

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2024] NZEnvC 237**

IN THE MATTER OF an appeal under clause 14 of the First  
Schedule of the Resource Management  
Act 1991

BETWEEN MANGAWHAI MATTERS  
INCORPORATED

(ENV-2024-AKL-187)

Appellant

AND KAIPARA DISTRICT COUNCIL

Respondent

AND THE RISE LIMITED

Applicant

Court: Environment Judge J A Smith sitting alone under s 279 of the  
Act

Last case event: 25 September 2024

Date of Order: 1 October 2024

Date of Issue: 1 October 2024

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**CONSENT DETERMINATION**

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A: Under section 279(1)(b) of the Resource Management Act 1991, the  
Environment Court, by consent, orders that:



Mangawhai Matters Incorporated v Kaipara District Council

- (1) The PPC83: The Rise Limited provisions of the Operative Kaipara District Plan are amended in accordance with Appendix A; and
- (2) The appeal by Mangawhai Matters Incorporated is resolved in its entirety.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This consent determination relates to the appeal by Mangawhai Matters Incorporated against the decision of the Kaipara District Council on Private Plan Change 83: The Rise Limited (**PPC83**) to the Operative Kaipara District Plan (**Operative District Plan**).

### **Background**

#### ***The Plan Change***

[2] The area the subject of PPC83 comprises 56.9ha and is located at the intersection of Cove Road and Mangawhai Road, in Mangawhai Heads (**the site**). The site is zoned Rural under the Operative District Plan.

[3] PPC83 seeks to rezone the site from Rural to Residential Zone under the Operative District Plan, in combination with a site-specific precinct (known as the Cove Road North Precinct) comprised of a suite of objectives, policies, and rules to guide development. The purpose of having a bespoke suite of provisions is to protect the ecological features while promoting a high-quality urban design appropriate to this particular land.

[4] PPC83 rezoning the area from Rural to Residential is consistent with the future growth of Mangawhai anticipated under the Spatial Plan. The growth anticipated under the Spatial Plan has been provided for within the Council's Infrastructure

Strategy. PPC83 is therefore also consistent with the expected growth and strategic direction anticipated and provided for within the Infrastructure Strategy.

[5] At present the plan change area is primarily dominated by exotic pasture with an area of regenerating bush extending along the northern boundary, protected by a conservation covenant. The northwestern corner of the site has been developed as lifestyle blocks.

[6] There are two streams within the plan change area that exit the site via a culvert under Mangawhai Heads Road. Isolated areas of wetland exist in the location of those streams. The stream areas have been identified as being of moderate ecological value in the context of the site location on the residential fringes of Mangawhai.

[7] The land to the north and west of the site is zoned Rural, comprising rural residential development to the north and larger lot residential development to the west, essentially providing transitions to the rural land beyond. The land to the south and east of the site is zoned Residential, with the southern area comprising predominantly residential development.

### ***The Council's decision and the Appeal***

[8] The Council appointed a Hearings Panel to hear submissions on PPC83, and a hearing was held in Mangawhai on 26 and 27 March 2024. The Council issued a decision adopting the recommendations of the Hearings Panel and approving PPC83 on 26 June 2024.

[9] The approved provisions of PPC83 include rules to ensure sufficient infrastructure and servicing is available, provide for a safe transport network for cars, bicycles, and pedestrians, and to enhance the landscape and amenity of the site. The key positive features enabled by the PPC83 are encapsulated in the Objective for the Precinct that provides:

Residential living opportunities and housing choice is enabled in the Cove Road North Precinct, whilst landscape, ecological, infrastructure, transport and character and amenity effects are managed.

[10] The parties to the appeal are Mangawhai Matters Incorporated as appellant, the Kaipara District Council as respondent, and the Rise Limited as the applicant for PPC83 (**the parties**). There are no parties to the appeal under section 274 of the Act.

[11] The appellant is focussed on protection of the Mangawhai Harbour and ensuring that works associated with the urbanisation of the site are conducted in a manner consistent with best practice in order to safeguard the harbour from adverse effects of sediment in particular. To this end the appeal sought certain amendments to the PPC83 provisions relating to sediment control and detention that aim to reduce the sediment loadings discharged from the PPC83 area into the Mangawhai Estuary.

### **Agreement reached**

[12] As a result of direct discussions between the parties since the lodgement of the appeal, the parties have reached agreement on amendments to the PPC83 provisions that resolve the appeal.

[13] The agreed amendments to the provisions relate to sediment control and detention, and aim to reduce the sediment loadings discharged from the PPC83 area into the Mangawhai Estuary, thereby improving water quality.

[14] The parties have agreed that the PPC83 provisions will be amended in accordance with Schedule 1 to this consent order by:

- (a) Amending Rule 13.10.1a Excavation and Fill to include new Note 5 addressing sediment flows;
- (b) Amending Rule 13.12.2 relating to subdivision within the precinct to include a new xxiii relating to sedimentation; and
- (c) Amending Rule 13.14.5A relating to stormwater disposal to include new Notes 4 and 5.

### **Section 32AA Assessment**

[15] The parties are satisfied that the proposed amendments to the provisions are more appropriate than the decisions version of the provisions to achieve consistency and to better reflect Part 2 of the Act.

[16] The parties agree that this is not a situation where there is uncertain or insufficient information such that the risk of acting or not acting needs to be evaluated.

### **Consideration**

[17] In making this order the Court has read and considered the appeal and the joint memorandum of the parties dated 25 September 2024.

[18] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

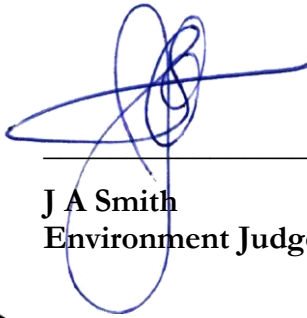
[19] The agreement reached is one that represents the various interests of the parties. I agree with the parties that the amendments to PPC83 are consistent with the intended outcomes of the plan change provisions. The agreed amendments are an improvement to the outcomes consented by the Council Commissioners.

[20] The agreed amendments put in place further provisions to help to address sediment loading. The provisions will better protect ecological features and are consistent with best practice. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

**Orders**

[21] Therefore the Court orders, by consent, that:

- (a) The PPC83: The Rise Limited provisions of the Operative Kaipara District Plan are amended in accordance with Appendix A;
- (b) The appeal by Mangawhai Matters Incorporated is resolved in its entirety; and
- (c) There is no order as to costs.



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**J A Smith**  
**Environment Judge**



## Precinct Provisions – Decision Version with Settlement Provisions

- The **black** text is the unaltered provisions of the Operative District Plan whilst the **Red** text is the final wording incorporating the Plan Change as a precinct Plan into the Provisions of Chapter 13 of the ODP.
- **Yellow highlight** = settlement amendments

### 13 Residential Chapter

#### 13.1 Introduction/Resource Description

There are a number of residential centres in the Kaipara District, with the largest of these around the centres of Dargaville, Mangawhai, Maungaturoto and Kaiwaka. The residential areas are supported by commercial centres (shops and employment areas), social infrastructure (schools, libraries and other community facilities) and utility infrastructure (wastewater, water supply, electricity etc.). The Plan seeks to maintain and enhance these residential areas, recognising the physical resources that support them (in particular, the costs and limits to these resources).

In residential communities and settlement areas opportunities for continued residential growth and development are provided in this Plan. In addition, recognition is given to the need to provide for diverse but compatible activities (e.g. home occupations). Assessing the impact on the environment of this land use is important, particularly to maintain and enhance the residential amenity of these areas. It is important that the opportunities for traditional residential areas are maintained and that the amenity of these areas is protected, while enabling compatible activities to establish with their effects managed.

There are a number of small residential areas in Kaipara District, with larger centres in Mangawhai, Dargaville and Kaiwaka. This Chapter sets out how this area will be managed through the District Plan



#### 13.2 How to Use This Chapter of the District Plan

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

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

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

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

Figure 13-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Residential Zone. Figure 13-2 sets out the steps you need to take if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules).

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Table 13.10 in this Chapter. If you don't meet these Standards your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 13.10. In considering a Resource Consent Application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity, you need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the 'Status of Consents'.

Chapters 3 and 4 identify the outcomes being sought in the zones and overlays

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

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

Reference should also be made to other relevant Chapters of the Plan, particularly their Objectives and Policies,

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

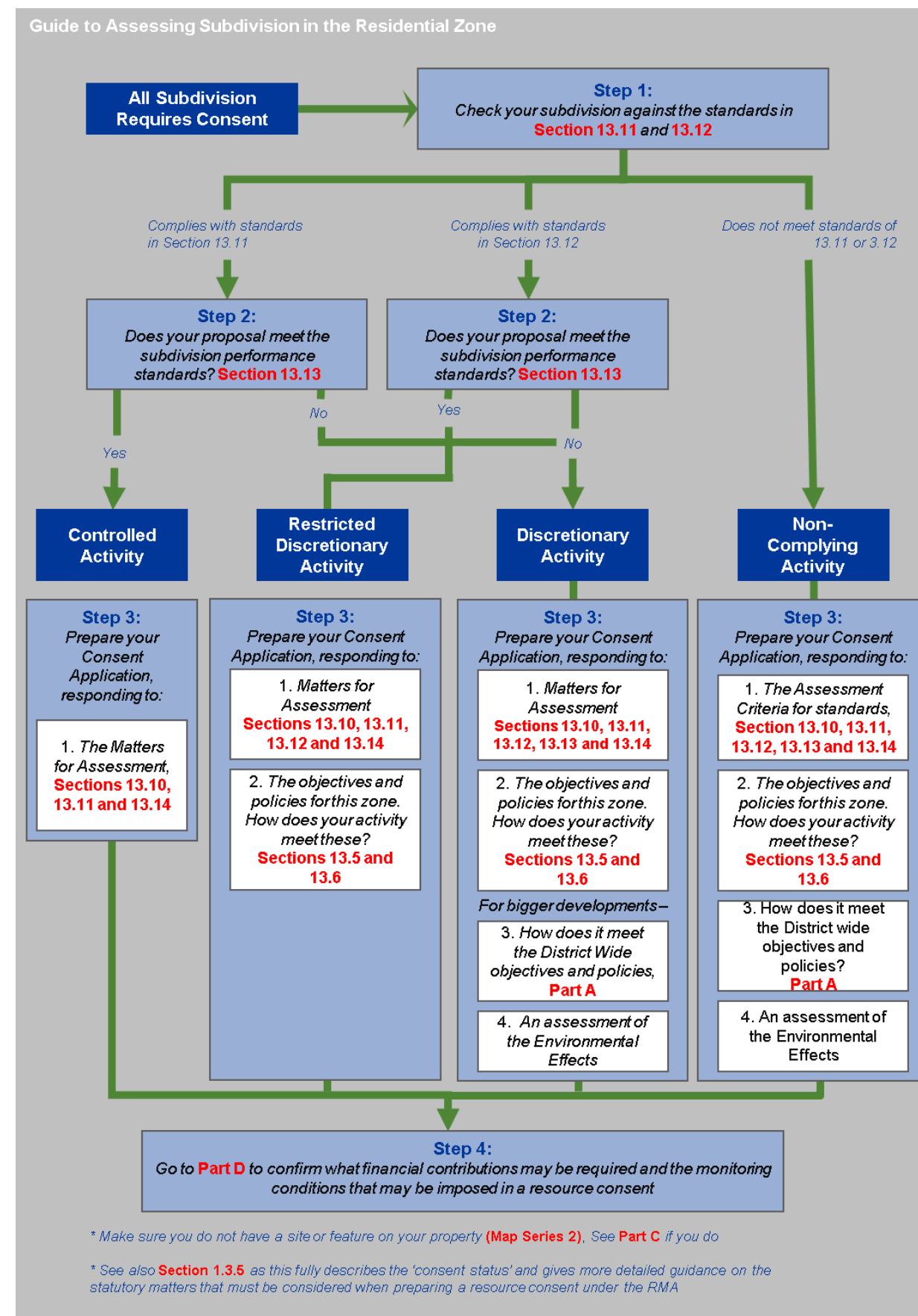
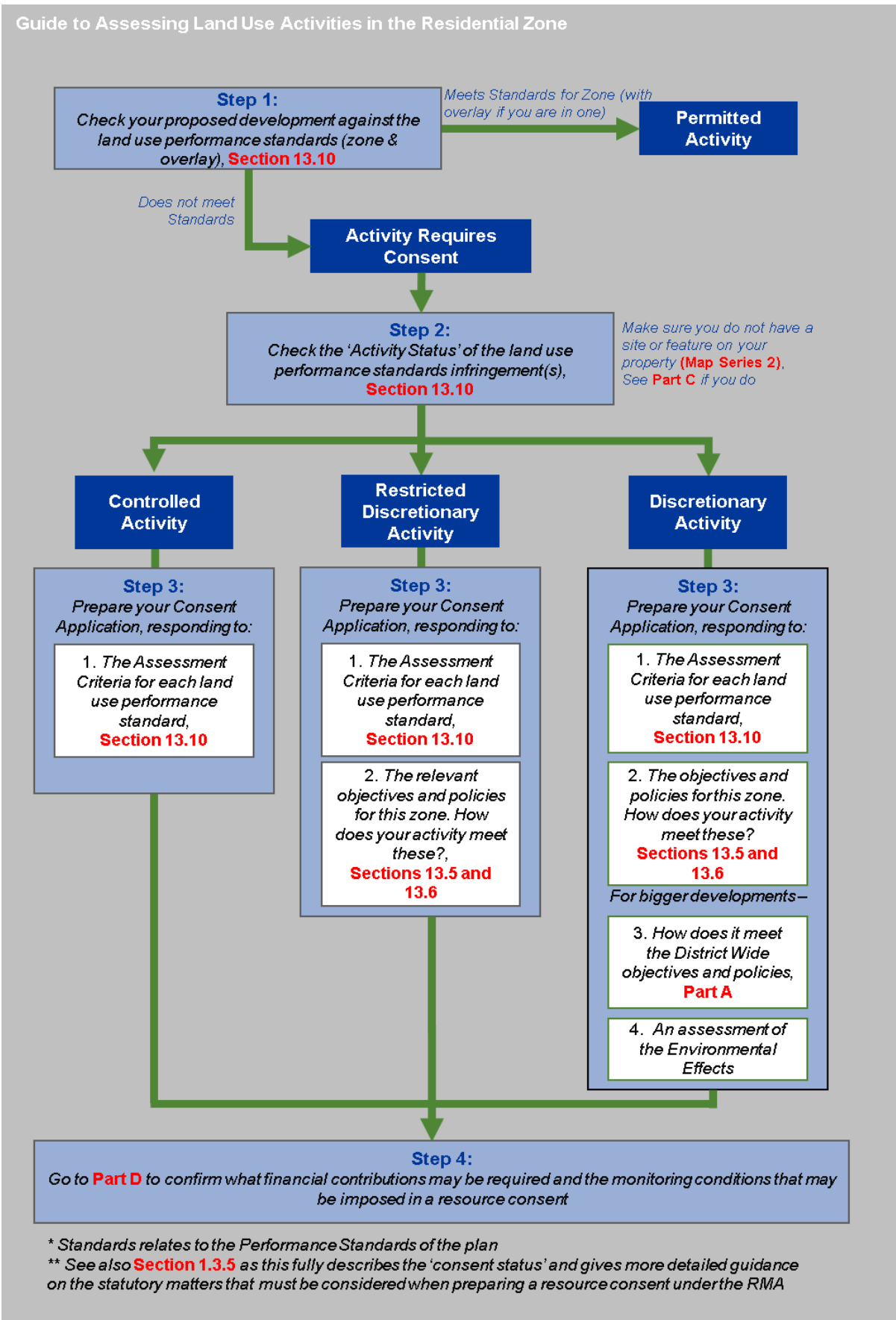
Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas;

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.





### 13.3 Residential Growth outside the Residential Zone

Residential development in the District will continue to grow as people are drawn to the attractive lifestyle opportunities on offer in Kaipara. A key task will be to provide infrastructure services to accommodate residential growth while protecting the amenity values and character of the natural environment.

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

These areas will be subject to the development of Structure Plans which are anticipated to be progressively implemented through the current (and future) District Plan, as the demand for growth arises. As part of this process, Council anticipates a 'catchment wide' structure planning process, will be undertaken. This will address both the areas of growth and consideration of those elements of the surrounding rural environment that need to be managed, protected and enhanced to deliver the Plan's outcomes for these areas (e.g. identification and protection of Waterways).

Chapter 3 also provides the opportunity for individuals to initiate private plan changes or Integrated Development subdivision applications if land owners wish to see growth commence in these identified areas before council has progressed the Structure Plans. Each individual Growth Area outlines a clear process for proposed plan changes, outlines where/why council might adopt a private plan change as a Council Plan Change and gives specific information on matters which applicants will need to provide for Council consideration. Any private plan change initiated in advance of a Structure Plan being prepared for a Growth Area will be tested against whether it will achieve the outcomes of the Growth Area and the wider catchment as identified in Chapter 3.

It is recognised that integrated planning will need to be undertaken to ensure that residential amenity values are protected from incompatible development. Increased traffic volumes and development of land will drive the need for new or improved roading infrastructure. Adequate open space and reserve areas will be required to meet the needs of growing residential communities. In addition, a range of community services will need to be enhanced to meet the needs of growing residential settlements.

### 13.4 Residential Issues

#### 13.4.1 The form and scale of residential development has the potential to adversely affect the amenity of residential areas and the built environment.

*Unmanaged residential development can lead to a scale and pattern of built form which is not compatible with the existing character and amenity of adjoining land uses.*

#### 13.4.2 The inability to provide adequate services for residential growth has the potential to adversely affect the environment, particularly sensitive receiving environments.

*New subdivision and development in residential areas requires the provision of adequate service infrastructure in a manner that minimises adverse effects on the environment, particularly sensitive receiving environments. In situations where no reticulated services are available for new residential developments, it must be demonstrated that all allotments are suitable for on-site servicing.*

#### 13.4.3 Land use and development has the potential to restrict public access to and along the coast, lakes and rivers.

*Residential development and land use can restrict public access to the coast, lakes and rivers, for example by the subdivision pattern and layout and location of private roads and access ways.*

#### 13.4.4 Unmanaged land clearance activities (e.g. earthworks and vegetation removal) have the potential to adversely affect residential amenity.

*Land modification activities can result in the creation of areas of bare earth and can alter the shape and appearance of the natural landform. This has the potential to adversely affect the existing character and amenity values of residential areas where such activities are not appropriately managed.*

#### 13.4.5 Lack of linkages (e.g. pedestrian, vehicular, open space) between residential areas has the potential to adversely impact on the amenity, health and wellbeing of communities.

