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- REZ Ruakaka Equine Zone
- RPZ Rural Production Zones
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- RVZ Rural Village Zone
- RLZ Rural Living Zone
- RUEZ Rural (Urban Expansion) Zone
- CCZ City Centre Zone
- MUZ Mixed-use Zone
- COMZ Commercial Zone
- WZ-Waterfront Zone
- SCZ Shopping Centre Zone
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1. Introducing the District Plan



The District Plan is the primary document that manages <u>land</u> use and development within the Whangārei District Council's territorial boundaries. The Whangārei District Council is required to prepare a District plan under the Resource Management Act 1991 (the Act), specifically having regard to Part 2 of the Act focusing on the sustainable management of <u>land</u> and other <u>natural and physical resources</u>. It includes Objectives, Policies and Methods to achieve the sustainable management of these resources within the Whangārei District. This may involve their use, development or protection.

The District Plan is only a small part of the process that focuses on achieving sustainable management of the Whangārei District. The Plan forms part of a group of interrelated planning and policy initiatives, and is developed with consideration to other statutory requirements. Policy development is influenced by, and must be consistent with the direction given in the National Policy Statements, National Environmental Standards and Regulations, Regional Policy Statements and Regional Plans. Relationships also exist between the Resource Management Act and other legislation such as the Building Act, the Treaty of Waitangi, the Forestry Act and the Historic Places Act.

The Whangārei District Plan has been prepared as a single document which addresses the resource management issues facing the Whangārei District. It is important that the document be viewed as a whole, so that the common themes and inter-relationships between the various sections can be understood. The District Plan is an important document that is designed to enable the Council, and the <u>community</u> to work towards its long term vision for the Whangārei District.

The District Plan is an enabling document, designed to minimise rules and regulations, and encourage innovation and diversity in the use of the Whangārei District's resources. In preparing the District Plan the Council has been careful to ensure that the <u>community</u> has played a significant role in shaping the direction of the document. The Objectives, Policies and Methods reflect the Council's (roles in establishing leadership for its <u>community</u> through the District Plan), response to the interests and concerns of the <u>community</u>, and meets the legislative requirements of the Act, within which the District Plan operates.

The District Plan Team reviews and makes changes to the District Plan on a continual basis. For further information or enquiries regarding the District Plan contact Council on (09) 430 4200.



Papakāinga

Index PKA Papakāinga PKA.1 Papakāinga PKA.1.1 Description & Expectations PKA.1.2 Eliaibility PKA.1.3 **Objectives** PKA.1.4 **Policies** PKA.1.5 Permitted Activities PKA.1.6 Restricted Discretionary Activities PKA.1.7 Non-Complying Activities PKA.1.8 Transfer of Powers PKA.1.9 **Decision Making** Advice Note PKA.1.10 PKA.1.1 Description and Expectations

The papakāinga provisions provide for the development of ancestral Māori <u>land</u>. In the context of the District Plan, ancestral Māori <u>land</u> is <u>land</u> subject to the Te Ture Whenua Māori Act 1993, including; Māori customary <u>land</u>, Māori freehold <u>land</u> and General <u>land</u> owned by Māori. These provisions seek to provide opportunities for Māori <u>land</u> owners to develop and live on their ancestral <u>land</u>.

Providing for papakāinga meets the purpose of the RMA (section 5) in that it will enable Māori to provide for their social, economic, and cultural well-being and for their health and safety. It also recognises and provides for the relationship of Māori and their culture and traditions with their ancestral <u>lands</u>, <u>water</u>, <u>sites</u>, <u>wāhi tapu</u>, and other <u>taonga</u>; a matter of national importance in the RMA (section 6(e)).

In the context of the District Plan, papakāinga developments are developments of a communal nature on ancestral Māori <u>land</u>. Papakāinga developments may not solely focus on providing for housing. In addition to housing papakāinga may also include activities such as: community, education and <u>recreational facilities</u>, <u>places of assembly</u> and <u>industrial</u> and <u>commercial activities</u>, all of which are directly associated with the communal nature and function of the papakāinga.

It is recognised that Māori <u>land</u> is subject to a number of development barriers and complications that require it to be treated differently to <u>land</u> held in European title. These barriers include (but are not limited to) the status of Māori <u>land</u> under Te Ture Whenua Māori Act 1993 and the costs associated with obtaining approval from councils and other organisations.

Council is committed to providing for papakāinga developments on ancestral Māori <u>land</u>. The PKA provisions reflect this commitment by providing a permitted activity status for papakāinga developments on Māori freehold <u>land</u>, provided that it can be demonstrated that the <u>land</u> has the capacity to cater for the development and that certain amenity standards are met.

A restricted discretionary activity status is provided for "General <u>land</u> owned by Māori" that is either the subject of proceedings before the Māori Land Court to convert it to Māori freehold <u>land</u>, or where an ancestral link has been identified. On all other <u>land</u>, papakāinga developments are non-complying activities.

Māori Land Court processes for Occupation Orders and Licenses to Occupy require Māori land owners to obtain certain information from Council. It is highlighted in the provisions that Council will provide this information on request.

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PKA.1.2 Eligibility

- 1. The following provisions of the District Plan shall apply to papakainga developments:
 - a. The District Wide and Resource Area objectives, policies and rules.
 - b. The underlying Zone provisions, unless otherwise specified in PKA.1.5.
 - c. The underlying Zone <u>subdivision</u> provisions.
- 2. The PKA provisions shall not apply to land located in the Heavy Industrial Zone.

