Fund as a financial contribution.</li> <li>g) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <del>15B.44</del><b>15</b> of this Chapter; <u>and</u></li> <li><b><u>h) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></li> </ul> <p>[.....]</p>	<p>Council will restrict its discretion over the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision [.....]</p> <ul style="list-style-type: none"> <li>ix) 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; <del>and</del></li> <li>x) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; <u>and</u></li> <li><b><u>xi) 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.</u></b></li> </ul> <p><u>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).</u></p>

**[VAR1/15B.30]**

Amend Rule 15B.12.3 Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan) as follows:

Rule	Type of Subdivision	Terms for subdivision	Matters for Discretion
<del>15B.12.3</del> <b><u>15B.12.4</u></b>	<b>Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)</b>	<p>Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a Restricted Discretionary Activity if:</p> <ul style="list-style-type: none"> <li>a) The parent site must be 5 hectares or less and held in a separate Certificate of Title as of the date of notification of this district plan;</li> <li>b) The minimum net site area of 4,000m<sup>2</sup> can be obtained, provided the minimum average lot size of 1 hectare can be achieved for the overall subdivision; and</li> <li>c) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <del>15B.44</del><b>15</b> of this Chapter; and</li> <li>d) No more than 3 new lots are created per site; <u>and</u></li> <li><b><u>e) The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></li> </ul>	<p>Council will restrict its discretion over the following matters when considering an application for resource consent that meets the terms for subdivision under this rule:-</p> <p>General Subdivision [.....]</p> <ul style="list-style-type: none"> <li>xii) Whether a integrated approach is taken to the subdivision layout, in order to ensure the open space characteristics and rural character are retained, and that house sites are clustered in nodes; <del>and</del></li> <li>xiii) Whether maximum use is made of common services, access ways, buildings and shared driveways or access points for each cluster of housing sites; <u>and</u></li> <li><b><u>xiv) 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.</u></b></li> </ul> <p><u>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).</u></p>

**[VAR1/15B.31]**

Amend Rule 15B.13.1 Integrated Development as follows:

**15B.13 Restricted Discretionary Treaty Settlement Land Subdivision (Non-Notified)**

Rule	Parameter	Terms for Subdivision	Assessment criteria
<b>15B.13.1</b>	<b>Integrated Development</b>	<p>Integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <p><b>(1) Maori Purposes: Treaty Settlement Zone (excluding overlay areas)</b></p> <p>a) The number of total lots obtainable shall be 1 lot per 4 hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot;</p> <p><b>b) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></p> <p>OR</p> <p><b>(2) <del>Coast, Waterways and Kai Iwi Lakes</del> Overlay Areas (<b>but excluding Harbour Overlay</b>)</b></p> <p>a) The number of total lots obtainable shall be 1 lot per 12 hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) Where there is a Council adopted Structure Plan, the total number of lots obtainable shall be 1 lot per 4 hectares of the parent title with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p><b>c) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></p> <p>OR</p> <p><b>(3) Harbour Overlay</b></p> <p>a) The number of total lots obtainable shall be 1 lot per 6 hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup> per lot; or</p> <p>b) Where there is a Council adopted Structure Plan, the total number of lots obtainable shall be 1 lot per 2 hectares of the parent title in the Rural Zone (excluding areas in a Waterway or Conservation Overlay), with a minimum net site area of 4,000m<sup>2</sup> per lot; and</p> <p><b>c) <u>The site is not within an Outstanding Landscape Area, as identified in Map Series 1.</u></b></p> <p>AND</p> <p><b>(4) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include a draft Integrated Development Plan as described in Appendix 24B.</p> <p>b) Only one consent for a restricted discretionary (subdivision) activity in terms of a Integrated Development can 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;</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 4 hectares;</p> <p>d) The development bonuses available under Rule 15B.11 and 15B.12 will not be available as part of the process of obtaining such a consent;</p> <p>e) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and <b>15B.4415</b> of this Chapter.</p>	<p>Council will <del>restrict</del> <b>exercise</b> its discretion <b>under section 104B of the RMA and may consider but will not be limited to over</b> 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><b>iv) <u>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.</u></b></p> <p><b>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).</b></p> <p>[.....]</p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.