*The lack of provision of linkages between new and existing residential areas can lead to isolation within communities, and place increased pressure on Council's roading infrastructure networks. Ensuring residential areas are linked through the provision of a network of pedestrian, vehicular and open space linkages creates increased passive recreation opportunities. This in turn can benefit the amenity, health and wellbeing of a community.*

#### 13.4.6 Potential adverse impacts on visual amenity from poorly maintained sites and buildings, including relocated buildings, during development.

*Growth Areas outside Residential Zone identified in Chapter 3*

*Chapter 3*

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

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

*Sites under development need to ensure that construction and land modification activities being undertaken, while often temporary in nature, do not lead to adverse amenity effects on the surrounding environment and adjoining land uses.*

#### 13.4.7 Economic opportunities provide for prosperity in the District. Without provisions for these opportunities, the social wellbeing of the community has the potential to be adversely impacted.

*A range of commercial activities can widen the income base of residential households, create employment in the area and provide essential services that are conveniently located for residential communities. There is a need to accommodate a variety of activities in the Residential Zone, while avoiding or mitigating any potential adverse effects on the community, other residential activities and the environment.*

### 13.5 Residential Objectives

#### 13.5.1 To maintain and where appropriate enhance the amenity values of the residential environment. [Issue 13.4.1](#)

#### 13.5.2 To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments. [Issue 13.4.2](#)

#### 13.5.3 To maintain and enhance public access to the coast, rivers and lakes as a result of land use and subdivision development. [Issue 13.4.3](#)

#### 13.5.4 By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g. building location, earthworks and vegetation clearance). [Issue 13.4.4](#)

#### 13.5.5 To enhance linkages (e.g. pedestrian, vehicular, open space) between adjoining residential uses. [Issue 13.4.5](#)

#### 13.5.6 To maintain sites and buildings during development to avoid adverse visual amenity effects. [Issue 13.4.6](#)

#### 13.5.7 To recognise business and economic activity that enables people and communities of the District to provide for their social, economic and cultural wellbeing, while avoiding adverse effects (including reverse sensitivity effects) on the environment. [Issue 13.4.7](#)

### 13.6 Residential Policies

#### 13.6.1 By requiring subdivision and development to avoid adverse effects on the outlook and privacy of adjoining properties, while being compatible with the character and amenity of the surrounding environment. [Objective 13.5.1](#)

*Built form can impact the natural environment in both positive and negative ways. Managing the design and location of new and redeveloped structures can ensure that potential adverse amenity effects on adjoining residential land uses and the surrounding environment can be minimised.*

#### 13.6.2 By requiring activities in residential areas to be sited, designed and operated in such a way that avoids, remedies or mitigates adverse noise and traffic effects on health, safety and amenity values. [Objective 13.5.1](#)

*The location of some land uses, such as commercial or industrial activities and network utilities, can result in adverse noise, traffic, health, safety and amenity effects for existing residential land uses in the vicinity. Non-residential activities wishing to locate within a residential environment must ensure they are sited, designed and located in such a way that any such adverse effects can be avoided, remedied or mitigated.*

#### 13.6.3 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service provision or upgrades are borne by the development. [Objective 13.5.2](#)

*Subdividers and developers will be required to ensure the provision of roading and service infrastructure can meet the demands of new subdivisions, and to avoid, remedy or mitigate adverse effects of development on the environment.*

*Subdividers will be required to ensure that allotments can be provided with the necessary infrastructure services, such as the provision of water supply and disposal of wastewater and stormwater. In the first instance, connection to public reticulated services is preferred, but where such services are unavailable subdividers and developers will be required to demonstrate that adequate on-site services can be provided which will not create adverse environmental effects.*

#### 13.6.4 By encouraging, where practicable, the use of integrated catchment management design solutions for stormwater and wastewater infrastructure. [Objective 13.5.2](#)

*The Council will encourage developers to consider how the wastewater and stormwater design for individual sites relate to infrastructure provision in the surrounding catchment.*

*The provision of individual on-site infrastructure, which does not take into account the capacity of the entire catchment, in which the site is located, has the potential to result in adverse cumulative effects.*

- 13.6.5 Subdivision adjoining the coast, rivers and lakes is generally only acceptable when it maintains or enhances public access (by the vesting of public access roads, reserves and pedestrian access ways and access strips) and esplanade reserves and / or strips.** [Objective 13.5.3](#)
- The Kaipara District contains a wide range of natural landforms and features which contribute to the District's sense of place. The Council will seek to ensure that such areas are provided with public access where appropriate to ensure that such features do not become 'land locked' by continuing subdivision and development and are made available for the enjoyment of the District's people.*
- 13.6.6 By directing residential development to appropriate locations adjacent to existing settlements, rather than allowing sporadic development throughout the rural environment.** [Objective 3.4.8, Chapter 3](#)
- Existing settlement areas provide a focal point for communities, and contain a range of services, facilities and infrastructure which cater for the needs of the community. Concentrating new residential development around these existing settlements will aid in assisting these areas to grow and develop, as well as maintaining the character and amenity of the wider rural environment. It will ensure new growth is directed to areas where existing infrastructure can be used.*
- 13.6.7 By requiring subdivision and development to demonstrate how the effects of earthworks and vegetation clearance can be avoided, remedied or mitigated.** [Objective 13.5.4](#)
- On-going subdivision and development of land can result in adverse effects on the natural environment, including the amenity values and character of residential areas. Indigenous vegetation near the coast and throughout the residential environment, as well as existing landforms, are a significant component of natural character, and contribute to the quality of landscapes as well as supporting the functioning of ecosystems. It is important that these natural features are protected where development occurs and restored where such habitats are damaged.*
- 13.6.8 By requiring subdivision and development, particularly for integrated development subdivisions, to provide linkages or the opportunity for future linkages to neighbouring residential and open space activities and areas identified for future residential development.** [Objective 13.5.5](#)
- Development of new residential areas, or integrated residential developments, are to ensure that they are designed in such a way that linkages (pedestrian, cycleways, open space etc.) can be provided to existing residential and open space areas in the vicinity, as well as any neighbouring areas identified for future residential growth.*
- 13.6.9 By requiring site and building development to demonstrate how adverse visual amenity affects will be addressed over the duration of the development.** [Objective 13.5.6](#)
- Development of land and built form can alter the existing character of an area or site, and in so doing lead to adverse visual amenity effects, albeit often temporary, if construction and development works are not appropriately managed.*
- 13.6.10 By providing flexibility for the development and operation of a range of non-residential activities (e.g. commercial, business) which are compatible in scale, intensity and character with adjoining residential land uses.** [Objective 13.5.7](#)
- The scale and intensity of development impacts on the natural, cultural and amenity values, and on the efficient and orderly provision of infrastructure and services. It is important that this scale is in proportion to existing development or at such a level that it does not detrimentally affect the existing character, amenity, natural processes or ecological values of an area, and does not preclude efficient and orderly provision of infrastructure and services. This is particularly so in the case of environmentally sensitive areas or areas that are inadequately serviced.*
- Allowing for the establishment of a range of activities can enable residential communities to provide for their social, economic and cultural wellbeing. It is important that a variety of activities, which do not lead to adverse effects on residential character and amenity, be provided for in the Residential Zone.*
- 13.6.11 By avoiding the location and operation of activities that generate adverse effects (e.g. new industrial activities) in the Residential Zone.** [Objective 13.5.7](#)
- Such activities have the potential to adversely affect the on-going viability of surrounding residential activities and the economic sustainability of other non-residential activities that are more compatible with residential activities (e.g. commercial activities).*
- 13.6.12 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.** [Objective 13.5.2](#)
- Where a method, or other connection to a public reticulated system will be used to provide new sites with a water supply, or a means of disposing of wastewater or stormwater from sites, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.*
- 13.6.13 By requiring the provision of safe and practicable vehicular access from a public road to each site.** [Objective 11.5.1](#)
- Vehicular access to sites must be practicable, safe and convenient for vehicles to use, and should avoid adverse effects on the environment. This may require the upgrading of existing roads or the provision of new roads within the subdivision to connect the subdivision to the District roading network.*
- 13.6.14 By ensuring that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District roading network to which the site is required to be connected to.** [Objective 7.5.2](#)  
[Objective 11.5.1](#)
- Where new roads are required to connect a subdivision site to the District roading network, it is important that they are designed and constructed to be compatible with the roads that they are connecting to. This is to ensure that the roading network is sustained at a level which provides safe, practicable and convenient travel for those using it, to mitigate any potential adverse effects of the road and its use on the environment, including effects on adjoining activities. Subdividers will generally be required to provide roads within the subdivision site. Standards for the design and construction of different types of roads in the roading hierarchy are provided in the Performance Standards and the Kaipara District Council Engineering Standards 2011. Subdividers will be required to comply with these Standards when constructing roads within the subdivision site.*
- 13.6.15 Subdividers and developers shall be required to accommodate within the design and layout of any subdivision or development any road or utilities that have been identified on an approved Structure Plan within any Proposed New Urban Development Area.** [See also the outcomes for the Growth Areas Chapter 3](#)
- In order to ensure the orderly and efficient development of the proposed new Growth Areas the Council will identify, where necessary, key roads and utilities. The general route and Construction Standards will be identified on an approved Structure Plan and subdivisions or development shall be required to make provision for them.*
- 13.6.16 By requiring the establishment of esplanade reserves and strips when land is subdivided in the Residential and Business Zones of the District.** [Objectives of Chapter 4 and 20](#)
- An Esplanade Reserve or Strip with a width of 20m will be taken on the creation of any site less than 4ha which is created when land is subdivided in the Residential or Business Zones, and where it abuts the margin of any lake over 8ha, any river greater than 3m in width, or the sea. This will ensure that where intensive subdivision occurs, a continuous reserve alongside waterbodies or the coast can be provided.*
- 13.6.17 By facilitating the provision of public access to existing esplanade reserves and strips in the District which are currently land locked or isolated from other public access areas.** [Objectives 11.5.1](#)
- There are a number of existing esplanade reserves in the District that are landlocked and have no legal access. The Council will identify these esplanade reserves and will endeavour to facilitate access to them, where appropriate. This may include the addition of a condition on some subdivision consents for the provision of access strips in order to provide access to existing esplanade reserves.*
- 13.7 Methods**
- The above Policies will be implemented through the following Methods.
- 13.7.1 District Plan Methods**
- 13.7.1.1 The use of Rules which allow for a range of activities within the Residential Zone, subject to compliance with relevant Performance Standards and Assessment Criteria.**
- 13.7.1.2 The use of subdivision Rules, including Performance Standards and Assessment Criteria, relating to site sizes and dimensions, property access and the provision of services to the site etc.**
- 13.7.1.3 Conditions imposed on approved Resource Consents.**
- 13.7.1.4 Section 108 Covenants and Consent Notices issued under Section 221 of the Resource Management Act 1991 and registered on Certificates of Title.**
- 13.7.1.5 Completion certificates, issued under Section 222 of the Resource Management Act 1991 for the completion of works (e.g. works to provide or upgrade service facilities).**



13.7.1.6 On-going monitoring of approved Resource Consent requirements.

### 13.7.2 Other Methods

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

13.7.2.2 Liaison with the Northland Regional Council

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

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

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

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

- a) The Kaipara District Council Engineering Standards 2011.
- b) Industry Codes of Practice or Environmental Manuals relevant in the Rural Zone, which can be used as guidelines for setting conditions on Resource Consents.
- c) Requirements under other legislation, including:
  - Building Consents under the Building Act 2004;
  - National Environmental Standards; and
  - Kaipara District Council Bylaws.
- d) Other relevant documents:
  - Local Government Act 2002;
  - Historic Places Act 1993;
  - Regional Plans / Policy Statements;
  - Kaipara District Council Reserves and Open Space Strategy; and
  - Ministry for the Environment – New Zealand Urban Design Protocol.
- e) Providing access to geological databases:
  - Inventory and Maps of Important Geological Sites and Landforms in the Northland Region show on the NZ Land Inventory NZMS 290 (1996);
  - Use of Climate, Soil and Crop information for Identifying Potential Land-Use Change in the Hokianga and Western Kaipara Region (2003).

### 13.8 Residential Outcomes

- 13.8.1 The existing built form and character of the residential environment will be retained. [Issues 13.4.1 and 13.4.6](#)
- 13.8.2 A range of building heights and types appropriate to the existing residential amenity of settlements. [Issues 13.4.1](#)
- 13.8.3 Patterns of residential development, as promoted in the Mangawhai Structure Plan will be achieved. [Issues 13.4.1, 13.4.2, 13.4.3, and 13.4.5.](#)
- 13.8.4 Required levels of capacity, efficiency and safety of services and infrastructure in the residential environment will be provided and maintained. [Issue 13.4.2](#)
- 13.8.5 Residential activities and development will enhance public access to the coast, harbours and their valued waterways. [Issue 13.4.3](#)

13.8.6 The development of anticipated future residential Growth Areas will be co-ordinated with Council's infrastructure planning and asset management programmes. [Issue 13.4.2](#)

13.8.7 Existing amenity values associated with the residential environment will be maintained, and where appropriate enhanced. [Issues 13.4.1, 13.4.5 and 13.4.6](#)

13.8.8 New residential subdivisions and developments will provide passive recreation and open spaces linkages to surrounding residential areas as a means of enhancing community cohesion. [Issue 13.4.5](#)

13.8.9 The avoidance of adverse environmental effects (including those on residential amenity values) associated with site development works. [Issues 13.4.4 and 13.4.6](#)

13.8.10 The creation of a residential environment which provides for the social and economic needs of the District's communities through the sustainable management of natural and physical resources. [Issue 13.4.7](#)

13.8.11 A water supply will be available to each lot, which can meet the potential needs of activities on the lot, while protecting the health and safety of residents and avoiding significant adverse effects on the environment. [Issue 13.4.2](#)

13.8.12 Safe, efficient and convenient vehicular, pedestrian and bicycle access will be provided to each site. [Issue 13.4.5](#)

### 13.9 Residential Rules

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

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

#### 13.9.1 Permitted Activities

The following activities shall be Permitted in the Residential Zone:

- a) Any activity complying with the Performance Standards set out in Section 13.10 of this Chapter; and
- b) Any activity which is not identified elsewhere in this District Plan as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity.

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

#### 13.9.2 Controlled Activities

The following activities shall be Controlled in the Residential Zone:

- a) Any activity which does not meet any Performance Standard listed in Section 13.10 of this Chapters and is listed as a Restricted Discretionary Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 13.11 and Performance Standards listed in Section 13.14 of this Chapter.

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

#### 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; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 13.12 and Performance Standards listed in Section 13.14 of this Chapter.

**Note 1:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 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 13.14 of this Chapter and is listed as a Discretionary Activity; and
- b) Any subdivision complying with the Terms for Subdivision listed in Section 13.13 and Performance Standards listed in Section 13.14 of this Chapter.

**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 13.14 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, Restricted Discretionary or Discretionary r Subdivision listed in Sections 13.11, 13.12 and 13.13 of this Chapter.

**Note 1:** Applications for Non-Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 13.10, 13.11, 13.12, 13.13 and 13.14 of this Chapter, the Objectives and Policies of this District Plan and the effects of the activity on the environment.

**13.9.6 Precinct X Cove Road North Precinct**

- a) Rules 13.9.1 – 5 shall not apply to Precinct X Cove Road North Precinct.
- b) Any activity which does not meet any Performance Standard listed in Sections 13.10 and 13.14 of this Chapter shall retain the activity status listed in the relevant rule.
- b) Any subdivision complying with the Terms for Subdivision listed in Section 13.12 and Performance Standards listed in Section 13.14 of this Chapter shall retain the activity status listed in the relevant rule.

**Note 1:** Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 13.10, 3.12 and 3.14 of this Chapter and the Objectives and Policies of this District Plan and the effects of the activity on the environment.

**PRECX COVE ROAD NORTH PRECINCT**

**Description of The Cove Road North Precinct**

The Cove Road North Precinct enables residential development for a range of allotment sizes at a density where a high level of urban design, ecological enhancement, pedestrian and transport connectivity are achieved. The Cove Road Precinct integrates with the Residential Zone to provide for a variety of residential intensities that promote housing and living choices whilst recognising the landscape, natural features and characteristics of the area.

The Cove Road North Precinct forms an interface between residential and rural zones at Mangawhai and built form should establish a transition between zones, and maintain an open frontage to Cove Road.