PKA.1.3 Objectives

- 1. For the District Plan to recognise the desire of Māori to maintain and enhance their traditional and cultural relationship with their ancestral <u>land</u>.
- 2. Provide for papakāinga development on ancestral <u>land</u> in a manner which is sensitive to <u>tikanga</u> <u>Māori</u> and the sustainable management of the <u>land</u> resource.
- 3. Allow maximum flexibility for Māori to develop their ancestral <u>lands</u>, while ensuring appropriate health, safety and amenity standards are met.
- 4. Enable Māori to establish and maintain traditional settlement patterns, activities and development opportunities.
- 5. Protection and enhancement of ecological, landscape, cultural, heritage and other features which are of value to Māori and the wider community.

PKA.1.4 Policies

- To limit papakāinga development to ancestral Māori <u>land</u> that is administered under the Te Ture Whenua Māori Act 1993.
- 2. To require the maximum intensity and scale of papakāinga development to be determined by the sustainable servicing capacity of the <u>land</u> and the surrounding <u>environment</u>.
- 3. To require the location and extent of built development to be determined by the physical characteristics of the <u>land</u> and <u>tikanga Māori</u>.
- To provide for non-residential activities of a scale, character, and intensity that are compatible
 with the values of Māoritanga, character of the <u>environment</u> and the sustainable servicing
 capacity of the locality.
- 5. To encourage Māori to prepare Papakāinga Development Plans as a guide to sustainable management of ancestral <u>land</u>.

PKA.1.5 Permitted Activities

- On Māori freehold <u>land</u> as defined in the Te Ture Whenua Māori Act 1993, papakāinga developments are a permitted activity provided that:
 - a. A Papakāinga Development Plan ("PDP") is submitted to Council prior to any application for building consent that identifies and demonstrates the following:
 - i. The location of any residential units.
 - ii. The location of any structures other than residential units.



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- iii. Areas of <u>land</u>, <u>buildings</u> or <u>major structures</u> (excluding minor <u>structures</u>) to be dedicated to commercial, community or industrial activities.
- iv. The location of utility servicing requirements and internal roading network.
- v. The <u>land</u> can be serviced in terms of <u>access</u>, <u>water</u>, <u>wastewater</u> and <u>stormwater</u> in accordance with the relevant provisions of the Transport and Three Waters Management Chapters for the type and number of <u>buildings</u> shown on the PDP. The PDP shall be accompanied by a written report and certification to this effect from a Chartered Professional Engineer confirming that this requirement is met.
- vi. The location of any recorded historic.heritage (including archaeology) that is protected by the Heritage New Zealand Pouhere Taonga Act 2014.
- b. The following controls are met:
 - i. Any <u>places of assembly</u>, <u>recreational facilities</u>, <u>educational facilities</u> and commercial or <u>industrial activities</u> are established in conjunction with and are directly associated with the <u>residential activities</u> of the papakāinga.
 - ii. Any <u>places of assembly</u>, <u>recreational facilities</u>, <u>educational facilities</u> and commercial or <u>industrial activities</u> are <u>setback</u> at least 100m from any existing <u>residential unit</u> on a separate <u>site</u>.
 - iii. Commercial or <u>industrial activities</u> shall not cumulatively exceed 500m² in <u>gross floor</u> <u>area</u> on any one <u>site</u>.
 - iv. The number of <u>residential units</u> per <u>site</u> does not exceed one <u>residential unit</u> per 2,000m² of <u>net site area</u>.

PKA.1.6 Restricted Discretionary Activities

- 1. Papakāinga developments where the <u>land</u> is General <u>land</u> owned by Māori as defined in the Te Ture Whenua Māori Act 1993 and:
 - It is demonstrated that the papakāinga development would otherwise comply with the permitted activity controls in PKA.1.5; and
 - b. The <u>land</u> is subject of proceedings before the Māori Land Court to convert the <u>land</u> to Māori freehold <u>land</u> on the date the application for resource consent is made; or
 - c. The <u>land</u> has not been the subject of proceedings before the Māori Land Court to convert the <u>land</u> to Māori freehold <u>land</u> but an ancestral link to the <u>land</u> has been identified.
- 2. Any papakāinga development on Māori freehold <u>land</u> that cannot comply with one or more of the permitted activity standards in PKA.1.5.
- 3. Matters of discretion
 - a. When assessing restricted discretionary applications pursuant to PKA 1.6.1 Council shall restrict its discretion to the following matters:
 - i Explanation as to the historical reasons why the land was transferred to general title.
 - ii Evidence as to why the land should be considered as ancestral Māori land.
 - iii In the case of PKA.1.6.1 c above, an explanation as to why the <u>land</u> has not been converted to Māori freehold <u>land</u> pursuant to the Te Ture Whenua Māori Act 1993.



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iv Demonstration of appropriate legal mechanism(s) to ensure that the <u>land</u> is maintained in whanau ownership.

Note: Refer to guidance document for assistance in demonstrating the adequacy of evidence for the identification of an ancestral link.

b. When assessing restricted discretionary applications pursuant to PKA.1.6.2 Council shall restrict its discretion to any actual or potential environmental effects associated with the matter of non-compliance.

PKA.1.7 Discretionary Activities

1. Any papakāinga development on General <u>land</u> owned by Māori that cannot comply with the restricted discretionary activity in PKA.1.6.1.

PKA.1.8 Non-Complying Activities

1. Papakāinga developments on all other land not specified above.

PKA.1.9 Advice Notes

1. Transfer of Power

Subject to the requirements of section 33 of the Resource Management Act 1991, the WDC is able to transfer its powers to the relevant iwi authority for the rohe in which the land is located.

Note: Refer to guidance document on Transfer of Powers for assistance as to the process for applying for and obtaining a transfer of powers.