**[VAR1/15B.32]**

Insert new Rule 15B.14.1 Subdivision in an Outstanding Landscape Area as follows:

**15B.14 Discretionary Treaty Settlement Land Subdivision**

<u>Rule</u>	<u>Parameter</u>	<u>Terms for Subdivision</u>	<u>Assessment criteria</u>
<b>15B.14.1</b>	<b>Subdivision in an Outstanding Landscape Area</b>	<p>Subdivision within the Maori Purposes: Treaty Settlement zone is a Discretionary Activity if it meets the following terms for subdivision:</p> <p><b>(1) Outstanding Landscape Areas</b></p> <p>a) Every proposed allotment has a minimum net site area of 20 hectares; and</p> <p>b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter.</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 15B.11.1</p> <p>ii) 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.</p> <p>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).</p>

**[VAR1/15B.33]**

Amend Rule 15B.14.1 Suitable Building Area as follows:

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

Where activities that do not comply with the Performance Standards in Section 15B.14 the specific assessment criteria for the standard infringed contained within section 15B.44~~15~~ need to be considered in addition to the relevant Assessment Criteria under Rule 15B.10, 15B.11, 15B.12, ~~or~~ 15B.13 or 15.14.

<u>Rule</u>	<u>Parameter</u>	<u>Performance Standards</u>	<u>Activity Status if the Activity does not meet the Performance Standards</u>	<u>Assessment Criteria</u>
<del>15B.14.1</del> <b>15B.15.1</b>	<b>Suitable Building Area</b>	<p>Every allotment of less than 4ha on a subdivision:</p> <p>a) Contains a geotechnically stable building area of at least 150m<sup>2</sup> (10m depth required) with a practicable access on which a dwelling can be built so that there is compliance as a Permitted Activity with the relevant performance standards in Section 15B.10 and <del>15B.44</del><b>15</b> of this District Plan.</p> <p>Note 1: Council may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule</p> <p>[.....]</p> <p>vii) 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.</p> <p>[.....]</p> <p>Note 2: 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).</p>

**[VAR1/15B.34]**

Amend Rule 15B.14.2 Road, Private Way, Cycle Way Formation and Property Access as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.2</del> <b>15B.15.2</b>	Road, Private Way, Cycle Way Formation and Property Access	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p><b>(1) Property Access:</b></p> <ul style="list-style-type: none"> <li>a) Every allotment within the subdivision is capable of having vehicular access to a road; and</li> <li>b) Property access is formed where it is shared by 2 or more allotments;</li> <li>c) Vehicle Access and driveways comply with Rule 15B.10.24</li> <li>d) No more than 3 allotments are served by a private shared access.</li> <li>e) Access ways onto the road, private way or cycle way are located in a manner that will allow the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds</li> <li>f) Access ways onto the road, private way or cycle way are located to provide adequate sight distances for the safe functioning of the vehicle crossing and access;</li> <li>g) The property access is of a suitable width to contain required services; and</li> </ul> <p><b>(2) Road, Private Way, Cycle Way and Property Access Formation</b></p> <ul style="list-style-type: none"> <li>a) Road vesting in accordance with clause 5.1.1 (a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009; and</li> <li>b) New roads, private ways, cycle ways are designed and constructed to comply with clause 5.2.1(a) and Table 5.1 of the Kaipara District Council Engineering Standards 2009;</li> <li>c) The legal width of roads, private ways, cycle ways and property access are designed to comply with clause 5.2.4(a)-(b) inclusive and Table 5.1 of the Kaipara District Council Engineering Standards 2009.</li> <li>d) Use and construction of existing unformed legal roads is in accordance with clause 5.1.2 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</li> <li>e) Carriageway width complies with the requirements in clause 5.2.5(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>f) The carriageway surface is designed and constructed to comply with the requirements of clause 5.2.6(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>g) Edge treatment is designed and constructed to comply with clause 5.2.7(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>h) Where pavements are provided the pavement Structural Design complies with clause 5.2.13(a)-(h) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>i) Where footpaths are provided they are designed and constructed to comply with clause 5.2.8(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>j) Where bridges are provided they comply with clause 5.2.14(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>k) Where culverts are provided the culvert design complies with clause 5.2.15(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>l) Where intersections are required the intersection design complies with clause 5.2.16(a)-(d)</li> <li>m) Where cul-de-sacs are required the cul-de-sac complies with clause 5.2.17(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>n) Where a gate is provided as part of the road, private way, cycle way or property access it complies with Rule 5.2.20(a)-(b) inclusive.</li> <li>o) Road drainage complies with clause 5.2.21(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</li> <li>p) Road signs and markings comply with clause 5.2.22(a) of the Kaipara District Council Engineering Standards 2009;</li> <li>q) Where a roadway or intersection is provided it complies with clause 5.2.24(a)-(b) inclusive;</li> </ul>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule</p> <p>[.....]</p> <ul style="list-style-type: none"> <li>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; <del>and</del></li> <li>xiv) Whether and the extent to which the road, private way, cycle way or property access complies with section 5.0 of the Kaipara District Council Engineering Standards 2009; <del>and</del></li> <li>xv) <u>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.</u></li> </ul> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