Objectives	
<b>PRECX-O1</b>	<b>Cove Road North Precinct Residential Living</b>
<u>Residential living opportunities and housing choice is enabled in the Cove Road North Precinct whilst landscape, ecological, infrastructure, transport, and character and amenity effects are managed.</u>	

Policies	
<b>PRECX-P1</b>	<b>Cove Road North Precinct Subdivision</b>
<u>To provide for a range of site sizes and densities, and subdivision layout where:</u>	
<ol style="list-style-type: none"> <li>1. <u>A mixture of allotment sizes is provided that have the ability to accommodate different housing typologies, including affordable housing.</u></li> <li>2. <u>There is sufficient infrastructure/servicing to accommodate the development.</u></li> <li>3. <u>A well-connected pedestrian, cycling and transport network is achieved.</u></li> <li>4. <u>The subdivision design and allotment sizes respond to the topography and physical characteristics of the land.</u></li> <li>5. <u>Good design of subdivision is achieved by the following:</u></li> </ol>	

	<ol style="list-style-type: none"> <li>a. <u>Lots are generally shaped, sized and orientated to achieve positive sunlight access, onsite amenity, privacy and outlook.</u></li> <li>b. <u>The creation of rear lots is minimised, except where there is no practicable alternative.</u></li> <li>c. <u>Integration and connectivity with adjacent sites to enable future development opportunities.</u></li> <li>d. <u>Efficient use of land and infrastructure.</u></li> </ol>
<b>PRECX-P2</b>	<b>Cove Road North Precinct Residential Amenity</b>
<u>To manage adverse effects on residential amenity and character by requiring development to:</u>	
<ol style="list-style-type: none"> <li>1. <u>Manage the scale, intensity, height, bulk and form of development.</u></li> <li>2. <u>Require sufficient outdoor area and landscaping within each site.</u></li> <li>3. <u>Enable residential development on sites of an appropriate size and shape.</u></li> <li>4. <u>Minimise the intrusion of privacy and extent of building dominance on adjacent dwellings and outdoor areas.</u></li> <li>5. <u>Minimise the degree of overshadowing to any adjoining site or dwelling.</u></li> </ol>	
<b>PRECX-P3</b>	<b>Cove Road North Precinct Connectivity</b>
<u>Require land use and subdivision to achieve a connected, legible and safe, open space, pedestrian and transport network in the Cove Road North Precinct by:</u>	
<ol style="list-style-type: none"> <li>1. <u>Establishing a well-connected street network.</u></li> <li>2. <u>Promoting connections along and adjacent to natural features and open spaces.</u></li> <li>3. <u>Maximising walking and cycling networks along streets, waterways and open space.</u></li> <li>4. <u>Avoid the formation of any road or private way onto Cove Road until that section of road has a posted speed limit that will maintain a safe road environment.</u></li> </ol>	
<b>PRECX-P4</b>	<b>Cove Road North Precinct Ecological Values</b>
<u>Encourage the protection and restoration of indigenous terrestrial and aquatic habitats including remnant terrestrial bush habitats, wetland areas, intermittent and permanent streams within the Cove Road North Precinct when undertaking land use and subdivision, with particular regard to:</u>	
<ol style="list-style-type: none"> <li>1. <u>Method of enhancement and permanent protection of the natural features.</u></li> <li>2. <u>Appropriate site specific setbacks of buildings, earthworks, access and infrastructure from natural features.</u></li> <li>3. <u>Integration of the development with the natural feature, including the provision of pedestrian walkways and cycle ways adjacent to natural features.</u></li> </ol>	
<b>PRECX-P5</b>	<b>Cove Road Character</b>
<u>Subdivision and development shall protect the open frontage of Cove Road by:</u>	
<ol style="list-style-type: none"> <li>1. <u>Limiting the height and dominance of built form along the Cove Road frontage.</u></li> <li>2. <u>Providing appropriate setbacks for buildings, structures, car parking and storage areas.</u></li> <li>3. <u>Establishing planting or other methods to soften and / or screen built form.</u></li> </ol>	
<b>PRECX-P6</b>	<b>Northern Sub-precinct</b>
<u>Subdivision and development within the Northern Sub-precinct shall provide a sensitive transition from the Cove Road North Precinct to the rural zone, recognising the rural landscape and Brynderwyn Range to the north by:</u>	
<ol style="list-style-type: none"> <li>1. <u>Responding to the site topography and characteristics.</u></li> <li>2. <u>Identifying building platforms that respond to site topography and environmental characteristics.</u></li> <li>3. <u>Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.</u></li> <li>4. <u>Re-vegetating the natural drainage patterns to separate and fragment the built development.</u></li> <li>5. <u>Ensuring that re-vegetation integrates with the existing native vegetation on the northern boundary of the Precinct.</u></li> </ol>	

**13.10 Performance Standards Residential Land Use**

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
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13.10.1a	Excavation and Fill	<p><b>(1) Excavation and fill is a Permitted Activity if:</b></p> <ul style="list-style-type: none"> <li>a) The <b>site</b> is not within any area known to be erosion prone, subject to instability or flood hazards; and</li> <li>b) Where the site is outside of an Overlay area the volume is less than 200m<sup>3</sup> within a site in any 12 month period and where Overlays apply, the volume is less than 100m<sup>3</sup> within a site in any 12 month period; and</li> <li>c) The site is not within 6m of a bank of any water body; and</li> <li>d) The height or depth is less than 1.5m over a continuous distance of less than 50m within a site; and</li> <li>e) Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m<sup>2</sup>, and</li> <li>f) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within six months of the earthworks being completed;</li> <li>g) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed; and</li> <li>h) Provided the site is not located within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ul> <p><b>(2) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from Rule 13.10.1(1):</b></p> <ul style="list-style-type: none"> <li>a) Network utilities, except where a site or feature is identified in Part C of the Plan; and</li> <li>b) Underground storage tanks except where a site or feature is identified in Part C of the Plan.</li> </ul> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p> <p><b>Note 4:</b> <u>Within Precinct X Cove Road North Precinct, Stormwater Management associated with earthworks shall follow good management practice equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</u></p> <p><b>Note 5:</b> <u>Sediment flows within and from Cove Road North Precinct shall follow good management practices as set out in the GD05 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region.</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Whether <b>Building</b> Consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</li> <li>ii) Machinery to be used and hours of operation;</li> <li>iii) <b>Effects</b> on the locality, particularly the character and amenity <b>values</b> of adjoining <b>sites</b>/land uses;</li> <li>iv) Effects on ecological values and in particular any <b>Sites of Ecological Significance</b> as defined by the criteria listed in Appendix 25G;</li> <li>v) Effects on landscape and heritage values;</li> <li>vi) Effects of <b>excavation</b> related traffic on the safety and efficiency of the <b>road</b> network and on the amenity of <b>dwellings</b> on adjoining land;</li> <li>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>viii) The extent to which the works meet the requirements of the performance standards in Rule 13.10.1 or the <b>Kaipara District Council Engineering Standards 2011</b>.</li> <li>ix) Effects of dust and noise on sensitive receivers;</li> <li>x) If located in an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>xi) Effects on cultural and heritage values (as defined in Chapter 17), including any consultation undertaken with Tangata Whenua as appropriate;</li> <li>xii) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District, including but not limited to those outlined in Chapters 2, 4, 6, 7, 8, and 17; <del>and</del></li> <li>xiii) Whether and the extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan; <del>and</del></li> <li>xiv) <u>Within Precinct X Cove Road North Precinct, the extent to which Stormwater Management associated with earthworks follows good management practice equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</u></li> </ul> <p>In granting any Consent under this Rule, Council will require (as a Condition on that Consent) an Excavation and Fill Management Plan to be lodged by the Consent Holder, which is to contain the following information (to the satisfaction of Council):</p> <ul style="list-style-type: none"> <li>i) Details of the location and form of earthworks proposed on a site, including volume, area affected and <b>height</b> of any excavation or fill;</li> <li>ii) A plan showing relevant existing and proposed contours and location of any adjacent bush shrub land and wetland areas, water bodies and the <b>Coastal Marine Area</b>;</li> <li>iii) An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded <b>archaeological sites</b> and registered <b>historic places</b>, historic areas and <b>waahi tapu</b>, and the need for an archaeological-historic places site survey of the area to be developed;</li> <li>iv) Measures directed at mitigating any adverse effects of the activity on the ecological, heritage and landscape values of the site, adjacent watercourses and the Coastal Marine Area;</li> <li>v) Details of appropriate methods proposed to manage sediment runoff and prevent erosion such as silt traps and earth bunds;</li> <li>vi) A record of any consultation (if any) and response with any property owners or occupiers whose property is within 200m of the proposed activity;</li> <li>vii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment; 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				viii) Details of methods proposed to manage construction traffic.
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13.10.1b	Excavation and Fill in an Outstanding Natural Landscape	<p><b>(1) Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</b></p> <p>a) The volume is less than 300m<sup>3</sup> in any 12 month period per site; and</p> <p>b) Any cut and/or filled face does not exceed 1.5m in height; and</p> <p>c) 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.</p> <p><b>(2) Except that Normal Rural Practices (as defined in Chapter 24) are Permitted Activities.</b></p> <p><b>Note 1:</b> Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The matter for which it has limited its discretion under Rule 13.10.1a; and</p> <p>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.2a	Indigenous Vegetation Clearance	<p>Subject to the exceptions provided in (4) below clearance or removal of <b>indigenous vegetation</b> is a <b>Permitted Activity</b> if:</p> <p><b>(3) Residential Zone</b></p> <p>a) It is not located within an <b>indigenous wetland</b>;</p> <p>b) It is not part of</p> <p>i) a continuous area of predominantly indigenous vegetation over 5 hectares in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in <b>height</b> and greater than 200m<sup>2</sup> in area; and</p> <p>c) It is not located within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(4) East Coast and West Coast and Kaipara Harbour Overlays</b></p> <p>a) It is not located within an indigenous wetland;</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 100m<sup>2</sup> in area; and</p> <p>c) It is not located within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(5) Mangawhai Harbour Overlays</b></p> <p>a) It is not located within an indigenous wetland;</p> <p>b) It is not part of:</p> <p>i) a continuous area of predominantly indigenous vegetation over 1 hectare in area; or</p> <p>ii) a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m<sup>2</sup> in area; and</p> <p>c) It is not located within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(6) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from the Standards of 13.10.2a(1), 13.10.2a(2) and 13.10.2a(3):</b></p> <p>a) The removal is in accordance with an existing use right (Note this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or</p> <p>b) The total clearance within a <b>site</b> is no more than 200m<sup>2</sup> where the clearance is for the express</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Extent of <b>vegetation clearance</b> proposed relative to total vegetated area;</p> <p>ii) Whether any affected area of <b>indigenous vegetation</b> is naturally occurring or has been artificially created;</p> <p>iii) Whether and the extent to which revegetation using <b>eco-sourcing</b> of native plants is proposed as part of the development;</p> <p>iv) <b>Effects</b> on the locality;</p> <p>v) Effects on landscape and heritage values;</p> <p>vi) Effects on ecological values and in particular its significance as a <b>site of ecological significance</b> by reference to the criteria listed in Appendix 24G;</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</p> <p>viii) Effects on water bodies, including <b>wetlands</b> and particularly sensitive <b>receiving environments</b> of the harbours and <b>lakes</b>;</p> <p>ix) The ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna including kiwi as shown in Appendix F to the District Plan Maps ;</p> <p>x) The extent to which the activity may adversely affect cultural and spiritual values;</p> <p>xi) The form and ecological value of remaining vegetation, including edge effects, retention of corridors and relationship to the natural landform;</p> <p>xii) The extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area;</p> <p>xiii) The relationship of the vegetation to any adjacent conservation covenant and whether it contributes to an ecological corridor;</p> <p>xiv) The relevant provisions of the Kaipara District Council Reserves and Open Space Strategy;</p> <p>xv) If located in an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p>

				xvi) The consistency of the proposal with the relevant Objectives and Policies contained in Part A and Part
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		<p>purpose of providing a house site and / or access to a house site, or is to provide access to existing <b>farming</b> whilst forestry activities are controlled by the National Environmental Standard for Plantation Forestry Regulations 2017; or</p> <p>c) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>d) The removal is for the formation and maintenance of walking tracks less than 1.5 metres wide; or</p> <p>e) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</p> <p>f) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2003;</p> <p>g) The removal is for the construction of a fire break by a fire authority; or</p> <p>h) 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>i) The vegetation or tree comprises the understory directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations which is controlled by the National Environmental Standard for Plantation Forestry Regulations 2017 ; or</p> <p>j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or forest sink covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or wind thrown trees, or with forestry operations, the latter which is controlled by the National Environmental Standard for Plantation Forestry Regulations 2017; or</p> <p>k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. <b>Vegetation clearance</b> activities may require a Resource Consent from the Northland Regional <b>Council</b> under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications.</p> <p><b>Note 3:</b> For the purpose of clarity the standards of this Rule for the Residential zone apply to Overlays unless alternative standards are explicitly stated.</p> <p><b>Note 4:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>		<p>C of the Plan managing the values of the District, including but not limited to Chapters 2, 3, 6, 7, 8 and 17; and</p> <p>xvii) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).).</p>
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13.10.2b	<b>Indigenous Vegetation Clearance in an Outstanding Natural Landscape</b>	<p>The provisions in this chapter prevail over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in relation to plantation forestry activities.</p> <p>Subject to the exceptions provided in (1) below, clearance or removal of indigenous vegetation within a site in an Outstanding Natural Landscape is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) It is not located in an indigenous wetland; or</li> <li>b) It is not part of; <ul style="list-style-type: none"> <li>i. a continuous area of <b>predominantly indigenous vegetation</b> over 1 hectare in area; or</li> <li>ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m<sup>2</sup> in area.</li> </ul> </li> </ul> <p><b>(1) Except that the following are Permitted Activities, and are excluded from the Standards of 13.10.2b:</b></p> <ul style="list-style-type: none"> <li>a) The removal is in accordance with an existing use right; or (Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels)</li> <li>b) The total clearance within a site is no more than 500m<sup>2</sup> where the clearance is for the express purpose of providing a house site and / or access to a house site, or is to provide access to existing farming or forestry activities; or</li> <li>c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or</li> <li>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width; or</li> <li>f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</li> <li>g) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meeting the Electricity (Hazards from Trees) Regulations 2003;</li> <li>h) The clearance is for the creation and maintenance of firebreaks; or</li> <li>i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</li> <li>j) It is in accordance with the terms of a Queen Elizabeth II National Trust, or forest sink, covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or cropping purposes, or the removal is limited to naturally dead or with forestry operations, if the company has Forest Stewardship Council certification or another third party certified environmental management system; or</li> <li>k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</li> </ul> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require a Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not a consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications.</p> <p><b>Note 3:</b> An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The matter for which it has limited its discretion under Rule 13.10.2.</li> <li>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).).</p>
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<p>13.10.3a</p>	<p>Dwellings</p>	<p><b><u>1—Residential Zone</u></b></p> <p>Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a- After completion, it will be the only dwelling on the <b>site</b>: or</li> <li>b- It will be an additional dwelling on the site, and the minimum <b>net site area</b> associated with each additional dwelling is: <ul style="list-style-type: none"> <li>- 600m<sup>2</sup> for a <b>serviced site</b> not in an Overlay Area; or</li> <li>- 1,000m<sup>2</sup> for a serviced site in an Overlay Area; or</li> <li>- <u>600m<sup>2</sup> for a serviced site in the Cove Road North Precinct; or</u></li> <li>- <u>1,000m<sup>2</sup> for a serviced site in the Cove Road North – Northern Sub-precinct area; or</u></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; and</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> </ul> <p><b>Note 1:</b> The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p> <p><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.</p> <p><b>Note 3:</b> For dwellings within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p> <p><b>Note 4:</b> There is an exemption for Rule 13.10.3 that applies to part of Lot 2 DP 73030 Cynthia Place (Baylys Beach). See Rule 13.10.29(4).</p> <p><b><u>—The Cove Road North Precinct</u></b></p> <p><u>Construction of a dwelling is a permitted activity if:</u></p> <ul style="list-style-type: none"> <li>e. <u>After completion, it will be the only dwelling on the site; or</u></li> <li>f. <u>It will be an additional dwelling on the site, and the minimum net site area associated with each additional dwelling is:</u> <ul style="list-style-type: none"> <li>i. <u>1,000m<sup>2</sup> for a serviced site within the Cove Road North Precinct – Northern Sub-Precinct area.</u></li> </ul> </li> <li>e. <u>Construction of three or more dwellings on a site larger than 1ha in net site area is a restricted discretionary activity if:</u> <ul style="list-style-type: none"> <li>i. <u>Water supply complies with rule 13.14.4A.</u></li> </ul> </li> </ul> <p><u><b>Note 1:</b> The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</u></p> <p><u><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.</u></p>	<p>Discretionary Activity</p> <p><u>Restricted Discretionary Activity where compliance with (2)a) is not achieved.</u></p> <p><u>Restricted Discretionary Activity where compliance with (2)b) is achieved.</u></p> <p><u>Discretionary Activity where compliance with (2)b) is not achieved.</u></p>	<p><b><u>(1) Residential Zone</u></b></p> <p>Where an activity is not permitted by this Rule, <b>Council</b> will have particular regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effects</b> on skylines and ridgelines;</li> <li>iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and <b>dwellings</b> and is in accordance with any Council adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly residential character and <b>amenity values</b>;</li> <li>vi) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vii) Effects on landscape and heritage;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>ix) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</li> <li>x) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p> <p><b><u>(2) The Cove Road North Precinct</u></b></p> <p><u>Where an activity is not permitted by rule 13.10.3a, Council will also have regard to the following matters when considering an application for Resource Consent:</u></p> <ul style="list-style-type: none"> <li>i) <u>The privacy, outlook and amenity of adjacent and adjoining sites;</u></li> <li>ii) <u>Sufficient sunlight access to the outdoor living space;</u></li> <li>iii) <u>Building mass, orientation and passive surveillance toward the road/street.</u></li> <li>iv) <u>Bulk, scale and shading effects;</u></li> <li>v) <u>Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</u></li> <li>vi) <u>The extent to which the activity is consistent with the purpose, character and amenity values of the Cove Road North Precinct; and</u></li> <li>vii) <u>The ability to accommodate incidental activities anticipated within the Cove Road North Precinct such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.</u></li> </ul> <p><u>e) Where an activity is proposed under rule 13.10.3a (2) b) the following matters shall be considered in addition to 13.10.3a (4)a)</u></p> <p><u>and where appropriate:</u></p> <ul style="list-style-type: none"> <li>viii) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping.</u></li> <li>ix) <u>Privacy, shading and overlooking within the development and on adjoining site, including the orientation of habitable rooms, balconies, and outdoor living spaces.</u></li> <li>x) <u>Infrastructure servicing, including private onsite systems.</u></li> <li>xi) <u>The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces.</u></li> </ul>
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				xii) <u>Where on-site car parking, garaging and vehicle manoeuvring areas are provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.</u>
13.10.3b	<b>Dwelling Floor Levels</b>	<p><b>(1) Construction of a dwelling is a Permitted Activity if:</b></p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable building floors are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and</li> </ul> <p>b) In addition to the minimum floor level any new dwelling shall be:</p> <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> <p><b>Note 1:</b> Minimum floor levels have been determined using One Tree Point 1964 datum.</p> <p><b>Note 2:</b> There may be some variance between Mean Sea Level and the One Tree Point 1964 datum.</p>	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:
13.10.3c	<b>Erection and alterations of buildings and structures within an Outstanding Natural Landscape</b>	<p>The Erection and Alteration of Buildings and Structures (including dwellings) located in an Outstanding Landscape is a permitted activity if:</p> <p>a) It is no more than 8m in height;</p> <p>b) Does not exceed 50m<sup>2</sup> gross floor area; or any alteration / additions to the building or structure do not exceed 40% of the gross floor area of the dwelling or 40% of the volume of the structure (whichever is the smaller);</p> <p>c) The exterior finish of the building or structure has a reflectance value of, or less than 30% as defined within the BS5252 standard colour palette;</p> <p>And if applicable:</p> <p>d) It is required for maintenance to the interior and exterior of the building or structure; or</p> <p>e) It is required for renovations to the interior of the dwelling or structure.</p>	Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:
				<p>i) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