2. Decision Making

Any applicant for resource consent pursuant to PKA 1.6 – PKA 1.8 can request that the application is considered and determined by an Independent Commissioner(s) with knowledge and experience in tikanga Māori and Planning.

3. Application to the Māori Land Court for an Occupation Order or a Licence to Occupy

For the purposes of making an application to the Māori Land Court for an Occupation Order or a Licence to Occupy, Council can supply on request District Plan maps or any other relevant information it holds relating to the suitability of the land for a papakāinga development.



9.1 Significant Issues

Subdivision, use and development of <u>land</u> creates demand for <u>water</u> supply, <u>wastewater</u> disposal, storm <u>water</u> disposal, <u>road</u> <u>access</u> and public reserves and community facilities.

In the absence of intervention through the Plan, the costs of providing services and of avoiding, mitigating or remedying other adverse <u>effects</u> will fall on the community.

9.2 Overview

The use, subdivision and development of <u>land</u> may impose costs on the community in a number of ways. Significant costs arise from providing works and services such as <u>water</u> supply, <u>wastewater</u>, storm <u>water</u>, <u>roads</u>, reserves and community facilities, for the benefit of <u>land</u> that is used, subdivided or developed. The community, through the Council, has paid a substantial part of these costs in the past, particularly the costs that arise off-<u>site</u>, for example, the costs of expanding the <u>wastewater</u> treatment system to keep pace with the increasing number of houses connected to the system.

The sustainable, efficient and effective provision of these services is not totally achieved though market mechanisms, especially as long-term cumulative effects and off-site effects are not fully recognised in the market for subdivided or developed land. Any subsidy on subdivision, use and development will tend to distort private resource management decision-making, and may compromise other objectives and policies of the Plan and the statutory purpose of sustainable management.

<u>Financial contributions</u> are a means, provided for in the Resource Management <u>Act</u> 1991, of reallocating these costs. A financial contribution may be in the form of money or <u>land</u>, or a combination of these. The money may be required to be paid (or <u>land</u> transferred) by subdividers or developers to the Council or a third party. The Resource Management <u>Act</u> 1991 requires the Plan to state the purposes of <u>financial contributions</u>, and the manner of determining the level of the contribution.

This chapter contains general Objectives, Policies and Methods relating to financial contributions. These provisions are applicable to the entire Plan. Other chapters contain material relevant to financial contributions in specific circumstances.

9.3 Objectives

9.3.1

All of the costs arising from <u>land</u> subdivision and development are identified and recognised.



Explanation and Reasons: Not all costs of development are allocated to developers through market forces. This objective is intended to ensure that resource management decisions are not distorted through hidden subsidies. Costs that particularly need to be identified are those that arise through demands for servicing, and impacts on amenities, heritage and ecosystems.

9.3.2

The sustainable and efficient allocation of costs and resources in the delivery of services to new development.

Explanation and Reasons: The efficient use of existing and future services and infrastructure will reduce the environmental costs of development, and sustain the future potential of services. There may be occasions where this objective is best met by the community accepting development costs, but in most cases the costs of avoiding, remedying or mitigating the adverse effects on the environment arising from new activities will be charged to the subdivider or developer. Consequently, the wider community will not have to pay for effects that result in private benefit.

9.4 Policies

9.4.1 Effects

To ensure that the reasonable costs of, and responsibility for, avoiding, remedying and mitigating the adverse <u>effects</u> of activities are borne by the person carrying out the activity.

Explanation and Reasons: The <u>effects</u> of activities on, and adjacent to, <u>land</u> where new activities are established, are considered to be a cost (whether in money or <u>land</u>) only on the person establishing the activity. The person profiting from the activity should meet the costs.

9.4.2 Burden of Payment

To ensure that subdividers and developers:

- Meet the total costs of on-site services within a <u>subdivision</u> or development <u>site</u> to the extent this is required to service the <u>subdivision</u> or development <u>site</u>;
- Meet the total costs of any linkage or necessary expansion between the <u>subdivision</u> or <u>land</u> development and the service network, except to the extent that a demonstrated community benefit occurs;
- Meet the cost of constructing or upgrading of services necessary to avoid, remedy, mitigate or offset the adverse <u>effects</u> on the <u>environment</u> of the <u>subdivision</u> or development;
- Contribute towards costs incurred by the Council in providing excess capacity of services where that excess capacity is utilised.

Explanation and Reasons: The provision of adequate public utility services is an essential part of the development process. Such services include <u>roads</u> (including footpaths, kerb and channel and street lighting), systems, <u>stormwater</u> systems,



solid waste disposal, reserves and <u>wastewater</u> community facilities and <u>water</u> supply systems (including collection, reticulation, treatment and disposal, where applicable).

Such services are broken into three distinct categories:

On-Site Services: These are the facilities and services internal to the development or <u>subdivision</u>. These are provided by the developer, at their cost, to an acceptable standard. Generally, these facilities will be vested in the Council and will be required as a condition on resource consents.

Link Services: These are the facilities required to connect the <u>site</u> to the public services. Generally these will be paid for by the developer, except to the extent that there are community benefits from outside the new area being serviced. This contribution will be required as a condition on resource consents.

Community Services - These are the facilities remote from the <u>site</u>, such as <u>sewage</u> treatment plants, <u>water</u> treatment plants and the <u>road</u> network. The costs of community services will be recovered through a financial contribution in money, payable to the Council, and imposed as a condition on resource consents.

9.4.3 New Development

To ensure that a financial contribution, in the form of money, is paid by developers on the creation of new activities, including new <u>allotments</u> and new development, for the purpose of avoiding, remedying, mitigating or offsetting any actual and potential adverse <u>effects</u> of such activities on the <u>environment</u>, that are not addressed by way of other conditions of consent.