**[VAR1/15B.35]**

Amend Rule 15B.14.3 Provision for the Extension of Services as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.3</del> <b>15B.15.3</b>	<b>Provision for the Extension of Services</b>	The design and layout of the subdivision provides for, and takes into account: a) The efficient and effective future extension of water and electricity supply, stormwater, sewage, public access, walking trails, bridal ways and roads to any adjoining land.	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] vi) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <del>and</del> vii) Whether and the extent to which the extension of services meet the relevant provisions of sections 4.0, 5.0, 6.0, 7.0, 8.0 and 10.0 of the Kaipara District Council Engineering Standards 2009; <del>and</del> viii) <u>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.</u> [.....] <u>Note 2: 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).</u>

**[VAR1/15B.36]**

Amend Rule 15B.14.4 Water Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.4</del> <b>15B.15.4</b>	<b>Water Supply</b>	<b>(1) Where a Council water supply is available :</b> a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the subdivision; b) All allotments are provided, within their net site area, with a connection to the Council water supply; c) The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and d) All water pipelines vested with Council shall be protected by an Easement in favour of Council;  <b>(2) Where a public supply is not available:</b> a) The applicant shall demonstrate that a water supply is able to be provided in accordance with the water supply design requirements of section 8.2(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] viii) Whether there is provision of practical vehicular access from a public road to and along any area vested with Council for water supply purposes; <del>and</del> ix) The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters; <del>and</del> x) <u>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.</u> [.....] <u>Note 2: 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).</u>

**[VAR1/15B.37]**

Amend Rule 15B.14.5 Stormwater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.5</del> <b>15B.15.5</b>	<b>Stormwater Disposal</b>	<p><b>(1) Where available all allotments are provided, within their net site area, with:</b></p> <p>a) A connection to a Council-maintained stormwater system; or</p> <p>Note 1: This is only likely to apply for a Integrated Development subdivision in Structure Plan growth areas);</p> <p><b>(2) Where no Council system is available:</b></p> <p>1. All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment;</p> <p>AND</p> <p><b>(3) For all sites</b></p> <p>a) The stormwater system is designed and constructed to meet the minimum requirements of clause 6.1.1 (a)-(e) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>b) Drainage Reserves and Easements shall comply with the requirements of clause 6.1.2 (a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>c) Stormwater drainage shall be designed to comply with the requirements of clause 6.2.1(a)-(b) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>d) Primary and Secondary Flow paths shall be designed to comply with clause 6.2.2(a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009;</p> <p>e) Minimum freeboard heights shall be designed to comply with clause 6.2.3(a) of the Kaipara District Council Engineering Standards 2009;</p> <p>f) Stormwater systems shall be designed for storm events of up to 100 ARI as described in clause 6.2.5 (a) of the Kaipara District Council Engineering Standards 2009;</p> <p>g) Stormwater control shall comply with the specific area requirements in clause 6.2.6 of the Kaipara District Council Engineering Standards 2009.</p> <p>h) Stormwater discharges shall comply with the requirements of clause 6.2.7 (a)-(c) inclusive of the Kaipara District Council Engineering Standards 2009.</p> <p>a) Applicants shall demonstrate that any stormwater discharges comply with the requirements of the <i>Regional Water and Soil Plan for Northland</i> or have a discharge consent from the Northland Regional Council for the activity.</p> <p>[.....]</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>x) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater; <del>and</del></p> <p>xi) In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; <del>and</del></p> <p>xii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/15B.38]**

Amend Rule 15B.14.6 Wastewater Disposal as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.6</del> <b>15B.15.6</b>	<b>Wastewater Disposal</b>	<p><b>(1) Where a Council reticulated sewerage system is available:</b></p> <p>a) The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council sewerage system can be extended to serve the subdivision;</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council reticulated sewerage system;</p> <p>c) The reticulated sewerage system is designed and constructed in accordance with the specific requirements of the Council sewerage system; and</p> <p>d) All sewer pipelines vested with Council shall be protected by an Easement in favour of Council</p> <p><b>(2) Where a community wastewater system is proposed, the system shall be designed in accordance with</b></p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>ix) 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; <del>and</del></p> <p>x) Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater; <del>and</del></p> <p>xii) <u>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</u></p>

\* Grey text is not part of Variation 1 Landscapes and is the text from the Proposed District Plan.