<p>13.10.4</p>	<p><b>Commercial and Industrial Buildings</b></p>	<p><b>(1) For Commercial or Industrial Activities in a Residential Zone</b>  Any <b>building</b> is a <b>Permitted Activity</b> 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 <b>Council reticulated</b> wastewater system is available the on-site treatment and disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 "Onsite Wastewater Management Standards";</li> <li>c) Where a Council reticulated wastewater system is available the <b>development</b> complies with the requirements of Rule 13.13.6(1)(a)-(d) inclusive;</li> <li>d) Where no Council wastewater system is available the development shall comply with the requirements of Rule 13.13.6(c)-(d) inclusive;</li> <li>e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(1)(a) and 13.13.1(3)(a)-(i) inclusive; and</li> <li>f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(a) and Rule 13.13.5(3)(a)-(i) inclusive.</li> </ul> <p><b>Note 1:</b> Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and <b>structures</b> in the <b>Coastal Marine Area</b>. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered; ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b> and the <b>effect</b> on skylines and ridgelines;</li> <li>iv) Proposed landscaping in accordance with any Council adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly the residential and natural character and <b>amenity values</b>;</li> <li>vi) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vii) Effects on landscape and heritage values;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> <li>ix) Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</li> <li>x) Safety of the building and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation;</li> <li>xi) The extent to which the development complies with the requirements of the relevant Performance Standards or the <b>Kaipara District Council Engineering Standards 2011</b>;</li> <li>xii) The extent to which the stormwater generated from <b>impermeable surfaces</b> associated with the building may contribute to erosion or a reduction in the water quality of the <b>receiving environment</b>;</li> <li>xiii) Whether a sustainable potable water supply is able to be provided to service the development; and</li> <li>xiv) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
<p>13.10.5</p>	<p><b>Maximum Height</b></p>	<p>Any building <b>except where it is located within the Cove Road North Precinct, Northern Sub Precinct</b> is a Permitted Activity if:</p> <ul style="list-style-type: none"> <li>a) The building does not exceed 10m in height, where it is not within an Overlay area; or</li> <li>b) The building does not exceed 8m in height, where it is within an Overlay area.</li> </ul> <p>Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The functional requirements of the building;</li> <li>iii. The extent to which the effects of the height infringement can be mitigated by setbacks, planting design or the topography of the site;</li> <li>iv. Effects on the locality, particularly residential character and amenity values and those values associated with Overlay Areas (as identified in the Objectives and Policies for overlays, Chapter 4);</li> <li>v. If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vi. Effects on availability of sunlight to other properties; and</li> <li>vii. The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>



13.10.6	Height in Relation to Boundary	<p>Any <b>building</b> is a <b>Permitted Activity</b> if:</p> <p>a) The building does not exceed 3m in <b>height</b> plus the shortest horizontal distance between that part of the building and any <b>site boundary</b> adjacent to a residential zone or reserve.</p> <p><b>Note 1:</b> Refer to Chapter 24 – Definitions for the definition of Recession Plane.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>; ii) The functional requirements of the building;</p> <p>iii) The extent to which the <b>effects</b> of the height in relation to <b>boundary</b> infringement can be mitigated by <b>setbacks</b>, planting, design or the topography of the site;</p> <p>iv) Effects on the locality, particularly the residential character and <b>amenity values</b>;</p> <p>v) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>vi) Effects on availability of sunlight to other properties; and</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.7	Setbacks	<p><b>(1) Residential Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following <b>setback</b> distances (<b>yards</b>):</p> <p>a) <b>Front yard</b> - 5m;</p> <p>b) <b>Side yards</b> – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;</p> <p>c) <b>Rear yards</b> - 3m except on rear <b>sites</b> where one yard of 1.5m may be provided;</p> <p>d) Coast - 30m from the <b>Coastal Marine Area</b>; and</p> <p>e) <b>Lake / River</b> - 30m from the banks of: any dune lake; any other lake whose <b>bed</b> has an area of 8ha or more; any river including a <b>perennial stream</b> whose bed has an average width of 3m or more;</p> <p>f) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by giveaway signage) 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 <b>habitable room</b> 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) Mangawhai Harbour 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> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <p><b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(1)(e) above applies.</p> <p><b>(3) The Cove Road North Precinct</b></p> <p><u>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</u></p> <p>a) <u>Front yard - 3m; with garage doors that face the street set back 4.5m.</u></p> <p>i) <u>Provided that an accessory building (including garage) must be setback 5m from any front or side yard. Where any accessory building (including garage) is located</u></p>	Restricted Discretionary Activity	<p><b>(1) Residential Zone</b></p> <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The outlook and privacy of adjacent and adjoining neighbours;</p> <p>ii) Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effect</b> on skylines and ridgelines;</p> <p>iii) If in the Mangawhai <b>Structure Plan</b> Area, whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three;</p> <p>iv) Effects on the locality, particularly residential and natural character and <b>amenity values</b>;</p> <p>v) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>vi) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</p> <p>vii) Effects on ecological values and in particular any <b>sites of ecological significance</b> as defined by the criteria listed in Appendix 25G;</p> <p>viii) Effects on public access;</p> <p>ix) Effects on <b>natural hazards</b>, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b>;</p> <p>x) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or <b>strips</b>;</p> <p>xi) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; and</p> <p>xii) The functional requirements of the building and activity.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>



**2 The Cove Road North Precinct**

		<p><u>within the side yard, it shall be all be provided with a window(s) which have an area no less than 10% of the façade.</u></p> <p>b) <u>Side yards – 1.5m;</u>  c) <u>Rear yards - 1.5m;</u>  d) <u>Cove Road and Mangawhai Heads Road legal boundary – 5m;</u>  e) <u>Rural Zone – 3m.</u></p> <p><u>Provided that an accessory building may be erected in any side or rear yard where:</u></p> <p>f) <u>It is located at least 3m from any habitable room on an adjoining site; and</u>  g) <u>It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</u></p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><b>Note 2:</b> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway.</p> <p><b>Note 3:</b> Any changes in land use on sites that have access onto Limited Access Road's require approval from the NZ Transport Agency under the Government Roding Powers Act 1989.</p>		<p><u>Where an activity is not permitted by this rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</u></p> <p>i) <u>The privacy, outlook and amenity of adjacent and adjoining sites;</u>  ii) <u>Sufficient sunlight access to the outdoor living space;</u>  iii) <u>Building mass, orientation and passive surveillance toward the road/street.</u>  iv) <u>Bulk, scale and shading effects;</u>  v) <u>Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</u>  vi) <u>The extent to which the activity is consistent with the purpose, character and amenity values of the Cove Road North Precinct; and</u>  vii) <u>The ability to accommodate incidental activities anticipated within the Cove Road North Precinct such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.</u></p>
<b>13.10.7a</b>	<b>Fence and Landscaping</b>	<p><b>(1) The Cove Road North Precinct</b></p> <p>a) <u>Any fence is a <b>permitted activity</b> where:</u></p> <p>i. <u>The fence is adjacent to any road boundary and has a maximum height of 1.1m.</u>  <u>Or</u>  ii. <u>The fence is separated no further than .5m from a retaining wall and the combined height of the fence and retaining wall has a maximum height of 1.5m.</u></p> <p>b) <u>Any activity within a site that has a legal boundary with Cove Road is a <b>permitted activity</b> where an area of planting is provided along the entire length of the Cove Road legal boundary which is:</u></p> <p>i. <u>1.5m wide; and</u>  ii. <u>Capable of achieving a minimum establishment height of 1.8m; and</u>  iii. <u>At a density that will achieve canopy closure within 3-5 years.</u></p>	<u>Restricted Discretionary Activity</u>	<p><u>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <p>i. <u>The extent to which the fencing and landscaping visually connects the private front yards to public roads and open spaces (apart from Cove Road Frontages).</u>  ii. <u>The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</u>  iii. <u>The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</u>  iv. <u>The extent to which built form is obscured from Cove Road.</u></p>

13.10.8	<b>Separation Distance for Noise Sensitive Activities</b>	<p>Any <b>Noise Sensitive Activity</b> (as defined in Chapter 24: Definitions) is permitted if:</p> <p>(1) <b>A 300m separation distance is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership:</b></p> <p>a) <b>Building</b> or enclosure intended for housing livestock;</p> <p>b) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land effluent application);</p> <p>c) Building used for an industrial or <b>commercial activity</b>;</p> <p>d) Intensive feed lot or feed storage area;</p> <p>e) <b>Intensive farming</b>;</p> <p>f) Dairying shed;</p> <p>g) Mining or <b>quarrying</b>; and</p> <p>h) Any other activity that has <b>existing use rights</b> or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent relating to odour from the Northland Regional Council; and</p> <p>(2) <b>The activity is setback outside the Noise Contour Boundary surrounding the Maungaturoto Dairy Factory site as shown on Planning Maps 20 and 50 (Map Series 2), except that this Rule 13.10.8(2) shall not apply to Lots 1, 2 and 3 DP 88949 (Doctors Hill Road).</b></p> <p><b>Note 1:</b> This Rule is intended to protect existing, lawfully established activities in adjoining Zones. If a noise sensitive activity develops then it would be required to maintain the appropriate separation distance to avoid future land use conflicts.</p> <p><b>Note 2:</b> Maungaturoto Dairy Factory has existing use rights for its current operations on its site. <b>Development</b> locating within this Zone will therefore be subject to this Rule in relation to the Maungaturoto Dairy Factory's existing operations.</p> <p><b>Note 3:</b> For the purposes of this Rule, the term 'noise sensitive activities' is used to describe the types of activities that may be affected by sensitivity issues.</p> <p><b>Note 4:</b> For clarity, any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory site will require Resource Consent.</p> <p>(3) <b>Except the following is a permitted activity and is excluded from the Standards of 13.10.8:</b></p> <p>Any noise sensitive activity within 300m of the cadastral boundaries of Lot 1 DP 341981 being the site at the corner of Molesworth Drive, Estuary Drive and Norfolk Drive at Mangawhai.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The extent to which alternative locations have been considered;</p> <p>ii) Mechanisms in place to avoid future <b>reverse sensitivity</b> conflicts (including covenants on titles) or other physical mitigation works;</p> <p>iii) <b>Effects</b> on health and safety of communities;</p> <p>iv) Any consultation with relevant property owners or occupiers;</p> <p>v) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 13;</p> <p>vi) The extent to which the internal noise level in any <b>habitable room</b> does not exceed 35dB L<sub>Aeq</sub> 24 hours while at the same time providing ventilation requirements (for example, as required by clause G4 of the New Zealand Building Code 2010); and</p> <p>vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p>And</p> <p>In the case of any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory, the following additional assessment criterion will apply:</p> <p>viii) The potential reverse sensitivity effects on the operation of the Maungaturoto Dairy Factory;</p> <p><b>Note 1:</b> The operators of the Maungaturoto Dairy Factory will be considered an affected party in relation to any resource consent applications, in respect of Rule 13.10.8(2).</p> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.9	<b>Buildings and Vegetation near Airfields</b>	<p>(1) <b>Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</b></p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p> <p>(2) <b>All trees and other natural projections shall be maintained so that no part shall fall within either:</b></p> <p>a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or</p> <p>b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%).</p> <p><b>Note 1:</b> This Rule currently applies to the airfields at Dargaville and Naumai shown in Appendix H to the District Plan Maps.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will restrict its discretion to the following matters when considering an application for Resource Consent:</p> <p>i) Whether the <b>height</b> of the proposed <b>building</b> or <b>structure</b> will affect airfield safety;</p> <p>ii) The extent to which the proposed <b>development</b> may restrict future development of the airfield/airport; and</p> <p>iii) The health and safety of current and future occupiers of the building.</p>

13.10.10	<b>Relocation of Buildings</b>	<p>Relocated <b>buildings</b> 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 <b>Permitted Activities</b> in the District Plan.; and</li> <li>b) Any relocated <b>dwelling</b> must have been previously designed built and used as a dwelling; and</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; and</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 <b>site</b>.</li> </ul> <p><b>Note 1:</b> For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Proposed landscaping, including opportunities to screen the <b>building</b> during reinstatement; ii) Visibility from the <b>road</b>, public places and other residential areas;</li> <li>iii) <b>Maintenance</b> of the <b>site</b> and surrounds during reinstatement; and</li> <li>iv) Application of a bond to ensure reinstatement within a 12 month time limit.</li> </ul>
13.10.11	<b>Private Open Space</b>	<p><b>(1) Residential Zone</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the private open space meets the following:</p> <ul style="list-style-type: none"> <li>a) Is equivalent to 50% of the <b>gross floor area</b> of the dwelling;</li> <li>b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter;</li> <li>c) Is located on the east, north or west side of the dwelling;</li> <li>d) Has direct access from the main living area of the dwelling;</li> <li>e) Is unobstructed by vehicle access or <b>parking areas</b>; and</li> <li>f) Is adequately screened from adjoining dwellings and adjacent <b>sites</b>, except in the case of reserves.</li> </ul> <p>a)</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The on-site privacy and amenity of the occupants;</li> <li>ii) The open space nature of the surrounding neighbourhood; and</li> <li>iii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

13.10.12	Permeable Surfaces	<p><b>(1) Residential Zone and Cove Road North Precinct – Northern Sub-precinct</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The area of any <b>site</b> covered by <b>buildings</b> and other <b>impermeable surfaces</b> is less than 40% of the <b>net site area</b>.</p> <p><b>(2) The Cove Road North Precinct (excluding the Northern Sub-precinct)</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) <u>The area of any site covered by buildings and other impermeable surfaces is less than 60% 40% of the net site area; and</u></p> <p>b) <u>The area of any site covered by buildings and other impermeable surfaces is located outside of the flood extent as mapped within the 10% annual exceedance probability event detailed in Flood map in Figure 1.</u></p> <p>c) <u>All stormwater management for the site complies with any stormwater management plan approved under performance standard 13.14.5(A) Stormwater Disposal within Cove Road North Precinct.</u></p> <p><b>Note 1:</b> For the purposes of this Rule, any area regularly used by vehicles whether metalled, sealed or concreted shall be considered an impermeable surface.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i. Control of stormwater run-off;</li> <li>ii. The <b>effects</b> of increased stormwater flows downstream;</li> <li>iii. Methods of attenuating stormwater flows to pre-development rates, <u>except within the Cove Road North Precinct,</u></li> <li>iv. Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</li> <li>v. Effects on water quality; and</li> <li>vi. The extent to which low impact design principles are utilised.</li> <li>vii. <u>Within the Cove Road North Precinct:</u> <ol style="list-style-type: none"> <li>1. <u>Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate adverse flows and detail of any obligations for lot owners to construct and maintain such devices.</u></li> <li>2. <u>The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater quality-management with the design and construction stages as well as the consent holder's maintenance obligations.</u></li> <li>3. <u>The extent to which the buildings and other impermeable surfaces within the flood hazard area will mitigate effects arising from loss of flood storage and the increase in peak flows.</u></li> <li>4. <u>The extent to which the buildings and other impermeable surfaces ensure that floodwaters in a 1% annual exceedance probability event are not diverted or displaced onto any other site.</u></li> </ol> </li> </ol>
13.10.13	Building Coverage	<p><b>Residential Zone and Cove Road North Precinct – Northern Sub-precinct</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) <b>Building coverage</b> on a <b>site</b> is less than 35% of the <b>net site area</b>.</p> <p><del><b>(1) The Cove Road North Precinct (excluding the Northern Sub-precinct)</b></del></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p><del>a) <u>Building coverage on a site is less than 45% of the net site area.</u></del></p> <p><b>Note 1:</b> For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</li> <li>ii) The existing built character of the surrounding neighbourhood;</li> <li>iii) <b>Effect</b> on the open space nature of the surrounding neighbourhood;</li> <li>iv) The availability of useable on-site outdoor living space; and</li> <li>v) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ol> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.13A	Retirement Facility	<p><b>(1) Cove Road North Precinct</b></p> <p><u>Any retirement facility is a Restricted Discretionary Activity.</u></p>	Restricted Discretionary Activity	<p><u>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <ol style="list-style-type: none"> <li>i) <u>The siting, scale, design and layout of buildings ensures compatibility between buildings and their integration with other sensitive development on the site, adjacent sites and surrounding public spaces</u></li> <li>ii) <u>The design, size and location of the private and/or communal open space, parking, loading spaces and driveways on the site achieves a high standard of on-site amenity, noise and visual privacy for residents, and ensures that effects from dust, fumes and light glare are minimised</u></li> <li>iii) <u>Outdoor living areas or balconies are contiguous with the internal living areas.</u></li> <li>iv) <u>The location of buildings, window and door placement, parking areas and outside amenity areas avoid reverse sensitivity effects on any adjoining industrial activities.</u></li> </ol>

<b>13.10.13B</b>	<b>Buildings and Accessways</b>	<p><b>(1) Cove Road North Precinct – Northern Sub-precinct</b></p> <p>a) <u>Any building or accessway is a <b>permitted activity</b> if it is setback at least 10m from indigenous vegetation existing as at [insert date PC83 is deemed Operative] located within the Northern Sub-precinct.</u></p> <p>b) <u>Any accessory building is a <b>permitted activity</b> if it is setback no further than 15m from any main dwelling located within the same site.</u></p> <p>c) <u>Any building or accessway is a <b>permitted activity</b> where:</u></p> <p>(ii) <u>The exterior finish of the building shall have a reflectance value of not more than 30 percent as defined within the BS5252 standard colour palette.</u></p> <p>(iii) <u>The construction material of any accessway or driveway is of dark colour with a reflectance value of not more than 30 percent.</u></p> <p>(iv) <u>The building does not exceed 7m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between the wall and the roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.</u></p> <p><b>Note 1:</b> <u>Any proposed building or accessway shall comply with all relevant rules within Chapter 13 in addition to rule 13.10.15.</u></p>	Restricted Discretionary Activity	<p>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) <u>The extent to which the buildings, accessways or driveways have been designed and located within the site to respond to the sensitivities of rural and natural landscape to the north, and</u></p> <p>ii) <u>The mitigation of the potential adverse effect landscape effect of the built form.</u></p>
<b>13.10.14</b>	<b>General Noise</b>	<p>Any activity is permitted if noise from the <b>site</b> does not exceed the following limits, as measured either at or within any other site Zoned Residential, or within the <b>notional boundary</b> of a <b>dwelling</b> in a Rural or Maori Purpose Zoned Site:</p> <p>a) 7:00am – 7:00pm: 50 <b>dB<sub>L<sub>Aeq</sub></sub></b>;</p> <p>b) 7:00pm – 10:00pm Mon-Sat and 7:00am – 10:00pm Sundays and Public Holidays: 45 dB <b>L<sub>Aeq</sub></b>; and</p> <p>c) 10:00pm – 7:00am (any day): 40dB <b>L<sub>Aeq</sub></b> and 70dB <b>L<sub>AFmax</sub></b></p> <p><b>Note 1:</b> Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i. Maximum level of noise likely to be generated;</p> <p>ii. The noise <b>environment</b> of the locality in which the activity is proposed;</p> <p>iii. <b>Effect</b> on adjoining or adjacent residential <b>dwelling</b>s;</p> <p>iv. Length of time for which the specified noise Standard will be exceeded;</p> <p>v. Likely adverse effects beyond the <b>site</b>;</p> <p>vi. Effects on character and amenity beyond the site;</p> <p>vii. Alternative methods to avoid noise generation;</p> <p>viii. Mitigation measures to reduce noise generation; and</p> <p>ix. Prevailing wind direction.</p>