Explanation and Reasons: As well as having direct effects on the immediate environment, the establishment of new activities places demands on existing infrastructure and results in the need for its expansion or upgrading. The community infrastructure (including water supply, wastewater, roads, reserves and community facilities) provides the efficient means of avoiding, remedying and mitigating some of the adverse effects of activities off-site, which otherwise would have to be met on-site. The community infrastructure thus allows the efficient and intensive use of the land resource to take place. In the past, a disproportionate share of costs of expansion and upgrading has been borne by the wider community.

The policy will ensure that when new activities take place, particularly <u>subdivision</u> and development, a reasonable proportion of the environmental costs (including the community costs) associated with such activities, is recovered by the community at the time that the activity obtains relevant consents.

9.4.4 Additional Services

To use <u>financial contributions</u> in money to provide additional capacity, and to meet the need for services and <u>infrastructure</u> within the District arising from the activity, and to avoid, mitigate or remedy any adverse <u>effects</u> arising from new activities. These services and <u>infrastructure</u> shall include the <u>road</u> network, <u>water</u> supply,



<u>wastewater</u>, and <u>stormwater</u> and the provision and development of reserves and community facilities.

Explanation and Reason: The community provides and maintains most of the essential <u>infrastructure</u> services which underpin existing and new activities, and which avoid, remedy or mitigate actual and potential adverse <u>effects</u>. Money paid to the Council by means of <u>financial contributions</u> for permitted activities for which consents are obtained, will be applied by the Council to capital works associated with the provision of <u>infrastructure</u> and services or their expansion.

9.4.5 Contribution by Payment

To ensure that a financial contribution in the form of money is paid to off-set actual or potential adverse <u>effects</u> of an activity, when the <u>effects</u> cannot be addressed in terms of any of the other <u>financial contributions</u> policies.

Explanation and Reasons: In general, the Council will only take money in relation to activities in terms of the above policies. However, it may sometimes be appropriate to accept or require a financial contribution in order to offset an adverse effect. Such circumstances may arise where effects cannot be directly addressed on-site (for example, where a development has an adverse effect on a habitat but the effect can be off-set by creation of a replacement habitat elsewhere, or the improvement of an existing degraded habitat). Appropriate circumstances for financial contributions to off-set such effects may be suggested by a consent applicant, or by the community. For such contributions to be acceptable, a clear relationship will need to be demonstrated between the effect for which the contribution is being made and the remedy or off-setting benefit that can be achieved.

9.4.6 Calculating Contributions

To calculate <u>financial contributions</u> using a formula that correctly allocates the reasonable costs of avoiding, remedying or mitigating adverse <u>effects</u> on the <u>environment</u>, and that ensures double charging does not occur.

Explanation and Reasons: Rates paid to the Council following development may contain some component for the payment towards new <u>infrastructure</u>. This policy is intended to ensure that allowance is made for this in the calculation of the financial contribution.

9.4.7 Recognition of Positive Effects

To ensure that the calculation of <u>financial contributions</u> takes into account the positive <u>effects</u> of a development where services are to be provided, in agreement with Council, that are in excess of those required to service the development.

Explanation and reasons: The provision of services in accordance with a development can be of benefit to the community and/or the <u>environment</u>. Where services are provided in agreement with Council that are in excess of those required to adequately service the development, the value of the excess will be taken into account in the calculation of the <u>financial contributions</u> to be paid.



9.5 Methods

9.5.1 Regulatory Methods

- Rules relating to the payment of financial contributions (Policies 9.4.1 to 9.4.6).
- Subdivision rules relating to the provision of services (Policies 9.4.2 and 9.4.3).
- Resource consent conditions (Policies 9.4.1 to 9.4.6).

9.5.2 Economic Instruments

- Financial contributions in terms of Chapter 9 (Policies 9.4.1 to 9.4.6).
- Annual Plan allocation for Council purchase of <u>land</u> (Policies 9.4.1 to 9.4.6).

9.5.3 Council Works and Services

 Works and services relating to <u>water</u> supply, <u>sewage</u> and <u>stormwater</u> disposal (Policies 9.4.1 to 9.4.6).

9.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- The efficient and timely provision and/or upgrading of infrastructure and services so as to enable the orderly and sustainable development of the District. This includes the provision of roading, footpaths, street lighting, water supply, wastewater and storm water disposal, solid waste disposal, reserves and community facilities.
- The costs of providing and/or upgrading <u>infrastructure</u> and services to enable development are contributed to by those initiating such development.
- The costs of ameliorating adverse environmental <u>effects</u> resulting from development are borne by those initiating such development.





11.1 **Significant Issues**

Subdivision, use and development, within the coastal environment and alongside rivers, may result in adverse effects on, Significant Ecological Areas, Built Heritage, Sites of Significance to Māori and Outstanding Landscapes and Natural Features.

Lack of adequate and safe public access to water bodies and the coast for recreation and cultural purposes.

Subdivision, use and development near the coast and rivers can worsen the effects of natural hazards.

11.2 Overview

The Resource Management Act 1991 provides for esplanade reserves and strips to be created for the following purposes:

- Protection of conservation values, natural functioning of the adjacent sea or water body, water quality, aquatic habitats, natural values and mitigating natural hazards:
- To enable public <u>access</u>;
- To enable public recreational use, where use is compatible with conservation values.