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
		<p>AS/NZS1547:2008 “Onsite Wastewater Management Standards” and a resource consent shall be obtained from the Northland Regional Council for the discharge.</p> <p>(3) Where no Council system is available, all allotments are provided, within their net site area, with</p> <p>a) 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas;</p> <p>b) The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed on each allotment. .</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>[.....]</p>		<p><u>18C.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/15B.39]**

Amend Rule 15B.14.7 Energy Supply as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.7</del> <b><u>15B.15.7</u></b>	<b>Energy Supply</b>	<p>All allotments are provided with:</p> <p>a) A connection to a reticulated electrical supply system at the boundary of the net site area.</p> <p>.</p>	Restricted - Discretionary Activity (assessed on a non-notified basis)	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule:</p> <p>[.....]</p> <p>v) Whether the proposed reticulation system will have potential adverse effects on amenity values; <del>and</del></p> <p>vi) The ability for adequate electricity generation within the site to provide energy supply for activities proposed-; <u>and</u></p> <p>vii) <u>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.</u></p> <p>[.....]</p> <p><u>Note 2: 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).</u></p>

**[VAR1/15B.40]**

Amend Rule 15B.14.8 Telecommunications as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.8</del> <b>15B.15.8</b>	<b>Telecommunications</b>	All allotments are provided with: a) A connection to a telecommunications system at the boundary of the net site area.	Restricted - Discretionary Activity (assessed on a non-notified basis)	Council will have regard to the following matters when considering an application for resource consent under this Rule: [.....] ii) The ability for the allotments to be provided with alternate phone coverage (e.g. mobile phone coverage); iii) <u>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.</u> [.....] <u>Note 3: 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).</u>

**[VAR1/15B.41]**

Amend Rule 15B.14.9 Esplanade Management for Lots Less than 4ha s as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.9</del> <b>15B.15.9</b>	<b>Esplanade Management for Lots Less Than 4ha</b>	Where an allotment of less than 4ha is created on subdivision of land which adjoins the sea, rivers over 3m in width or lakes over 8ha in area, an <b>esplanade reserve or strip</b> of 20m in width shall be set aside, except where: a) The subdivision involves only a minor boundary adjustment and no additional building sites will be created and; b) The proposed subdivision activity arises solely due to land being acquired for any road designation or a site to be created only for a network utility.  Note 1: No esplanade reserve or strip shall be required where a lot is associated with the provision of a utility service.	Discretionary Activity	Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an esplanade reserve or strip: [.....] x) Where waahi tapu or other culturally significant sites are present and creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; <del>and</del> xi) The nature of any special conditions or restrictions proposed for any esplanade strip including those relating to periodic closure as provided for in the Tenth Schedule of the Act; <del>and</del> xii) <u>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.</u>  <u>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).</u> [.....]

**[VAR1/15B.42]**

Amend Rule 15B.14.10 Esplanade Management for Lots More Than 4ha s as follows:

Rule	Parameter	Performance Standards	Activity Status if the Activity does not meet the Performance Standards	Assessment Criteria
<del>15B.14.10</del> <b>15B.15.10</b>	<b>Esplanade Management for Lots More Than 4ha</b>	<p>The Council has determined in accordance with the empowering provisions in Section 77 of the Act that a 20m wide Esplanade Reserve or Strip is to be set aside where an allotment of 4ha or more is created in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) The lot itself contains land, or adjoins a section of the coastal marine area, a lake or river, which has important recreational values and where; <ul style="list-style-type: none"> <li>i) 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 road, access strip or reserve including an adjacent Esplanade Reserve; or</li> <li>ii) In respect of the coastal marine area public access is currently available to the foreshore from the water and it can be used for the landing of small craft.</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 natural hazard processes and where; <ul style="list-style-type: none"> <li>i) 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 which has significant indigenous vegetation and significant habitats of indigenous fauna or supports the habitat of trout, and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>ii) where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act.</li> </ul> </li> <li>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where; <ul style="list-style-type: none"> <li>i) formal reservation of the land is considered appropriate by Council following consultation with the Northland Regional Council; and</li> <li>ii) The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> </li> </ul> <p>[.....]</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for resource consent under this Rule to reduce or waive the requirement for an Esplanade Reserve or Strip:</p> <p>[.....]</p> <p>xii) <u>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.</u></p> <p><u>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).</u></p> <p>[.....]</p>

**Schedule Item 14 - Changes to Proposed District Plan Maps (Appendix G)**

[VAR1/Part E.35]

As a result of Variation 1 Appendix G - Environmental Benefit / Valued Landscapes has been replaced by new Appendix G –Visual Amenity Landscapes.