<p><b>13.10.15</b></p>	<p><b>Construction Noise and Temporary Activities</b></p>	<p>Construction Noise and other temporary activities as defined in Chapter 24: Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise".</p> <table border="1" data-bbox="649 321 1463 1003"> <thead> <tr> <th rowspan="3">Time of week</th> <th rowspan="3">Time period</th> <th colspan="6">Duration of work</th> </tr> <tr> <th colspan="2">Typical duration (dBA)</th> <th colspan="2">Short-term duration (dBA)</th> <th colspan="2">Long-term duration (dBA)</th> </tr> <tr> <th>Leq</th> <th>Lmax</th> <th>Leq</th> <th>Lmax</th> <th>Leq</th> <th>Lmax</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630-0730</td> <td>60</td> <td>75</td> <td>65</td> <td>75</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>75</td> <td>90</td> <td>80</td> <td>95</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>70</td> <td>85</td> <td>75</td> <td>90</td> <td>65</td> <td>80</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630-0730</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>75</td> <td>90</td> <td>80</td> <td>95</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Sundays and public holidays</td> <td>0630-0730</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>55</td> <td>85</td> <td>55</td> <td>85</td> <td>55</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> <td>45</td> <td>75</td> </tr> </tbody> </table>	Time of week	Time period	Duration of work						Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)		Leq	Lmax	Leq	Lmax	Leq	Lmax	Weekdays	0630-0730	60	75	65	75	55	75	0730-1800	75	90	80	95	70	85	1800-2000	70	85	75	90	65	80	2000-0630	45	75	45	75	45	75	Saturdays	0630-0730	45	75	45	75	45	75	0730-1800	75	90	80	95	70	85	1800-2000	45	75	45	75	45	75	2000-0630	45	75	45	75	45	75	Sundays and public holidays	0630-0730	45	75	45	75	45	75	0730-1800	55	85	55	85	55	85	1800-2000	45	75	45	75	45	75	2000-0630	45	75	45	75	45	75	<p>Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Maximum level of noise likely to be generated;</li> <li>ii) The noise environment of the locality in which the activity is proposed;</li> <li>iii) Effect on the occupiers of dwellings and other buildings affected by construction noise;</li> <li>iv) Length of time for which the specified noise Standard will be exceeded;</li> <li>v) Likely adverse effects beyond the site;</li> <li>vi) Effects on character and amenity beyond the site;</li> <li>vii) Alternative methods to avoid noise generation; and</li> <li>viii) Mitigation measures to reduce noise generation.</li> </ul>
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<p><b>13.10.16</b></p>	<p><b>Wind Generation: Noise</b></p>	<p>Wind turbines, are permitted if noise generated by the wind turbines does not exceed the limits recommended in, and when:</p> <ul style="list-style-type: none"> <li>a) measured and assessed in accordance with NZS 6808: 2010 Acoustics Wind Farm Noise.</li> </ul>	<p>Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i. Maximum level of noise likely to be generated;</li> <li>ii. The existing background noise <b>environment</b> of the locality in which the activity is proposed;</li> <li>iii. Noise effect on adjoining or adjacent residential <b>dwellings</b>;</li> <li>iv. Length of time for which the specified noise Standard will be exceeded;</li> <li>v. Likely adverse effects of noise beyond the site;</li> <li>vi. Effects of noise generation on character and amenity beyond the <b>site</b>;</li> <li>vii. Alternative methods to avoid noise generation; and</li> <li>viii) Mitigation measures to reduce noise generation.</li> </ul>																																																																																																											



<p><b>13.10.17</b></p>	<p><b>Vibration</b></p>	<p>Any activity is permitted if vibration from the activity does not exceed the following average levels:</p> <p>a) Within a dwelling on any adjacent site zoned Residential, Maori Purpose or Rural Zone:</p> <table border="1" data-bbox="676 296 1567 516"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7:00am - 6:00pm</td> <td>0.045m/s<sup>2</sup></td> <td>1.0 m/s<sup>2</sup></td> </tr> <tr> <td>All other times</td> <td>0.015 m/s<sup>2</sup></td> <td>0.05 m/s<sup>2</sup></td> </tr> </tbody> </table> <p>Within a <b>building</b> on any adjacent site zoned Business:</p> <table border="1" data-bbox="676 600 1567 758"> <thead> <tr> <th>Time</th> <th>Maximum Weighted Vibration Level (Wb or Wd)</th> <th>Maximum Instantaneous Weighted Vibration Level (Wb or Wd)</th> </tr> </thead> <tbody> <tr> <td>At All times</td> <td>0.06 m/s<sup>2</sup></td> <td>2.0 m/s<sup>2</sup></td> </tr> </tbody> </table> <p><b>Note 1:</b> Vibration levels shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent <b>site</b>.</p>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7:00am - 6:00pm	0.045m/s <sup>2</sup>	1.0 m/s <sup>2</sup>	All other times	0.015 m/s <sup>2</sup>	0.05 m/s <sup>2</sup>	Time	Maximum Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)	At All times	0.06 m/s <sup>2</sup>	2.0 m/s <sup>2</sup>	<p>Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i. Maximum level of vibration likely to be generated;</li> <li>ii. The <b>effects</b> on sensitive receptors or adjacent land uses;</li> <li>iii. Effect on adjoining or adjacent residential <b>dwelling</b>s;</li> <li>iv. Length of time for which the specified Vibration Standard will be exceeded;</li> <li>v. Likely adverse effects beyond the <b>site</b>;</li> <li>vi. Effects on character and amenity beyond the site;</li> <li>vii. Alternative methods to avoid vibration generation; and</li> <li>viii. Mitigation measures to reduce vibration generation.</li> </ol>
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<p><b>13.10.18</b></p>	<p><b>Traffic Intensity</b></p>	<p>Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 20 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard.</p> <p><b>Note 1: Traffic Intensity Factor</b> guidelines are included in Appendix 25F of this Plan and can be used to calculate the likely traffic generation of particular activities. The Traffic Intensity Factor is based on the average daily one way traffic movements for a particular activity (and therefore allows for seasonal variations). Applicants may be required to apply to the <b>Council</b> for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one way movements.</p> <p><b>Note 2:</b> As part of an application for Certificate of Compliance or Resource Consent under this Rule Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p><b>Note 3:</b> This calculation only applies when establishing a new activity on a <b>site</b>. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative <b>effects</b>.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i. The time of day when any extra vehicle movements will occur;</li> <li>ii. The distance between the location of vehicle movements and adjacent properties;</li> <li>iii. The width and capacity of any <b>road</b> to be able to cope safely with vehicle movements;</li> <li>iv. The <b>effect</b> of traffic on the amenity and character of the surrounding area;</li> <li>v. The effect of changing capacity on the amenity and character (including natural character) of the surrounding area;</li> <li>vi. The nature of the surface (sealed or otherwise) on the adjoining road network;</li> <li>vii. The potential for dust nuisance to be generated from the <b>site</b> and its effects on adjoining properties; viii) The safety and efficiency of vehicle access onto the road;</li> <li>viii. The volume and speed of traffic on the roads affected;</li> <li>ix. The hierarchy of roads affected;</li> <li>x. Any congestion or safety issues on roads affected;</li> <li>xi. The type and number of vehicles expected to access the site;</li> <li>xii. The <b>vehicle crossing</b> layout;</li> <li>xiii. Financial contributions for roading upgrading, and</li> <li>xiv. The requirements of the <b>Kaipara District Council Engineering Standards 2011</b>.</li> </ol>															



13.10.19	<b>Potentially Contaminated Land</b> – Removing or replacing a fuel storage system, Sampling the soil, Disturbing the soil and Change of land use	Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if: a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2001. <b>Note 1:</b> Refer to Appendix 25E for further information concerning the HAIL. <b>Note 2:</b> This rule does not apply to activities or land not covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	Controlled Activity / Restricted Discretionary Activity / Discretionary Activity	Where an activity is not permitted by this Rule, a land use consent must be obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
13.10.20	<b>Contaminated Land Remediation</b>	Any activity is a <b>Permitted Activity</b> if <b>Remediation of contaminated land</b> : a) Does not cause a greater risk to the <b>environment</b> than if the work was not done; and b) Disposes of removed material in a location approved for the receipt of such material; and c) Is reported to the <b>Council</b> 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- <b>site</b> ; and • As-built plans and specifications of any permanent containment <b>structure</b> . d) The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 do not apply to the activity. <b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Remediation activities relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of that land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) may require a land use consent under the Regulations.	Discretionary Activity	Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent: i) The extent and nature of any contamination of land or ground water and the potential sources of contamination; ii) The degree to which earth moving or removal will be undertaken, including any methods to control the release of <b>contaminants</b> into the <b>environment</b> (e.g. sediment control, <b>site</b> covering and dust control); iii) Whether contaminated or potentially contaminated soil or ground water will be able to be treated or disposed of; iv) The degree to which measures will be employed to avoid, remedy or mitigate any adverse <b>effects</b> on water quality or the <b>receiving environment</b> ; v) Whether the land is suitable for its intended end use; vi) Whether the methodology by which the land will be remediated will avoid adverse effects on the natural environment, during and after the remediation process, giving special consideration to the nature of the downstream receiving environment including marine protected areas; vii) The extent to which the effects of remediation are acceptable; and viii) Whether adequate measures will be taken to ensure the safe operation of the proposal on the land. <b>Note 1:</b> Reference to the Ministry for the Environment's <b>Contaminated Land</b> Management Guidelines No.'s 1-5 will assist applicants in achieving compliance with the criteria set out above.

<p>13.10.21</p>	<p><b>Hazardous Substances</b></p>	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The aggregate quantity of <b>hazardous substances</b> of any hazard classification managed as part of the activity is less than the quantity specified in Appendix 25D (Hazardous Substances – Permitted Quantities Table 1); or</p> <p>b) The hazardous substances stored or used on the <b>site</b> are:</p> <ul style="list-style-type: none"> <li>i) <b>Trade</b> waste in a wastewater or waste treatment facility; or</li> <li>ii) Road materials within a road reserve; or</li> <li>iii) Domestic storage and use of consumer products for domestic purposes; or</li> <li>iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or</li> <li>v) Gas or oil pipelines and ancillary equipment; or</li> <li>vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or</li> <li>vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or</li> <li>viii) Fire-fighting substances on emergency vehicles; or</li> <li>ix) Electricity transformers, capacitors and switches up to 600 litres; or</li> </ul> <p>c) The activity is not a service station; and</p> <p>Storage or use of hazardous substances complies with Appendix 25D (Hazardous Substances – Permitted Conditions Table 2).</p>	<p>Discretionary Activity</p>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site infrastructure (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. child care, education facilities, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) The presence or otherwise of <b>natural hazards</b> which could adversely influence the inherent risks from a hazardous facility to the environment;</li> <li>x) The extent to which alternative locations and methods have been considered;</li> <li>xi) Hazard and risk analysis;</li> <li>xii) Management of wastes containing hazardous substances;</li> <li>xiii) Proposed contingency measures and emergency plans;</li> <li>xiv) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xv) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>
<p>13.10.22</p>	<p><b>Radioactive materials</b></p>	<p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>Radioactive materials are confined to domestic appliances.</p>	<p>Controlled Activity if:</p> <p>a) Radioactivity does not exceed 100 terabecquerels.</p> <p>Discretionary Activity if:</p> <p>Radioactivity exceeds 100 terabecquerels.</p>	<p>Where an activity is not Permitted by this Rule, the following are the matters over which the <b>Council</b> reserves its Control:</p> <ul style="list-style-type: none"> <li>i) The proposed <b>site</b> and layout, with a description of the nature and scale of the proposed facility and associated operations;</li> <li>ii) Location, type and quantities of <b>hazardous substances</b> involved;</li> <li>iii) Site drainage and off-site infrastructure (e.g. drainage type and capacity);</li> <li>iv) Identification of on-site hazards, failure modes and exposure pathways from the proposed facility including a description of the <b>environment</b> potentially affected;</li> <li>v) Transport of hazardous substances on and off the site, mode and route selection;</li> <li>vi) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife habitats and water bodies);</li> <li>vii) Separation distances from water bodies, <b>coastal water</b>, neighbouring activities and people potentially at risk from the <b>hazardous facility</b>, including consideration of the proximity to people-oriented activities (e.g. child care, education facilities, rest homes, <b>hospitals</b>);</li> <li>viii) Potential cumulative or synergistic <b>effects</b>, within the site and the locality;</li> <li>ix) Hazard and risk analysis;</li> <li>x) Management of wastes containing hazardous substances; Proposed contingency measures and emergency plans;</li> <li>xi) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>xii) Any consultation, assessment or responses received from the New Zealand Fire Service.</li> </ul>

13.10.23	Lighting and Glare	Any activity is permitted if between the hours of 22:00 and 07:00 if any artificial lighting does not exceed 10 <b>lux</b> , measured at any point on <b>boundary</b> of any Residential Zoned <b>site</b> or at the <b>notional boundary</b> of any Rural or Maori Purpose Zoned site.	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The orientation, strength, intensity, colour, or frequency of flashing of the light;</li> <li>ii) <b>Effects</b> on traffic and pedestrian safety;</li> <li>iii) The separation distances from neighbouring activities and people, including consideration of the proximity of people-orientated activities (e.g. rest homes or <b>hospitals</b>);</li> <li>iv) Effects on amenity and character of the surrounding area;</li> <li>v) Proposed monitoring and <b>maintenance</b> schedules; and</li> <li>vi) Whether and the extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.24	Signage (including signs on and adjacent to roads and on buildings)	<p>The following <b>signs</b> are permitted:</p> <ul style="list-style-type: none"> <li>a) Any business <b>sign</b> not exceeding 1m<sup>2</sup> that is not within an Outstanding Natural Landscape (identified on Map Series 2), 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; and</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 <b>requiring authority</b>, or any sign created by or with the written approval of the abovementioned authorities for the purposes of carrying out its statutory functions; and</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 <b>development</b>, sale or auctions, provided that any such sign may be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</li> </ul> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>• No sign, other than a public sign or <b>verandah</b> sign, shall be displayed or erected on or over any <b>road</b> reserve unless the consent of <b>Council</b> is obtained; or</li> <li>• Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway the approval of the NZ Transport Agency is also required.</li> </ul> <p><b>Note 1:</b> For Network Utilities, the Rule 10.11.15 for Signs will take precedence over the standards in this Rule if relevant.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i. The visual impact of the <b>sign</b> and the <b>effect</b> on the amenity of the locality and surrounding area (including consideration of proposed lighting/illumination of the sign);</li> <li>ii. The number and location of other signs in the local vicinity;</li> <li>iii. The extent to which the sign is likely to unduly distract or restrict motorists vision or interfere with the effective functioning of any traffic sign;</li> <li>iv. The extent to the which the sign is likely to unduly effect pedestrian safety;</li> <li>v. The likely cumulative visual effect of allowing the sign to be erected;</li> <li>vi. Whether the sign is visible from the State Highway, and if so that approval from the NZ Transport Agency has been obtained;</li> <li>vii. The extent to which the sign provides information on facilities and services of public interest;</li> <li>viii) The extent to which the sign is relevant to activities occurring on the subject site;</li> <li>viii. 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 <b>site</b>; and</li> <li>ix. The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

13.10.25	<b>Vehicle Access and Driveways</b>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>b) For new vehicle <b>crossings</b> on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to <b>roads</b> controlled by the Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</p> <p>c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane; and</p> <p>d) Each site shall be provided with and maintain a <b>driveway</b> to the following Standard:</p> <ul style="list-style-type: none"> <li>- Formed with an all-weather surface;</li> <li>- For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</li> <li>- For an accessway or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</li> <li>- The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</li> <li>- Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standard);</li> <li>- Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010);</li> <li>- Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens towards the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);</li> <li>- All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road;</li> <li>- Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in <b>adverse effects</b> to adjoining properties or roads; and</li> </ul> <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p><b>Note 1:</b> Any changes in land use on sites that have access over a railway line require approval from the New Zealand railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>Note 2:</b> Where land adjoins a limited access road under the Government Roding Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p> <p><b>Note 3:</b> Council will confirm engineering approval for Council controlled roads, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>i. Whether and the extent to which the vehicle access and <b>driveway</b> meets the Performance Standards in Rule 13.10.25 or the <b>Kaipara District Council Engineering Standards 2011</b>;</li> <li>ii. The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled, vehicular;</li> <li>iii. The expected vehicle operating speeds and methods of controlling vehicle speeds;</li> <li>iv. The ease of access to and from, and within the <b>site</b>;</li> <li>v. Adequacy of sight distances at the <b>vehicle crossing</b> and along the access;</li> <li>vi. Possible measures or restrictions on vehicle movements in and out of the access; Possible adverse <b>effects</b> on Council infrastructure or adjoining properties;</li> <li>vii. 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;</li> <li>viii. Any traffic safety or congestion problems in the area;</li> <li>ix. Any foreseeable future changes in traffic patterns in the area;</li> <li>x. If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained;</li> <li>xi. Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access); and</li> <li>xii. The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ol> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
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13.10.26	Fire Safety	<p>Any <b>building</b> is permitted if:</p> <p>a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes;</p> <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the ; <ul style="list-style-type: none"> <li>o NZS 4517:2010 (Fire Sprinkler Systems for Houses); or</li> <li>o NZS 4541:2013 (Automatic Fire Sprinkler Systems); or</li> <li>o NZS 4515:2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The accessibility for the fire service vehicles, taking into account a risk-based assessment</p>
13.10.27	Parking	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site;</p> <p>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>c) Each parking space shall be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%; and</p> <p>d) Parking spaces may be situated within a <b>building</b> provided the <b>Council</b> is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the <b>gross floor area</b> of that building for the purposes of assessing the total number of spaces required; and</p> <p>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, any <b>lake</b> with an area greater than 8ha or the <b>Coastal Marine Area</b> or any mapped waterway or <b>wetland</b> in the Valued Natural Environments of Mangawhai, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet; and</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 <b>site</b> in accordance with the Figures in Appendix 25C: Parking, Loading and Manoeuvring; and</p> <p>g) <b>Control of Access</b> - Any <b>parking area</b> associated with a Commercial or <b>Industrial Activity</b> which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the <b>site's frontage</b> not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided; and</p> <p>h) <b>Control of Reversing</b> - 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; and</p> <p>i) <b>Screening of Parking Areas</b> - Any parking associated with a Commercial or Industrial activity shall be screened from residential <b>sites</b> by appropriate landscaping, fencing or other suitable screening of at least 1.8m in <b>height</b>. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity; and</p> <p>j) <b>Control of Stormwater</b> - Each parking area shall be provided with a stormwater drainage system that is designed for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge does not result in adverse <b>effects</b> to adjoining properties or roads.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</p> <p>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</p> <p>iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</p> <p>v) The hours of operation of the proposed use and number of employees on shift work if a <b>Commercial activity</b> is proposed in a Residential Zone;</p> <p>vi) The size and number of vehicles expected to use the site;</p> <p>vii) Whether and the extent to which the proposed <b>parking area</b> is designed, constructed and adequately drained in accordance with the Performance Standards in Rule 13.10.28 or the the <b>Kaipara District Council Engineering Standards 2011</b>; and</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <p>i) The parking and/or loading spaces required be provided on other available <b>sites</b> in the immediate neighbourhood; or</p> <p>ii) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the <b>site</b> or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