The District contains a number of significant ecological sites, riparian habitats, and outstanding landscapes and natural features, which are located within the coastal environment or alongside rivers and streams, and merit conservation. A number of sites of significance to Māori have been identified alongside rivers and within the coastal environment. These areas should be given priority when obtaining esplanade reserves.

The coast and numerous rivers within the District have high recreational values and high usage, particularly near residential settlements. There is a need to provide public access to, and along, the coast, and to those rivers which have significant recreational values, in order to provide for people's recreational needs and expectations. In some circumstances it may be necessary to restrict or exclude public access, to protect human health and safety, or ecological values.

Esplanade areas can also be a valuable instrument in hazard mitigation. Esplanade areas can provide a 'buffer' between land use and waterways, as well as providing a means to minimise the risk of property loss. Coastal areas including Whananaki, Matapouri, Ngunguru and Pataua are prone to accretion and erosion. In these areas the acquisition of an esplanade area could limit development along the foreshore and thereby minimise the risks of property loss. The occurrence of natural hazards may preclude public access in some places.

The Resource Management Act 1991 specifies that an esplanade reserve of 20 metres in width shall be created upon subdivision of lots less than four hectares, adjoining either the coast or a river greater than three metres in width. The Plan may provide exceptions and variations to this model. Additionally, the Plan may stipulate the criteria or location of areas where an esplanade reserve may be required on lots exceeding four hectares. As an alternative to the esplanade



reserve, the Resource Management Act 1991 provides for the creation of an esplanade strip, whereby the private landowner retains ownership.

Esplanade reserves are created automatically:

- Where roads vested in local authorities that abut mean high water springs, are stopped (section 345(3) of the Local Government Act 1974); or
- Where any road along the banks of a river with an average width of 3.0 metres or more is stopped (section 345(3) Local Government Act 1974); or
- Under section 116 of the Public Works Act 1981

11.3 **Objectives**

11.3.1

Preservation of the natural character of riparian margins and the coastal environment.

11.3.2

Protection of Significant Ecological Areas, Built Heritage, Sites of Significance to Māori, riparian habitats and Outstanding Landscapes and natural features, within the coastal environment and alongside rivers and streams.

11.3.3

Maintain and enhance public access, where appropriate, to and along the coast and rivers.

11.3.4

Recognise and protect riparian margins and the coastal environment as natural hazard buffers.

11.3.5

The relationship of tangata whenua with their sites and other taonga is enhanced.

Explanation and Reasons: These objectives address the provision of safe public access to the coast, rivers and streams; the protection of conservation and cultural values; the provision of areas for water-related recreation activities; and the provision of areas for hazard mitigation alongside the coast, rivers and streams. The necessity for provision of public access will be assessed with regard to health and safety and cultural considerations.



11.4 Policies

11.4.1 Riparian Management

To avoid the adverse effects of land use activities on the natural character and functioning of riparian margins of water bodies and the coast.

11.4.2 Separation Distances

To ensure that land use activities avoid, remedy or mitigate adverse effects on water quality, by means which may include separating land use activities from water bodies and coastal waters and by encouraging the retention and enhancement of riparian vegetation as buffer areas.

Explanation and Reasons: Land use activities, such as filling and excavation, roading and building close to water bodies can affect amenity, cultural, ecological and natural character values of the water body. This policy is intended to ensure that the margins of water bodies are managed in a manner that retains these values, both adjacent to and within the water body. Separating land use activities from the margins of water bodies enables planting, possible public access and retention of an unmodified environment. In suitable locations, however, the provision of structures necessary for water-based recreation pursuits, conservation purposes and bridges is recognised. The management of water bodies is closely related to the functions of the Northland Regional Council.

11.4.3 Esplanade Priority Areas

To identify esplanade priority areas within the coastal environment and alongside particular rivers, where the land involved will serve one or more of the purposes of esplanade reserves or esplanade strips set out in section 229 of the Resource Management Act 1991.

Explanation and Reasons: The development of esplanade reserves along all rivers and streams is not practicable, nor is it likely to be of community benefit. Emphasis has been placed on establishing esplanade reserves along the coast and particular rivers and streams which have recognised conservation and recreation value. These have been called Esplanade Priority Areas and have been listed in Appendix 5 of this Plan.

11.4.4 Allotments Less than Four Hectares

To set aside esplanade reserves or strips on the subdivision of allotments of less than four hectares where the land involved will serve one or more of the purposes of esplanade reserves or strips set out in Section 229 of the Resource Management Act 1991.

Explanation and Reasons: Subdivision represents an intensification of land use and potentially affects the conservation of the environment and public access. Increased intensification of land use also commonly corresponds to increased population density and therefore increased demands for public access to amenities and recreation facilities. Esplanade reserves and strips provide a means by which conservation values or public access can be provided for when land is subdivided.



The coastal environment is significant, as it has ecological value and makes a significant contribution to the landscape quality of the District. Under section 6 of the Resource Management Act 1991, the preservation of the natural character of the coastal environment is a matter of national importance. Many coastal areas play an important part in the recreational activities of the community. There is an expectation that such areas will be available for public use and enjoyment.

11.4.5 Allotments over Four Hectares

To provide for the establishments of esplanade reserves or strips on the subdivision of allotments of 4 hectares and greater where the following criteria are met:

- The <u>land</u> involved will serve one or more of the purposes of <u>esplanade reserves</u> or strips, as set out in Section 229 of the Resource Management Act 1991. and, where appropriate, will recognise and provide for the matters of national importance, as set out in Section 6 of that Act; and
- The compensation payable is commensurate with the public benefits likely to arise from their creation: and
- To show those esplanade reserves or strips identified as esplanade Priority Areas in Appendix 5 of this Plan.