13.10.28	Loading	<p><b>(1) For Commercial Activities in a Residential Zone</b></p> <p>Any activity is permitted if:</p> <p>a) The owner or occupier of each <b>site</b> provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site; and</p> <p>b) The number of onsite loading spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile two axled truck illustrated in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 12m and a minimum <b>height</b> of 4.25m provided that where articulated trucks are likely to visit the <b>site</b>, each loading space shall have a minimum depth of 18m; and</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the <b>building</b> which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for the safe and convenient movement of vehicles to and from the street or service lane and for the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile two axle truck curve in the Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>f) Loading bay pavements shall be designed and constructed so that the maximum gradient on any area used for loading and manoeuvring shall be 6%.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</p> <p>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</p> <p>iii) The adequacy of loading facilities in the immediate vicinity of the site;</p> <p>iv) The nature of any landscaping or pedestrian design features to be developed on the site;</p> <p>v) The hours of operation of the proposed use and number of staff employees on shift work;</p> <p>vi) The size and number of vehicles expected to use the site; and</p> <p>vii) Whether and the extent to which the proposed loading area meets the requirements of the Performance Standards in Rule 13.10.29 or the <b>Kaipara District Council Engineering Standards 2011</b>.</p> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <p>i) The parking and/or loading spaces required be provided on other available sites in the immediate neighbourhood; or</p> <p>ii) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</p> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the site or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p>
13.10.29	Special Provisions	<p><b>(1) Land Administered by the Te Ture Whenua Maori Act 1993</b></p> <p>a) Land administered under the Te Ture Whenua Maori Act 1993, but not identified as being within the Maori Purposes: Maori Land Zone on the District Plan Maps can be considered under Chapter 15A: Maori Purposes - Maori Land Zone, without the need for a Plan Change to rezone the land.</p> <p><b>(2) 116, 118, 120, 122, 124, 126 and 126A Gordon Road, 37 Onslow Road and 73 Awakino Road, Dargaville</b></p> <p>a) Notwithstanding the performance standards of Section 13.10, buildings and structures on 116, 118, 120, 122, 124, 126 and 126A Gordon Road, 37 Onslow Road and 73 Awakino Road, Dargaville, being Lots 353-356 DP 859, Lots 1-2 DP 365261, Lot 2 DP 365004, Lot 1 DP 73886 and Lot 2 DP 189062, shall also comply with the following rules:</p> <ul style="list-style-type: none"> <li>- Rule 12.10.28 (Electricity Transmission Corridor No Build Area: Buildings and/or Structures; and</li> <li>- Rule 12.10.29 (Electricity Transmission Corridor Assessment Area: Buildings and/or Structures.</li> </ul> <p><b>(3) Chases Gorge Camp Club, Baylys – General Development</b></p> <p>a) Any activity on Lot 1 DP 104410, Lot 1 DP 71221, Lot 4 DP 71221, Pt Lot 1 DP 39303, Lot 2 DP 71221 is a permitted activity if it meets Rules 13.10.1-13.10.28; and</p> <p>b) Any activity on Lot 1 DP 104410, Lot 1 DP 71221, within the areas identified as 'Proposed Building Site' on the Chases Gorge Camp Club Development Plan (refer to Appendix 13.1) are exempt from the following rules:</p> <ul style="list-style-type: none"> <li>- Rule 13.10.3a(a) – 13.10.3a(d) Dwellings; and</li> <li>- Rule 13.10.6 Height in relation to Boundary; and</li> <li>- Rule 13.10.7 Setbacks; and</li> <li>- Rule 13.10.13 Building Coverage; and</li> <li>- Rule 13.10.18 Traffic Intensity; and</li> </ul> <p>c) Any activity on Lot 1 DP 104410, Lot 1 DP 71221, Lot 4 DP 71221, Pt Lot 1 DP 39303, Lot 2 DP 71221 shall be undertaken in accordance with the Chases Gorge Camp Club</p>	Restricted Discretionary Activity (Chase Gorge Camp Club only)	<p><b>Chases Gorge Camp Club, Baylys</b></p> <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Where an activity cannot meet a rule specified in 12.10.29(3)(a) then the assessment criteria of the relevant rules 13.10.1-13.10.29(3)(a) will apply.</p>

		<p>Development Plan (refer to Appendix 13.1).</p> <p><b>(4) Bayly Town Camp – General Development</b></p> <p>a) The four dwellings on the lower western portion of Lot 2 DP 73070, identified as A, B, C, and D on Cynthia Place, Baylys Development Plan (refer Appendix 13.2) are exempt from Rule 13.10.3c provided they are located within the nominated building platform shown on the Cynthia Place Development Plan, and the maximum height of the dwellings is limited to a single story buildings, of the same scale, character and intensity of the dwellings is the same as that existing as on 01 December 2011.</p> <p><b>Note 1:</b> If Rule 13.10.29(4) is not met, any proposal would be assessed against Rule 13.10.3c</p>		
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## 13.11 Controlled Residential Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 13.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	<p><b>Subdivision</b> within the Residential zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p><b>(1) Residential Zone</b></p> <p>a) Every proposed <b>allotment</b> has a minimum <b>net site area</b> of 600m<sup>2</sup>, where a connection to <b>reticulated</b> wastewater infrastructure is available (excluding Network Utility Allotments); or</p> <p>b) Every proposed allotment has a minimum net site area of 3,000m<sup>2</sup>, where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); and</p> <p>c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and</p> <p>d) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(2) All Overlays</b></p> <p>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 (excluding Network Utility Allotments); or</p> <p>b) Every proposed allotment has a minimum net site area of 3,000m<sup>2</sup>, where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments);</p> <p>c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and</p> <p>d) The proposed site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> If you cannot meet the above general residential subdivision terms you can either seek a non-complying resource consent or you may be able to create smaller lots, if the site to be subdivided meets any of the following:</p> <ul style="list-style-type: none"> <li>• You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules;</li> <li>• You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules;</li> </ul> <p><b>Note 2:</b> While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.</p> <p><b>Note 3:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its Control:</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the Performance Standards for all subdivision contained in Section 13.14;</p> <p>ii) That site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>– The subdivision complies with the requirements of the relevant performance Standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>– The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>-- <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid any potential adverse visual effects;</li> <li>-- Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8).</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids, remedies or mitigates potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and the objectives and policies of Chapter 10;</p> <p>iv) That future development on the site(s) is appropriate, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>– The proposed lots including the location of building areas or site accesses are able to comply with the Land Use Performance Standards in Section 13.10;</li> <li>– Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards;</li> <li>– The location of proposed <b>allotment</b> boundaries, building areas and driveways or right of ways avoids potential conflicts between incompatible land use activities (for example, building areas close to high noise activities or higher use vehicle accesses close to child care / education activities);</li> <li>– The location of proposed allotment boundaries, building areas and driveways or right of ways avoids Maori heritage <b>sites</b> and features;</li> </ul> <p>v) That there is safe and efficient access to and from the site(s), in particular the extent to which:</p> <ul style="list-style-type: none"> <li>– The number and location of <b>entrance ways</b> along a public <b>road</b> does not result in adverse effects on the safe and efficient operation of the roading network;</li> <li>– Direct vehicle access to a State Highway or a regional arterial road is avoided, by using alternative access to a lower order road where such access exists or can be readily obtained;</li> </ul> <p>vi) The extent to which provision has been made for the exercise of matauranga <b>maori</b> and tikanga on sites which contain mapped features or areas (see Chapter 17);</p> <p>vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including:</p> <ul style="list-style-type: none"> <li>– Financial contributions (refer to Chapter 22: Financial Contributions);</li> <li>– Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed;</li> <li>– Requirements for amalgamation of land, holding parcels in same ownership, and creation or extinguishing of easements;</li> <li>– Provision for Esplanade Reserves and Strips;</li> <li>– Timing of consent, including consideration to to extend the duration of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991;</li> </ul> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> Where activities do not comply with the Performance Standards in Section 13.13, the specific assessment criteria for the Standard infringed contained within Section 13.13 will need to be considered. This will result in the activity being assessed as a <b>Discretionary Activity</b>.</p> <p><b>Note 2:</b> Where activities do not comply with the Performance Standards in Section 13.10 the specific assessment criteria and activity</p>



status contained within Section 13.10 will need to be considered.

			<p><b>Note 3:</b> It is anticipated that Council Engineer’s sign-off will be required for all subdivision design to ensure that the engineering design is undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect.</p> <p><b>Note 4:</b> Where these matters for control are identified in other Rules, such as 13.14.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will apply its discretion.</p> <p><b>Note 5:</b> The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.</p> <p><b>Note 6:</b> Administrative charges will be required to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council’s functions under Section 35 of the Resource Management Act 1991.</p> <p><b>Note 7:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p> <p><b>Note 8:</b> For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at a time of development of the lot; and</li> <li>• Accessible and available all year round; and</li> </ul> <p style="padding-left: 40px;">May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</p>
OR			
13.11.2	Boundary Adjustment	<p><b>Subdivision</b> within the Residential zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <ol style="list-style-type: none"> <li>a) The boundaries of two or more adjacent <b>allotments</b> are adjusted; and</li> <li>b) No additional allotments will be created; and</li> <li>c) The <b>net site area</b> of any proposed allotment created by the <b>boundary</b> adjustment is the same as, or does not differ by more than 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 <b>reticulated</b> wastewater infrastructure is available; and</li> <li>e) The proposed boundary adjustment complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter. Any existing <b>buildings</b> or activities on the created lots comply with the Performance Standards of Section 13.10 of this Chapter; and</li> <li>f) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</li> </ol> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its Control:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>i) The matters for control listed in 13.11.1; and</li> <li>ii) The extent to which a proposed <b>boundary</b> will provide for compliance with the performance Standards in Section 13.10 in relation to the existing <b>buildings, structures</b> and services on <b>site</b>.</li> <li>iii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ol> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
OR			
13.11.3	Preservation of Natural and Cultural Heritage	<p><b>(1) Residential Zone</b></p> <p><b>Subdivision</b> within the Residential zone, where it is not in an overlay area, is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <ol style="list-style-type: none"> <li>a) Permanent physical and legal protection of the feature is achieved; and</li> <li>b) The lot created for the preservation of heritage shall contain one or more of the following:- <ul style="list-style-type: none"> <li>– Any historic <b>site</b> or feature listed in Chapter 17: <b>Historic Heritage</b>, Schedule 17.1; or</li> <li>– An ‘Area of Significance to Maori’ listed in Chapter 17: Historic 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 (21 October 2009); or</li> <li>– A <b>Notable Tree</b> 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> </ol>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its Control:</p> <p><b>General Subdivision</b></p> <ol style="list-style-type: none"> <li>i) The matters for control listed in Rule 13.11.1; and</li> </ol> <p><b>Preservation of Natural and Cultural Heritage</b></p> <ol style="list-style-type: none"> <li>ii) The method for the continued preservation of a historic <b>site, building</b> or object, or <b>archaeological site</b>; and</li> <li>iii) The <b>effects</b> of any <b>allotment</b> boundaries and/or identified building areas on the integrity of the heritage feature being protected; and</li> <li>iv) Where an application is made under this provision, the following are considered affected parties in terms of Section 95E of the Resource Management Act 1991: <ul style="list-style-type: none"> <li>– For a historic site, building or object, or archaeological site, the New Zealand Historic Places Trust and the Department of Conservation; and</li> <li>– For a <b>site</b> of significance to Maori, the Iwi; and</li> </ul> </li> </ol>

	<p>d) Where a connection to <b>reticulated</b> wastewater infrastructure is available, every proposed <b>allotment</b> has a minimum <b>net site area</b> of 375m<sup>2</sup> with the exception of the lot containing the mapped site or feature; and</p> <p>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</p> <p>f) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and.</p> <p>g) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>(2) Overlay Areas</b></p> <p>a) Subdivision within the Residential zone, within an Overlay Area, is a Controlled Activity if it meets the following terms for subdivision:</p> <p>b) Permanent physical and legal protection of the feature is achieved; and</p> <p>c) 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 Chapter 17: Historic Heritage, Schedule 17.1; or</li> <li>– An ‘Area of Significance to Maori’ listed in Chapter 17: Historic 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 (21 October 2009); or</li> <li>– A Notable Tree identified in Schedule 19.1.</li> </ul> <p>d) 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>e) 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</p> <p>f) 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</p> <p>g) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations</p>	<p>v) 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; and</p> <p>vi) At the time of creation the Council will also require that the owner enter into a binding covenant to preserve the natural or cultural heritage feature through one of the following:</p> <ul style="list-style-type: none"> <li>– Heritage Covenant (New Zealand Historic Places Trust); or</li> <li>– A Maori Reservation under Sections 338 and 340 of Te Ture Whenua Maori (<b>Maori Land</b>) Act 1993; or</li> <li>– Conservation Covenants (Conservation Act 1987).</li> </ul> <p><b>Note 1:</b> Generally covenants for heritage features would be by way of a Heritage Covenant with the New Zealand Historic Places Trust or a conservation covenant with the Department of Conservation or the Council.</p>
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## 13.12 Restricted Discretionary Residential Subdivision

Rule	Parameter	Terms for Subdivision	Matters for Discretion
13.12.1	Integrated Development (for up to 10 lots)	<p>Provided that 10 or fewer lots are being created, an Integrated Development Subdivision is a Restricted Discretionary Activity where it complies with the following:</p> <p><b>(1) Residential Zone</b></p> <p>a) Where a connection to <b>reticulated</b> 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 <b>net site area</b> of 375m<sup>2</sup> per lot; or</p> <p>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</p> <p>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 <b>access lots</b>) in the Residential Zone, with a minimum net site area of 375m<sup>2</sup> per lot; and</p> <p>d) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2</p> <p>OR</p> <p><b>(2) All Overlays</b></p> <p>a) Where a connection to reticulated wastewater infrastructure is available, the number of total lots obtainable shall be an average of at least one 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; or</p> <p>b) Where a connection to reticulated wastewater infrastructure is not available, the number of total lots obtainable shall be an average of at least one 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; or</p> <p>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 one 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; and</p> <p>The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p>AND</p> <p><b>(3) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B; and</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) The development bonuses available under Rule 13.11 will not be available as part of the process of obtaining such a Consent; and</p> <p>d) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and</p> <p>e) The proposed subdivision results in the creation of 3 or more additional lots; and</p> <p>f) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>g) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots; and</p> <p>h) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p>	<p>Where an activity is a <b>Restricted Discretionary Activity</b> under this Rule, <b>Council</b> will restrict its discretionary over the following matters when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 13.11.1;</p> <p>ii) In respect of the site(s) design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>- The subdivision is in accordance with any relevant adopted <b>Structure Plans</b> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy; and</li> <li>- The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 13 and, if the subdivision is in an Overlay area Chapter 4.</li> </ul> <p><b>Integrated Development</b></p> <p>i) Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: In respect of the subdivision design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>- Residents have convenient access to public parks, open space and community facilities;</li> <li>- Any open spaces provided as part of the subdivision provide for a variety of recreational uses;</li> <li>- The subdivision reinforces existing local focal points (such as a local store, community facility or similar) ensuring that residents are within walking distance of a range of amenities where available, or proposed;</li> <li>- The subdivision integrates with surrounding neighbourhoods, through the roading and open space networks and encourages pedestrian and cycle activity around convenient accesses and routes;</li> <li>- It responds to <b>site</b> characteristics, the surrounding <b>environment</b>, notable features and views (to contribute to the local identity of the Kaipara District);</li> <li>- It provides a variety of lot sizes and other compatible uses to encourage a diverse community (compatible uses could include child care / education activities, aged-care facilities and/or local store retail);</li> <li>- Revegetation using eco-sourcing of native plants is proposed as part of the development.</li> </ul> <p>In respect of the Environmental Benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>- Incorporates measures to provide new and enhance existing opportunities for public access to the Coastal Marine Area, lakes, rivers and the existing reserve network;</li> <li>- Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</li> <li>- Provides for the creation of green networks – pedestrian and as appropriate cycle routes; and</li> <li>- Maintains and/or enhances ecological features in accordance with the policies of Chapter 6.</li> </ul>
13.12.2	<b>The Cove Road North Precinct Subdivision</b>	<p><b>General Rules:</b></p> <p>(1) <b>Subdivision within the Cove Road North Precinct:</b></p>	<p><b>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent under rules 13.12.2(2) and (3):</b></p>

	<p>a) <u>Is not subject to Residential Zone rules 13.11.1 – 13.11.3, 13.12.1, 13.13.1 and 13.13.2.</u></p> <p>b) <u>Is subject to rule 13.12.2.</u></p> <p>c) <u>Must comply with the relevant Performance Standards in Section 13.14.</u></p> <p><u>Subdivision Design Rules:</u></p> <p>(2) <u>Any subdivision within the Cove Road North Precinct is a <b>restricted discretionary activity</b> where:</u></p> <p>a) <u>Every allotment has a minimum net site area of 600m<sup>2</sup> except where the proposed allotment is located within the Northern Sub-precinct Area as shown on Precinct Plan 1; or</u></p> <p>b) <u>Every proposed allotment within the Northern Sub-precinct Area as shown on Precinct Plan 1 has a minimum net site area of 1000m<sup>2</sup>; and</u></p> <p>c) <u>Rules 13.12.2 (2)a). and 13.12.2(2)b) shall not apply to the subdivision of dwellings that have an approved land use consent under rule 13.10.3a(2) provided that the boundaries of the proposed allotments shall result in compliance with rules 13.10.7(3), 13.10.11(2), 13.10.12(2) and 13.10.13 (2) unless otherwise approved by the land use consent.</u></p> <p><u>Ecological Enhancement Rules:</u></p> <p>(3) <u>Any subdivision within the Cove Road North Precinct is a <b>restricted discretionary activity</b> where the site contains an ecological feature including indigenous terrestrial or aquatic habitats shall legally protect any indigenous habitats on site in perpetuity and manage the ecological feature on an on-going basis in accordance with an approved Ecological Enhancement and Management Plan.</u></p> <p>(4) <u>Any subdivision in accordance with rule 13.12.2 (3) shall provide:</u></p> <p>a) <u>A detailed Ecological Assessment prepared by a suitable qualified ecologist identifying and delineating all natural features contained within the site boundaries and assesses the effects of the proposed site development on these features, and provide recommendations how these may be avoided, remedied or mitigated; and</u></p> <p>b) <u>An Ecological Enhancement and Management Plan designed to ensure that all ecological features are appropriately enhanced as part of site development works.</u></p> <p>c) <u>A Wetland Assessment prepared by a suitably qualified ecologist identifying any potential effects associated with the development proposal on wetland features and how these will be avoided, remedied or mitigated, where 'natural wetland' areas as defined under NPSFM (2020) are located within a 100m setback from the proposed site development works.</u></p> <p><u>Activity Status Rule:</u></p> <p>(5) <u>Any subdivision that does not comply with the standards of rules 13.12.2 (2) and 13.12.2(3) shall be a <b>discretionary activity</b>.</u></p> <p><u>Note 1: For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</u></p>	<p>i. <u>The extent to which the proposal is consistent with the Cove Road North Precinct policies.</u></p> <p>ii. <u>The extent to which the proposal is generally in accordance with the Cove Road North Precinct Plan 1.</u></p> <p><u>Subdivision Design</u></p> <p>iii. <u>The design, size, shape, gradient and location of any allotment, access or public road.</u></p> <p>iv. <u>Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.</u></p> <p>v. <u>The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater management associated with the design and construction stages as well as the consent holder's maintenance obligations.</u></p> <p>vi. <u>Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.</u></p> <p>vii. <u>Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.</u></p> <p>viii. <u>Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.</u></p> <p>ix. <u>Location of existing buildings, access and manoeuvring, and private open space.</u></p> <p>x. <u>The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.</u></p> <p>xi. <u>The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.</u></p> <p>xii. <u>The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.</u></p> <p>xiii. <u>The extent to which the provision of landscaping provides a visual buffer to screen immediate and proximate views between development enabled by the closest allotment and any residential activity within Lot 42 DP 348513.</u></p> <p>xiv. <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (refer to Note 1).</u></p> <p><u>Note 1: For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u></p> <ol style="list-style-type: none"> <li>1. <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>2. <u>Existing or likely to be available at a time of development of the lot; and</u></li> <li>3. <u>Accessible and available all year round; and</u></li> <li>4. <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</u></li> </ol> <p>xv. <u>The extent to which the design and layout of the proposed allotments result in new or increased non-compliance with the underlying zone or district-wide rules.</u></p> <p>xvi. <u>The extent to which there is appropriate creation of common areas over parts of the parent allotment that require access by more than one site within the subdivision.</u></p> <p><u>Ecological Enhancement</u></p> <p>xvii. <u>Measures to ensure the protection, restoration or enhancement of any natural features, including (but not limited to) the creation, extension or upgrading of services and systems, planting or replanting, the protection of natural wetlands and streams or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.</u></p> <p>xviii. <u>Where any subdivision involves a natural wetland or stream, whether the details of ecological protection and enhancement have been provided, including a minimum 10m riparian planting to streams and wetlands, weed and pest management controls and indigenous revegetation (where appropriate), are provided and any required mechanisms for ownership and maintenance of the area. For the avoidance of doubt these areas may form parts of private lots and be held in private ownership.</u></p> <p>xix. <u>Whether there is a need to control the keeping of cats and dogs to protect native wildlife.</u></p> <p><u>Northern Sub-Precinct</u></p> <p>xx. <u>The extent to which the subdivision design and future development within the proposed allotments have been designed to respond to the sensitivities of rural and natural landscape to the north, and mitigate the potential adverse effect landscape effect of development.</u></p> <p><u>Neighbourhood Park</u></p> <p>xxi. <u>Whether the subdivision creates lots adjoining public open space (including recreation reserves and riparian/green</u></p>
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			<p>corridors) that are designed to encourage passive surveillance of reserve areas having regard to finished contours, retaining, fencing and landscaping.</p> <p>xxii. <u>The extent to which an alternative communal open space is created to adequately service the needs of the development, in a manner that encourages active recreation opportunities.</u></p> <p><b>Sediment Control</b></p> <p>xxiii. <u>The extent to which onsite and/or public network sediment control and detention systems protect the environment including the Mangawhai Estuary from sediments generated from the activity during and after construction stages including consent holder maintenance obligations.</u></p>
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**13.13 Discretionary Rural Subdivision**

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
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13.13.1	<p><b>Integrated Development (for more than 10 lots)</b></p>	<p>If more than 10 lots are being created, Integrated Development subdivision is a Discretionary Activity where it complies with the following:</p> <p><b>(1) Residential (excluding overlay areas)</b></p> <p>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</p> <p>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</p> <p>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; and</p> <p>d) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p>OR</p> <p><b>(2) All Overlays</b></p> <p>a) Where a connection to reticulated wastewater infrastructure is available, the number of total lots obtainable shall be an average of at least one 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; or</p> <p>b) Where a connection to reticulated wastewater infrastructure is not available, the number of total lots obtainable shall be an average of at least one 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; or</p> <p>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 one 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; and</p> <p>d) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p>AND</p> <p><b>(3) For all Integrated Development subdivision the following terms of subdivision must be met:</b></p> <p>a) The application must include the information required by Appendix 25B; and</p> <p>b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and</p> <p>c) The development bonuses available under Rule 13.11 will not be available as part of the process of obtaining such a Consent; and</p> <p>d) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and</p> <p>e) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</p> <p>f) That a 'no subdivision covenant' is registered on the lots of an Integrated Development subdivision, and is to be worded such that any owners of the lots will not make a future</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><b>General Subdivision</b></p> <p>i) The matters for control listed in Rule 13.11.1;</p> <p>ii) In respect of the site(s) design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– The subdivision is in accordance with relevant Council adopted Design Guidelines;</li> <li>– The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</li> <li>– The subdivision meets the Objectives of the Plan, particularly those of Chapter 13 and, if the subdivision is in an Overlay area, Chapter 4.</li> </ul> <p><b>Integrated Development</b></p> <p>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:</p> <p>iii) In respect of the subdivision design and location, the extent to which:</p> <ul style="list-style-type: none"> <li>– There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the residential amenity values and responds appropriately to the mapped natural environments, natural hazards and site specific features;</li> <li>– The subdivision integrates with surrounding neighbourhoods, through the roading and open space networks and encourages pedestrian and cycle activity around convenient access and routes;</li> <li>– The layout contributes to the local identity of the Kaipara District, responding to site characteristics, the surrounding environment, notable features and views;</li> <li>– The subdivision reinforces existing local focal points (such as a local store, community facility or similar), ensuring that residents are within walking distance of a range of amenities where available or proposed;</li> <li>– The subdivision provides a variety of lot sizes and other compatible uses to encourage a diverse community (compatible uses could include child care / education activities, aged-care facilities and/or local store retail);</li> <li>– The proposed street network provides accessibility and choice in the local movement network, reducing travel distances;</li> <li>– Residents have convenient access to public parks, open space and community facilities;</li> <li>– Revegetation using eco-sourcing of native plants is proposed as part of the development;</li> <li>– The change in land use promotes sustainable management of natural and physical resources.</li> </ul> <p>iv) In respect of the Environmental Benefits proposed, the extent to which the development:</p> <ul style="list-style-type: none"> <li>– Provides open spaces as part of the subdivision that provide for a variety of recreational uses;</li> <li>– Incorporates low impact environmental design through the development;</li> <li>– Protects and enhances ecological and heritage features to add to the value and uniqueness of the subdivision;</li> </ul> <p>Provides for the creation of a connected roading network incorporating green networks that incorporate pedestrian and cycle routes.</p>
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		<p>application to the District Council for subdivision to create additional residential lots; and</p> <p>g) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.</p> <p><b>Note 1:</b> Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity.</p> <p><b>Note 2:</b> This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted.</p> <p><b>Note 3:</b> The purpose of 13.12.2(3)(f) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted, will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.</p> <p><b>Note 4:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	
13.13.2	<p><b>Subdivision of a site within an Outstanding Natural Landscape</b></p>	<p>Subdivision within the Residential Zone which otherwise meets the Terms of Sbudvision of Rules 13.11 or 13.12 <b>but</b> does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 13.12.1 is a Discretionary Activity.</p> <p><b>Note 1:</b> For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</p>	<p>Where an activity is a Discretionary Activity under this Rule, Council will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering and determining an application for Resource Consent:</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) The matters for control listed under Rule 13.11.1; and</li> <li>ii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

### 13.14 Performance Standards for All Residential Subdivision

Where activities do not comply with the Performance Standards in Section 13.14 the specific assessment criteria for the Standard infringed, contained within Section 13.14 will need to be considered, in addition to the relevant Assessment Criteria under Rule 13.10, 13.11 or 13.12.

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.14.1	Suitable Building Area	<p>Every <b>allotment</b> of less than 4ha on a <b>subdivision</b>:</p> <p>a) Contains a geotechnically stable <b>building</b> area of at least 150m<sup>2</sup> (10m depth required) with a practicable access on which a <b>dwelling</b> can be built so that there is compliance as a <b>Permitted Activity</b> with the relevant performance Standards in Section 13.10 of this District Plan.</p> <p><b>Note 1:</b> <b>Council</b> may require geotechnical and engineering assessment to confirm that a stable building area is provided.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether and the extent to which earthworks required for the creation of the suitable <b>building</b> platform can be minimised;</p> <p>ii) Whether and the extent to which sufficient provision for parking, loading, manoeuvring and access can be provided;</p> <p>iii) Whether the <b>subdivision</b> will initiate or exacerbate <b>natural hazards</b>, through earthworks or access provision, or result in building areas being subject to natural hazards;</p> <p>iv) Whether and the extent to which the location of building areas avoids potential conflicts between incompatible land use activities, including the avoidance of <b>reverse sensitivity effects</b>;</p> <p>v) Whether and the extent to which the location of building areas avoids Maori heritage <b>sites</b> and features; and</p> <p>vi) Where a <b>site</b> is within an area known to be subject to instability or flood hazard the application for subdivision will be required to be accompanied by an engineering assessment.</p> <p><b>Note 1:</b> General assessment of the <b>Kaipara District Council Engineering Standards 2011</b> is undertaken as part of the assessment of the subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering approval.</p>
13.14.2	Road, Private 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> <p>a. Every allotment within the subdivision is capable of having vehicular access to a road;</p> <p>b. Property access is formed where it is shared by two or more allotments;</p> <p>c. Vehicle access and driveways comply with Rule 13.10.25;</p> <p>d. No more than seven allotments are served by a private shared access;</p> <p>e. Driveways onto the road or private ways are located in a manner that will allow for the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>f. Driveways onto the road or private ways are located to provide adequate sight distances for the safe functioning of the vehicle crossing and access;</p> <p>g. The property access is of a suitable width to contain required services.; and</p> <p>h. <u>Excluding the Cove Road North Precinct</u>, <del>F</del> for new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</p> <p><b>Note 1:</b> Excluding the Cove Road North Precinct, <u>A</u>ny changes in land use, development or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>2. Road, Private Way, Cycle Way and Property Access Formation <u>in the Residential Zone</u></b></p> <p>a. Road vesting in accordance with the following requirements:</p>	<p><u>A Residential Zone</u></p> <p>Discretionary Activity</p> <p><u>B Cove Road North Precinct</u></p> <p><u>Restricted Discretionary</u></p>	<p>Council will have regard to the following matters when considering an application for Resource Consent <u>within the Residential Zone</u> under this Rule:</p> <p><u>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:</u></p> <p>i. Whether and the extent to which the road or private way follows the alignment of indicative roads;</p> <p>ii. Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the subdivision;</p> <p>iii. Whether and the extent to which there is <del>a</del> <u>the</u> need for traffic control measures on the roads due to increased traffic from the subdivision;</p> <p>iv. Whether and the extent to which there is <del>a</del> <u>the</u> need for footpaths;</p> <p>v. Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;</p> <p>vi. Whether an adequate alternative access is able to be provided for the anticipated use;</p> <p>vii. Whether the access can contain required services;</p> <p>viii. The expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>ix. Adequacy of sight distances available at the vehicle crossing and along the access;</p> <p>x. Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>xi. Possible adverse effects on Council infrastructure on adjoining properties;</p> <p>xii. Any foreseeable future changes in traffic patterns in the area (including future congestion);</p> <p>xiii. The provision made to mitigate the effects of stormwater runoff and any impact on roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;</p> <p>xiv. Whether and the extent to which the road, private way or property access complies with the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.; and</p>

		<ul style="list-style-type: none"> <li>• Driveways serving eight or more allotments shall be by public road vested with Council;</li> <li>• Design and construction shall be to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011); and</li> <li>• A cul-de-sac shall be provided at the end of any no-exit public road.</li> </ul> <p>b. Use and construction of unformed legal roads is to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011).</p> <p>3. <u>Road, Private Way, Cycle Way and Property Access Formation in the Cove Road North Precinct</u></p> <p>a. <u>Road vesting in accordance with the following requirements:</u></p> <ul style="list-style-type: none"> <li>• <u>Driveways serving eight or more allotments shall be by public road vested with Council;</u></li> <li>• <u>Design and construction shall be in accordance with the Standards in Kaipara District Council Engineering Standards 2011; and</u></li> <li>• <u>A cul-de-sac shall be provided at the end of any no-exit public road.</u></li> </ul> <p>b. <u>Use and construction of unformed legal roads in accordance with the Standards in Kaipara District Council Engineering Standards 2011.</u></p> <p>c. <u>No new road or Private Way access shall be provided to Cove Road unless the posted speed limit on that section of Cove Road is 50 kph or will maintain a safe road environment.</u></p>		<p>xv. <u>Excluding the Cove Road North Precinct, <del>W</del>where a new access is being provided or an existing access onto a State Highway modified, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency and/or New Zealand Railways Corporation is obtained;</u></p> <p><u>The Cove Road North Precinct Road, Cycleway and Pedestrian Connection</u></p> <p>xvi. <u>Council will restrict its discretion to the following additional matters when considering an application for resource consent under this rule within the Cove Road North Precinct:</u></p> <ol style="list-style-type: none"> <li>1. <u>The extent to which any road, cycling and pedestrian connections are established generally in accordance with the Cove Road North Precinct Plan.</u></li> <li>2. <u>Adequacy of the extent, location and formation of pedestrian connectivity (footpath connections) along Cove Road and Mangawhai Heads Road, and roads within the Cove Road North Precinct, based on the level of demand generated by the development.</u></li> </ol> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the engineering approval.</p>
<p>13.14.3</p>	<p><b>Provision for the Extension of Services</b></p>	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>a. The efficient and effective future extension of water and electricity supply, stormwater, wastewater, public access, walking trails, bridal ways and roads to any adjoining land</p>	<p><u>A Residential Zone</u></p> <p>Discretionary Activity</p> <p><u>B Cove Road North Precinct</u></p> <p><u>Restricted Discretionary</u></p>	<p>Council will have regard to the following matters when considering an application for Resource Consent <u>within the Residential Zone</u> under this Rule:</p> <p><u>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:</u></p> <ol style="list-style-type: none"> <li>i. 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;</li> <li>ii. Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future;</li> <li>iii. Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</li> <li>iv. Whether there is the need for land to be set aside and vested in the Council as a site for any public utility required to be provided;</li> <li>v. Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development;</li> <li>vi. The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters; and</li> <li>vii. Whether and the extent to which the extension of services meet the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011.</li> </ol> <p><u>The Cove Road North Precinct Road, Cycleway and Pedestrian Connection</u></p> <p>viii. <u>Council will restrict its discretion the following additional matters when considering an application for resource consent under this rule within the Cove Road North Precinct:</u></p> <ol style="list-style-type: none"> <li>1. <u>Adequacy of the extent, location and formation of pedestrian connectivity (footpath connections) along Cove Road and Mangawhai Heads Road, and roads within the Cove Road North Precinct, based on the level of demand generated by the development.</u></li> <li>2. <u>The extent to which any road, cycling and pedestrian connections, create connectivity throughout the precinct and residential land beyond the precinct and are established generally in accordance with the Cove Road North Precinct Plan.</u></li> </ol>