Explanation and Reasons: Subdivision into larger lot sizes represents an intensification of land use, and can lead to potential effects on the conservation of the environment and public access, but at a lesser scale than more intensive development. This policy recognises both the importance of Sections 6 and 229 of the Resource Management Act 1991 and the balancing of the costs and benefits of acquiring esplanade reserves on a case by case basis.

11.4.6 Stopped Roads

To create esplanade reserves where a road is stopped around the margins of water bodies and the coast, in Esplanade Priority Areas identified in Appendix 5 of this Plan.

11.4.7 Public Health and Safety

To avoid the creation of esplanade reserves on sites where the provision of an area for public access would impair public health and safety.

Explanation and Reasons: In some instances, allowing public access in some coastal or riparian areas would endanger people's health and safety. This is especially so around heavy industrial activities, such as ports. Three port areas, defined in Appendix 5, have been exempted from the esplanade requirement, even though they are within the coastal environment.

11.4.8 Natural hazards

To set aside esplanade reserves where they contribute to effective hazard management.



Explanation and Reasons: Esplanade reserves or strips can provide a natural buffer against natural hazards that affect the coast and the banks of streams and rivers, and help maintain flow capacities.

11.4.9 Cultural Protection

To set aside esplanade reserves and to create esplanade strips to protect areas of significance to Māori.

Explanation and Reasons: This policy addresses the cultural uses of esplanade areas, which includes traditional food and resource gathering areas, as well as places of spiritual significance. These areas are to be identified by tangata whenua.

11.4.10 Hierarchy of Values

To give priority to conservation values, cultural importance, hazard mitigation and public health and safety over recreation and public access values where there is a conflict between values.

Explanation and Reasons: In some circumstances, recreational use and public access may not always be compatible with other values identified for an Esplanade Priority Area. Section 6 of the Resource Management Act 1991 states that preservation of the natural character of the coastal environment, the protection of outstanding natural features and landscapes, and areas of significant indigenous vegetation and fauna, and the relationship of Māori with the land are matters of national importance. Public access to and along waterways is also a matter of national importance. However, this policy awards priority to conservation, cultural importance and hazard mitigation values over recreation and public access values.

11.4.11 Esplanade Strips

To set aside <u>esplanade strips</u> instead of an <u>esplanade reserve</u>:

- · Where a strip would attain the appropriate level of ecological, recreational or hazard protection:
- In areas where the potential for erosion or 'moving' of the banks or margins of a river is high;
- Where there are foreseeable difficulties with surveying:
- · Where the cost to the Council of acquiring a reserve is not seen to be justified by public benefit, but the cost of a strip would be so justified;
- Where it is necessary or desirable to restrict public <u>access</u>;
- Where the efficient and effective management of these areas may be better achieved through private ownership.

Explanation and Reasons: This policy acknowledges that while the protection of rural riparian areas is important, the efficient and effective management of these areas may be better achieved through private ownership by individual landowners. This policy acknowledges the role of the Council in the acquisition and management of esplanade areas but also recognises that it must act responsibly, weighing public costs and benefits. The Resource Management Act 1991 requires



compensation to be paid for esplanade areas on allotments greater than four hectares.

11.4.12 Widths of Reserves and Strips

To ensure that the widths of esplanade reserves and strips are 20 metres, except where this width would impair public health or safety; the area would intrude unreasonably on the use of private property or legal structures on the site; or a different width would satisfy the objectives and policies of the Plan.

Explanation and Reasons: This policy acknowledges that the standard width of 20 metres is not appropriate in all circumstances. The widths of esplanade reserves and strips should reflect the natural character of the land and be sufficient to include notable trees, stands of bush and other outstanding ecological or landscape features.

11.4.13 Access strips

To require access strips, or an appropriate easement, to give public access to esplanade reserves, esplanade strips, or other public land with water frontage which otherwise would be landlocked.

11.4.14 Financial Contribution

To allow esplanade reserves be set aside as a financial contribution, where the effects of land use activities on water bodies or the coastal marine area and their margins cannot otherwise be avoided, remedied or mitigated

Explanation and Reasons: Large capital developments commonly represent a shift or intensification in land use and this potentially affects the landscape, amenity, heritage and intrinsic values of ecosystems, and public access. Obtaining an esplanade reserve will provide some environmental compensation.

11.4.15 Future Availability

To ensure that buildings or structures do not compromise the future availability of land adjacent to water bodies and the coastal marine area for esplanade reserves or esplanade strips.

Explanation and Reasons: This policy applies to all areas, including those identified in Appendix 5, identified as having sufficient ecological and recreational value to be included as an esplanade reserve. This land should be protected from buildings or structures, which would limit its availability for esplanade reserve purposes in the future, or degrade its associated values.

11.4.16 Riparian and Coastal Margins

To maintain and, where appropriate, enhance riparian vegetation.

Explanation and Reasons: The maintenance, and , where appropriate, the enhancement, of riparian vegetation helps to provide for water quality management, in-stream habitat enhancement and management, biodiversity and nature conservation, and recreation and amenity values. However, it should be



recognised that it is not appropriate in all situations to maintain and enhance all riparian vegetation. Such situations may include where the vegetation is an identified noxious plant. When determining whether to maintain and/or enhance riparian vegetation, the Council will have regard to those matters set out in the Regional Policy Statement for Northland relevant to riparian management including clause 17.4.C.8.

11.5 Methods

11.5.1 Regulatory Methods

- Identification of Esplanade Priority Areas on the Planning Maps (Policy 11.4.3).
- Listing Esplanade Priority Areas in Appendix 5 of this Plan (Policy 11.4.3).
- Rules regarding land use, subdivision and hazard mitigation (Policies 11.4.1 to 11.4.15).
- Resource consent conditions (Policies 11.4.1 to 11.4.15).