				<p><b>Note 1:</b> General assessment the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the Engineering Approval.</p>																	
13.14.4	<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; and</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act.</p>	Discretionary Activity	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>i. Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision, and its suitability for the likely land use, for example the installation of filtration equipment if necessary.</li> <li>ii. Whether and the extent to which there is an adequate standard of water supply installed in the subdivision, and the adequacy of existing supply systems outside the subdivision;</li> <li>iii. Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</li> <li>iv. Whether and the extent to which the existing water supply systems to which the connection will be made, have sufficient capacity to service the subdivision;</li> <li>v. Whether and the extent to which it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units;</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 to the land being subdivided, and to nearby land that might be subdivided in the future;</li> <li>vii. Whether there is the need for land to be set aside and vested in the Council as a site for any public water supply utility required to be provided;</li> <li>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;</li> <li>ix. The need for and amount of any financial contributions in accordance with Part D: Chapter 22 Financial Contributions to achieve the above matters;</li> <li>x. Whether and to the extent that the human drinking water supplied meets the requirements under Clause 12 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</li> </ol> <p><i>Note 1: General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the Engineering Approval</i></p>																	
13.14.4A	<b>Water Supply within Cove Road North Precinct</b>	<p>(1) <u>Where a Council water supply is available:</u></p> <p>a) <u>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; and</u></p> <p>b) <u>All allotments are provided, within their net site area, with a connection to the Council water supply; and</u></p> <p>c) <u>All water pipelines vested with Council shall be protected by an Easement in favour of Council.</u></p> <p>(2) <u>Where a public supply is not available, water supplies to all developments shall:</u></p> <p>a) <u>Meet the requirements of Table 1.</u></p> <p><u>Table 1:</u></p> <table border="1"> <thead> <tr> <th rowspan="2"><u>Roof Catchment (m<sup>2</sup>)</u></th> <th colspan="5"><u>Bedrooms</u></th> </tr> <tr> <th><u>1</u></th> <th><u>2</u></th> <th><u>3</u></th> <th><u>4</u></th> <th><u>5</u></th> </tr> </thead> <tbody> <tr> <td><u>100</u></td> <td><u>20m<sup>3</sup></u></td> <td><u>50m<sup>3</sup></u></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	<u>Roof Catchment (m<sup>2</sup>)</u>	<u>Bedrooms</u>					<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>100</u>	<u>20m<sup>3</sup></u>	<u>50m<sup>3</sup></u>				Restricted Discretionary Activity	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>i. <u>Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</u></li> <li>ii. <u>Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</u></li> <li>iii. <u>Sufficient firefighting water supply is available.</u></li> </ol> <p><u>Note: For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u></p> <ul style="list-style-type: none"> <li><u>: Within 90metres of an identified building platform on each lot; and</u></li> <li><u>: Existing or likely to be available at a time of development of the lot; and</u></li> </ul>
<u>Roof Catchment (m<sup>2</sup>)</u>	<u>Bedrooms</u>																				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>																
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		<p><u>120</u></p> <p><u>140</u></p> <p><u>160</u></p> <p><u>180</u></p> <p><u>200</u></p> <p><u>220</u></p> <p><u>240</u></p> <p><u>260</u></p> <p><u>280</u></p> <p><u>300</u></p>	<p><u>15m<sup>3</sup></u></p> <p><u>10m<sup>3</sup></u></p> <p><u>20m<sup>3</sup></u></p> <p><u>50m<sup>3</sup></u></p> <p><u>45m<sup>3</sup></u></p> <p><u>35m<sup>3</sup></u></p> <p><u>30m<sup>3</sup></u></p> <p><u>30m<sup>3</sup></u></p> <p><u>40m<sup>3</sup></u></p> <p><u>35m<sup>3</sup></u></p>	<p><u>35m<sup>3</sup></u></p> <p><u>30m<sup>3</sup></u></p> <p><u>20m<sup>3</sup></u></p> <p><u>60m<sup>3</sup></u></p> <p><u>75m<sup>3</sup></u></p> <p><u>45m<sup>3</sup></u></p> <p><u>55m<sup>3</sup></u></p> <p><u>50m<sup>3</sup></u></p> <p><u>45m<sup>3</sup></u></p> <p><u>40m<sup>3</sup></u></p> <p><u>35m<sup>3</sup></u></p>	<p><u>75m<sup>3</sup></u></p> <p><u>60m<sup>3</sup></u></p> <p><u>75m<sup>3</sup></u></p> <p><u>65m<sup>3</sup></u></p> <p><u>90m<sup>3</sup></u></p> <p><u>80m<sup>3</sup></u></p> <p><u>70m<sup>3</sup></u></p> <p><u>65m<sup>3</sup></u></p> <p><u>60m<sup>3</sup></u></p>	<p><u>90m<sup>3</sup></u></p> <p><u>80m<sup>3</sup></u></p> <p><u>70m<sup>3</sup></u></p> <p><u>65m<sup>3</sup></u></p> <p><u>60m<sup>3</sup></u></p>	<p><u>: Accessible and available all year round; and</u></p> <p><u>: May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</u></p>
13.14.5	Stormwater Disposal	<p>(1) Where available all allotments are provided, within their net site area, with:</p> <p>a) A connection to a <i>Council</i>-maintained stormwater system; or</p> <p>(2) Where no Council system is available:</p> <p>a) All <i>allotments</i> are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing <i>buildings</i> and from all impervious surfaces, in such a way as to avoid any adverse <i>effects</i> of stormwater runoff on the receiving <i>environment</i> in accordance with the Kaipara District Council Engineering Standards 2011.</p> <p>Note 1: Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p>Note 3: The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p>	Discretionary Activity	<p><i>Council</i> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i. Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment;</li> <li>ii. Whether there is sufficient land available for disposal of stormwater;</li> <li>iii. Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</li> <li>iv. Whether and the extent to which measures are necessary in order to give <b>effect</b> to any drainage or</li> <li>v. <b>Catchment</b> Integrated <b>Development</b> that has been prepared for the area;</li> <li>vi. Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</li> <li>vii. Whether and the extent to which the stormwater infrastructure within the <b>subdivision</b>, is able to link with existing disposal systems outside the subdivision;</li> <li>viii. Whether and the extent to which the development meets the relevant performance standards or the <b>Kaipara District Council Engineering Standards 2011</b>;</li> <li>ix. Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</li> <li>x. Whether there is provision of practical vehicular access from a public <b>road</b> to and along any area vested with Council for stormwater purposes;</li> <li>xi. The need for and amount of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</li> <li>xii. Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of stormwater;</li> <li>xiii. In tidal areas, allowance should be made for the effects of high tide, waves, storm surges and rising sea levels; and</li> <li>xiv. Applicants shall demonstrate that any stormwater discharges comply with the requirements of the Regional Water and Soil Plan for Northland as a Permitted Activity or have a Discharge Permit from the Northland Regional Council for the activity.</li> </ul> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the Engineering Approval.</p>			
13.14.5A	Stormwater Disposal within Cove Road North Precinct	<p>(1) <u>Where available all allotments are provided, within their net site area, with:</u></p> <p>a) <u>A connection to a <i>Council</i>-maintained stormwater system; or</u></p> <p>(2) <u>Where no Council system is available:</u></p> <p>a) <u>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 surface, in such a way as to mitigate any adverse effects of stormwater runoff on the receiving environment by providing:</u></p> <ul style="list-style-type: none"> <li>i) <u>Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</u></li> </ul>	Restricted Discretionary Activity	<p><i>Council</i> shall restrict their discretion to the following matters when considering an application for Resource Consent under this Rule:</p> <ul style="list-style-type: none"> <li>i) <u>Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment;</u></li> <li>ii) <u>Whether there is sufficient land available for disposal of stormwater;</u></li> <li>iii) <u>Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</u></li> <li>iv) <u>Whether and the extent to which measures are necessary in order to give <b>effect</b> to any</u></li> </ul>			

		<ul style="list-style-type: none"> <li>ii) <u>Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year Average Recurrence Interval (ARI), 24-hour rainfall event with climate change minus any retention volume provided for all impermeable surfaces.</u></li> <li>iii) <u>Detention (temporary storage) of the 20% and 10% AEP to pre-development levels due to undercapacity downstream infrastructure.</u></li> <li>iv) <u>Detention (temporary storage) of the 1% AEP to pre-development levels due to downstream flooding.</u></li> <li>v) <u>Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from contaminant generating impermeable surfaces.</u></li> <li>vi) <u>Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.</u></li> </ul> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p> <p><b>Note 4:</b> <u>Within Cove Road North Precinct, stormwater management shall follow good management practice f equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</u></p> <p><b>Note 5:</b> <u>The management of sediment flows within and from Cove Road North Precinct shall follow good management practices set out in the GD05 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region.</u></p>		<p><u>drainage</u></p> <ul style="list-style-type: none"> <li>v) <u>Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</u></li> <li>vi) <u>Whether and the extent to which the stormwater infrastructure within the subdivision, is able to link with existing disposal systems outside the subdivision;</u></li> <li>vii) <u>Whether and the extent to which the development meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011 or the Mangawhai Hills Development Area Stormwater Management Plan.</u></li> <li>viii) <u>The extent to which run-off from a developed catchment is discharged back into its natural catchment.</u></li> <li>ix) <u>The applicability of retention to be provided within a 72-hour period.</u></li> <li>x) <u>The extent to which inert building materials are to be utilised (e.g., inert roof material).</u></li> <li>xi) <u>The extent to which effects arising from the loss of flood storage and increase in peak flows downstream are avoided or mitigated.</u></li> </ul>
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<p>13.14.6</p>	<p><b>Wastewater</b></p>	<p>1. Where a Council reticulated wastewater system is available:</p> <ol style="list-style-type: none"> <li>The written approval of Council's Asset Manager is obtained and provided with the application to confirm that the Council wastewater system can be extended to serve the subdivision; and</li> <li>All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system; and</li> <li>The reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and</li> <li>All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ol> <p>2. Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"</p> <p>3. Where no Council system is available, all allotments are provided, within their net site area, with:</p> <ol style="list-style-type: none"> <li>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; and</li> <li>The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed; and</li> <li>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).</li> </ol> <p><b>Note 1:</b> Effluent discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p>	<p><u>A Residential Zone</u></p> <p>Discretionary Activity</p> <p><u>B Cove Road North Precinct</u></p> <p><u>Restricted Discretionary Activity</u></p>	<p>Council will have regard to the following matters when considering an application for Resource Consent <u>within the Residential Zone</u> under this Rule:</p> <p><u>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:</u></p> <ol style="list-style-type: none"> <li>Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision;</li> <li>Whether there is sufficient land available for wastewater disposal on site, minimum 2,000m<sup>2</sup> for unserviced sites;</li> <li>Whether and the extent to which the application includes the installation of all new reticulation, and complies with the provisions of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer;</li> <li>Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</li> <li>Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal roads will be required under the Local Government Act;</li> <li>Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal systems is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a discharge permit issued by the Northland Regional Council;</li> <li>Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title pursuant requiring individual allotments to connect with the system when it does become available;</li> <li>Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any consent notices to ensure compliance;</li> <li>The need for and extent of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</li> <li>Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</li> </ol>
				<ol style="list-style-type: none"> <li>The provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; and</li> <li>Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</li> </ol> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.</p>



13.14.7	Energy Supply	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a <b>reticulated</b> electrical supply system at the <b>boundary</b> of the <b>net site area</b>.</p>	Discretionary Activity	<p>Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ol style="list-style-type: none"> <li>Whether the proposed reticulation system to be installed by the subdivider will have adequate capacity for the likely development;</li> <li>Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future maintenance;</li> <li>Whether undergrounding of infrastructure has been undertaken;</li> <li>Whether there is a need for a local purpose reserve to be set aside as a site for any public utility required to be provided;</li> <li>Whether the proposed reticulation system will have potential adverse effects on amenity values; and</li> <li>The ability for adequate electricity generation within the site to provide energy supply for activities proposed.</li> </ol> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the Engineering Approval.</p>
13.14.8	Telecommunications	<p>All <b>allotments</b> are provided with:</p> <p>a) A connection to a telecommunications system at the <b>boundary</b> of the <b>net site area</b>; or</p> <p>Where the <b>subdivision</b> is within any Overlay, all new lines including service leads / lines / connections shall be underground or wireless.</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <ol style="list-style-type: none"> <li>Where the <b>subdivision</b> involves the construction of new <b>roads</b> or formed rights of way, whether an extended reticulation system will be installed (at the subdivider's cost)</li> <li>Whether the proposed reticulation system will have potential adverse <b>effects</b> on amenity values; and</li> <li>The ability for the <b>allotments</b> to be provided with alternate phone coverage (e.g. mobile phone coverage).</li> </ol> <p><b>Note 1:</b> Upgrading or cost sharing will be solely a matter for the <b>network utility operator</b>.</p> <p><b>Note 2:</b> General assessment of the <b>Kaipara District Council Engineering Standards 2011</b> is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the engineering approval.</p>
13.14.9	Esplanade Management for Lots Less Than 4ha	<p>Where an <b>allotment</b> of less than 4ha is created on <b>subdivision</b> of land which adjoins the sea, <b>rivers</b> over 3m in width or <b>lakes</b> over 8ha in area, an <b>esplanade reserve</b> or <b>strip</b> of 20m in width shall be set aside, except where:</p> <ol style="list-style-type: none"> <li>The subdivision involves only a minor <b>boundary</b> adjustment and no additional <b>building sites</b> will be created; and</li> <li>The proposed subdivision activity arises solely due to land being acquired for any <b>road designation</b> or a site to be created only for a <b>network utility</b>.</li> </ol> <p><b>Note 1:</b> No esplanade reserve or strip shall be required where a lot is associated with the provision of a utility service</p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or <b>strip</b>:</p> <ol style="list-style-type: none"> <li>The topography of the land concerned including a plan showing contours where appropriate;</li> <li>The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</li> <li>The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</li> <li>The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</li> <li>The liability of the land to erosion, flooding and other <b>natural hazards</b>;</li> <li>The water quality enhancement values of the land and associated vegetation cover;</li> <li>The estimated costs associated with surveying any esplanade reserve in relation to the total</li> </ol>

				<p>estimated cost of the <b>subdivision</b> where relevant;</p> <p>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</p> <p>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as:</p> <ul style="list-style-type: none"> <li>- a land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>- a Conservation Covenant under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody);</li> <li>- a Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement;</li> </ul> <p>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and creation of an Esplanade Reserve or Strip and associated public access would be inappropriate; and</p> <p>xi) The nature of any special conditions or restrictions proposed for any <b>esplanade strip</b> including those relating to periodic closure as provided for in the Tenth Schedule of the Resource Management Act 1991.</p> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <p>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision;</p> <p>xiii) Where unrestricted public access could adversely affect conservation management programmes;</p> <p>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</p> <p>xv) Council's ability to maintain a reserve.</p>
<p>13.14.10</p>	<p><b>Esplanade Management for Lots More Than 4ha</b></p>	<p>The <b>Council</b> has determined in accordance with the empowering provisions in Section 77 of the Resource Management Act 1991 that a 20m wide <b>esplanade reserve</b> and <b>strip</b> is to be set aside where an <b>allotment</b> of 4ha or more is created in the following circumstances:</p> <p>a) The lot itself contains land, or adjoins a section of the <b>Coastal Marine Area, a lake or river</b>, which has important recreational values and where:</p> <ul style="list-style-type: none"> <li>- Public access is either currently available to the <b>waterbody</b> and associated margins or where there is reasonable likelihood of such access being available in the future from a <b>road, access strip</b> or reserve including an adjacent esplanade reserve; or</li> <li>- In respect of the Coastal Marine Area public access is currently available to the <b>foreshore</b> from the water and it can be used for the landing of small craft.</li> </ul> <p>b) The lot adjoins a section of the Coastal Marine Area which is subject to serious wave or wind induced erosion or other <b>natural hazard</b> processes and where:</p> <ul style="list-style-type: none"> <li>- Formal reservation of the land is considered appropriate by the Council following consultation with the Northland Regional Council.</li> </ul> <p>c) The lot itself contains land, or adjoins a portion of the Coastal Marine Area, a lake or river which has significant <b>indigenous vegetation</b> and significant habitats of indigenous fauna or supports the habitat of trout, and where:</p> <ul style="list-style-type: none"> <li>- Formal reservation of the land is considered appropriate by the Council following consultation with the Department of Conservation; and</li> <li>- Where after consultation on a case by case basis the Department of Conservation or other appropriate body has agreed to assist with fencing and future management of the land or assume ownership of the same as provided in Section 237D of the Resource Management Act.</li> </ul> <p>d) The lot adjoins a lake, the water quality of which is being adversely affected by runoff from adjacent properties and where:</p> <ul style="list-style-type: none"> <li>- Formal reservation of the land is considered appropriate by Council following consultation</li> </ul>	<p>Discretionary Activity</p>	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule to reduce or waive the requirement for an <b>esplanade reserve</b> or <b>strip</b>:</p> <p>i) The topography of the land concerned including a plan showing contours where appropriate;</p> <p>ii) The present use of the land and the location of any <b>structures</b> on or adjacent to the required esplanade reserve or strip;</p> <p>iii) The conservation values of the land and adjacent <b>waterbody</b> including a description of the vegetation and associated wildlife present;</p> <p>iv) The public access values of the land and presence or otherwise of esplanade or other reserves in the immediate vicinity;</p> <p>v) The liability of the land to erosion, flooding and other <b>natural hazards</b>;</p> <p>vi) The water quality enhancement values of the land and associated vegetation cover;</p> <p>vii) The estimated costs associated with surveying any esplanade reserve in relation to the total estimated cost of the <b>subdivision</b> where relevant;</p> <p>viii) Whether a waiver or reduction will ensure the security of private property and the safety of people;</p> <p>ix) Where the purposes of an esplanade reserve or strip can be equally or better achieved by an alternative means, such as:</p> <ul style="list-style-type: none"> <li>- A land improvement agreement with individual landowners (these may be used for protection of aquatic habitat, water quality and hazard mitigation);</li> <li>- A Conservation Covenant under the Reserves Act or QEII Trust Act (these may be used for protection of natural character, landscape values, and habitats on margins of a waterbody); or</li> </ul>

				<ul style="list-style-type: none"> <li>- A Condition of Consent requiring fencing, planting or other works related to riparian protection and enhancement;</li> </ul>
		<p>with the Northland Regional Council; and</p> <ul style="list-style-type: none"> <li>- The Northland Regional Council or other appropriate body has agreed to assist with fencing and future management of the land.</li> </ul> <p><b>Note 1:</b> For the purpose of this Rule, "significant" refers to either:</p> <ul style="list-style-type: none"> <li>• All those <b>sites</b> containing indigenous vegetation or habitat ranked moderate, moderate-high, high or outstanding on the Sites of Special Biological Interest database or equivalent under the Protected Natural Areas programme; or</li> <li>• In the absence of an assessment or ranking in terms of the above, assessments of significance and ranking should be based on the same methodology.</li> </ul>		<ul style="list-style-type: none"> <li>x) Where <b>waahi tapu</b> or other culturally significant <b>sites</b> are present and the creation of an esplanade reserve or strip and associated public access would be inappropriate; and</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 Resource Management Act.</li> </ul> <p>Council will have regard to the following matters when considering an application for Resource Consent to replace the requirement to create an esplanade reserve with an esplanade strip:</p> <ul style="list-style-type: none"> <li>xii) Where the land is extremely steep, substantially in bush or other dense vegetation and where the provision of an esplanade reserve would involve a difficult or extensive survey in relation to the purpose of the subdivision;</li> <li>xiii) Where unrestricted public access could adversely affect conservation management programmes;</li> <li>xiv) Where the margins are affected by erosion, inundation or other natural hazard processes and a fixed inner <b>boundary</b> would not be appropriate; and</li> <li>xv) Council's ability to maintain a reserve.</li> </ul>

13.14.11	<b>Esplanade Areas on Road Stopping</b>	<p>a) Circumstances where an <b>esplanade strip</b> may be used instead of an <b>esplanade reserve</b></p> <ul style="list-style-type: none"> <li>- The requirements in Section 345 of the Local Government Act 1974 relating to the setting aside of an esplanade reserve when a <b>road</b> is stopped may be replaced by a requirement to create an esplanade strip where unrestricted public access could restrict conservation.</li> </ul> <p>b) Circumstances when an esplanade reserve or strip less than 20m wide or where no esplanade reserve or strip may be required</p> <ul style="list-style-type: none"> <li>- The width of any esplanade reserve or strip required under Section 345 of the Local Government Act 1974 or this District Plan when a road is stopped may be reduced from 20m or waived altogether where the esplanade strip can be equally or better achieved through alternative means.</li> </ul> <p>c) Circumstances when an esplanade reserve or strip more than 20m wide may be required</p> <p>The width of any esplanade reserve or strip required when a road is stopped under Section 345 of the Local Government Act 1974 or this District Plan may be increased from 20m when erosion is likely to reduce the width of the esplanade reserve.</p>	Discretionary Activity	Any request to <b>Council</b> to consider the provision of an <b>esplanade reserve</b> or <b>strip</b> greater or less than 20m wide when a <b>road</b> is stopped is to be made taking into account the Assessment Criteria in Sections 13.14.9(i)-(xv) inclusive and 13.14.10 (i)-(xv) inclusive.
13.14.12	<b>Special Subdivision Provisions</b>	<p>(1) <b>Special Provision for 116, 118, 120, 122, 124, 116 and 126A Gordon Road, 37 Onslow Road and 73 Awakino Road, Dargaville</b></p> <p>a) Notwithstanding the subdivision provisions of Sections 13.11, 13.12 and 13.13, any subdivision development of 116, 118, 120, 122, 124, 116 and 126A Gordon Road, 37 Onslow Road and 73 Awakino Road, Dargaville, being Lots 353-356 DP 859, Lots 1-2 DP 365261, Lot 2 DP 365004, Lot 1 DP 73886 and Lot 2 DP 189062, shall comply with the following rules:</p> <ul style="list-style-type: none"> <li>- Rule 12.15.12 (Electricity Transmission Corridor No Build Area);</li> <li>- Rule 12.15.13 (Electricity Transmission Corridor Assessment Area); and</li> <li>- Rule 12.10.1(4) (Excavation and Fill).</li> </ul>		