11.5.2 Information, Education and Advocacy

- Liaison with the Department of Conservation (Policies 11.4.1 to 11.4.15).
- Liaison with the Northland Regional Council (Policies 11.4.1 to 11.4.15).
- The Northland Regional Council's Environment Fund (Policies 11.4.1, 11.4.5, 11.4.7, 11.4.8, 11.4.9).

11.5.3 Economic Instruments

- Financial contributions to acquire land or cash for future acquisition of land, or for maintenance of reserve land for reserve purposes (Policy 11.4.14).
- Annual Plan allocation to fund Council purchase of land (Policy 11.4.14).
- The Council will seek to negotiate with landowners in accordance with policy direction (Policies 11.4.5, 11.4.13, 11.4.15).

11.5.4 Other Plans and Legislation

Iwi Management Plans and hapū environmental Plans (Policy 7.4.6).

Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The protection and/or enhancement of natural values and cultural/historic heritage along riparian and coastal margins.
- Improved access to and along riparian and coastal margins and enhanced opportunities for recreational use, where appropriate.
- The avoidance of natural hazards (particularly erosion and flooding) along riparian and coastal margins.

11. Riparian and Coastal Margins Whangarei District Council



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12.1 Significant Issues

Inappropriate subdivision, use and development on, or adjoining, <u>water bodies</u> can adversely affect the natural character of these areas and their margins.

The potential for <u>land</u> use activities on, or adjoining, <u>water bodies</u> to diminish the amenity, ecological, cultural and natural values, including the quantity and quality of <u>water</u>.

The actual and potential adverse <u>effects</u> generated by activities on the surface of <u>water bodies</u>.

12.2 Overview

Rivers and lakes are a valuable landscape and ecological resource, and are valued for recreation activities. Some activities on the surface of water bodies, or land adjoining water bodies, have few adverse effects. Other activities have the potential to compromise important water values by generating effects on amenity, cultural and ecological values, and on water quality and quantity. Past extractions from, and modifications to, these water bodies, have already significantly altered their natural character. Water bodies include springs and groundwater, both of which can become polluted from various land use activities. Safeguarding the life-supporting capacity of water is an important part of sustainable management and is of cultural importance to tangata whenua.

Both the District and Regional Councils have responsibilities under the Resource Management Act 1991 relating to water bodies and the need to achieve integrated management (refer also to Chapter 27: Local Authority Cross-Boundary Issues).

The District Council has primary responsibility for the control of any actual or potential <u>effects</u> of the use, development, or protection of <u>land</u> and associated <u>natural and physical resources</u> (which includes <u>water</u>), the control of <u>subdivision</u> of <u>land</u> and the control of any actual or potential <u>effects</u> of activities in relation to the surface of <u>water</u> in <u>rivers</u> and lakes.

The Northland Regional Council has primary responsibility for controlling the use of water, and water quantity, and the control of land for the purpose of maintaining and enhancing water quality. The Regional Water and Soil Plan for Northland controls discharges into water and onto land, the taking, damming and diverting of water, and the use of land that has actual and potential effects on soil conservation and water quality.

12.3 Objectives

12.3.1

The preservation of the natural character of <u>water bodies</u> and their margins, and the protection of them from the adverse <u>effects</u> of inappropriate subdivision, use and development.



12.3.2

Activities on the surface of <u>water bodies</u> do not result in adverse environmental <u>effects</u>.

Explanation and Reasons: <u>Water bodies</u> have many environmental values and are sensitive to the <u>effects</u> of activities. The Council will minimise possible adverse <u>effects</u> upon <u>water bodies</u> by controlling public <u>access</u>, the location and scale of <u>land</u> use activities, and activities on the surface of the <u>water</u>.

12.4 Policies

12.4.1 Adverse Effects

To ensure that the adverse <u>effects</u> of <u>subdivision</u>, use and development adjoining <u>water bodies</u> or the <u>coastal marine area</u>, or activities on the <u>surface of water bodies</u> or the <u>coastal marine area</u>, on <u>water quality and quantity (including ground water)</u>, natural character, and cultural and ecological values of <u>water bodies</u> and the <u>coastal marine area</u>, are avoided, remedied or mitigated.

Explanation and Reasons: The quality of <u>water bodies</u> can be affected by adjoining <u>land</u> use activities and activities on the surface of <u>water</u>. Contamination and changes to flow regimes can result from runoff from the surface of <u>roads</u>, <u>storage</u> areas, disposal of storm <u>water</u> and from industrial processes. Such activities must be assessed in terms of measures to avoid, remedy or mitigate adverse <u>effects</u> on the <u>water</u> resource.

12.4.2 Water Margins

To ensure that <u>land</u> use activities avoid, remedy or mitigate more than minor adverse <u>effects</u> on <u>water</u> quality, by means which may include separating <u>land</u> use activities from <u>water bodies</u> and coastal <u>waters</u> and by encouraging the retention and enhancement of riparian vegetation as <u>buffer areas</u>.

Explanation and Reasons: Land use activities such as filling and excavation, roading, buildings and major structures close to water bodies can affect the amenity, cultural, ecological and natural character values of the water body. This policy is intended to ensure that the margins of water bodies are managed in a manner that retains these values, both adjacent to and within the water body. Separating land use activities from the margins of water bodies enables planting, possible public access and retention of an unmodified environment. In suitable locations, however, the provision of structures necessary for water-based recreation pursuits, or conservation purposes, and bridges is recognised. The management of water bodies is closely related to the functions of the Northland Regional Council.

12.4.3 Surface of Water

To ensure that activities on the surface of <u>water</u> do not result in adverse <u>effects</u> on the natural character, ecological and <u>amenity values</u> of the surrounding <u>environment</u>, or on other users.



Explanation and Reasons: Given the important values that <u>rivers</u> have as publicly available resources, it is important that activities on the surface of <u>water bodies</u> are carefully managed. Activities which use the surface of <u>water bodies</u>, and promote public <u>access</u> to <u>rivers</u>, should be encouraged, provided they do not compromise the <u>amenity values</u> of adjacent <u>land</u> uses, Māori cultural values, or create conflict between users.

12.5 Methods

12.5.1 Regulatory Methods

- Water bodies are assessed within the same Zone rules as the land that surrounds them (Policy 12.4.3).
- Zone rules relating to <u>setbacks</u> from the banks of <u>rivers</u>, and performance conditions to control adverse <u>effects</u> of activities, including activities on the surface of <u>water bodies</u> (Policy 12.4.3).
- <u>Subdivision</u> rules relating to the taking of <u>esplanade</u> reserves (Policy 12.4.1).

12.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland (Policies 12.4.1 to 12.4.3).
- The Northland Regional Water and Soil Plan (Policies 12.4.1 to 12.4.3).
- Iwi/Hapū Environmental Management Plans (Policies 12.4.1 to 12.4.3).

12.5.3 Information, Education and Advocacy

- Liaison with the Northland Regional Council (Policy 12.4.2).
- Liaison with the Department of Conservation (Policy 12.4.1).
- Liaison with non-statutory organisations that have an active involvement in the management of water bodies and their margins (Policy 12.4.1).
- Liaison with iwi authorities and tangata whenua (Policy 12.4.1).

12.5.4 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- The preservation and/or enhancement of the natural character (including <u>water</u> quality) of lakes, <u>rivers</u>, <u>indigenous wetlands</u> and groundwater and their margins, and the protection of them from inappropriate subdivision, use and development.
- Adverse <u>effects</u> of activities on the surface of <u>water bodies</u> are avoided, mitigated or remedied. These include <u>effects</u> on natural character (including <u>water</u> quality), ecological values, cultural and <u>historic heritage</u>, recreational and <u>amenity values</u>.
- The functions of <u>water bodies</u> in transporting and dispersing flood <u>waters</u> is maintained and/or enhanced.



• The cultural and spiritual values <u>tangata whenua</u> attach to <u>water bodies</u> is recognised and provided for.



19 Natural Hazards

19.1 Significant Issues

High incidences of flooding and ponding threaten parts of the District.

Areas of coastal development are threatened by a variety of coastal hazards, including uncertainty of sea level rise and the effects of tropical storms.

The risk of fire is an issue in the District, particularly to stands of either native bush and grasslands or forestry, and within areas of residential development that are located in close proximity to stands of forestry and other fire-prone areas.

Inappropriately located activities and development increase the likelihood of significant property damage from <u>natural hazard</u> events.

Areas of <u>land</u> instability can pose a significant threat to development and <u>subdivision</u>.

19.2 Overview

Risks from <u>natural hazards</u> include <u>land</u> instability, flooding, coastal hazards and fire. The Plan must have regard to these hazards and the threat to human health and safety, and property. Drought is a <u>natural hazard</u> that is common in the District, but the management of this hazard is not best achieved through the Plan.

Generally, where there are steep slopes, little vegetation and high rainfall, <u>land</u> is likely to be subject to erosion and movement. Some <u>land</u> formations, including caves and sinkholes, are inherently unstable and constitute a major hazard. <u>Land</u> instability issues also arise from inappropriate earthwork activities and the removal of vegetative cover. Control of <u>land</u> use and development, in relation to areas of unstable <u>land</u>, has been left to the statutory controls within the Resource Management <u>Act</u> 1991 and the Building Act 2004.

Coal mining was formerly a major industry in Northland with over five million tonnes extracted. Major coalfields were located at Kamo and Hikurangi which are now urbanised. Hazards such as subsidence and sink hole formation arise from the existence of old mines. Potential development in these areas is constrained by these possible hazards. Areas of cut and fill also present a hazard risk where the fill may be unstable and therefore unsuitable for use and development. Potential erosion and <u>land</u> instability hazards present a number of issues that require attention, as the <u>effects</u> of these processes not only result in property damage and risk to human health and safety, but can also affect <u>water</u> quality, natural functioning of <u>water</u> bodies and sediment control.

The high rainfall intensities and the occurrence of tropical storms in the District expose many areas to flooding hazards. There are obvious floodway areas plus areas that are susceptible to ponding. Traditional residential development has centred around the alluvial plains and the coastal foreshore, where the probability of flooding or ponding is high.



Coastal hazards pose a significant threat to a high number of communities in the District. Coastal erosion, landslip and flooding from the sea are the dominant natural coastal hazards along both sheltered and open-exposed coasts.

Coastal erosion exists as either a long-term trend or a significant short-term shoreline fluctuation, especially on sand dune-backed coasts. Landslip is directly associated with coastal erosion where the coastal geology is relatively weak and prone to slope failure.

Flooding from the sea occurs from either severe coastal storms or tsunami that result in waves overtopping the coast and temporarily flooding low-lying coastal hinterland. The identified coastal hazards are forecast to be increased by the effects of climate change from an enhanced greenhouse effect, including rising sea levels at rates generally exceeding those of the last 6,500 years.

Coastal <u>land</u> that is, or is likely to be, subject to the <u>effects</u> of the identified coastal hazards over planning horizons of 50 to 100 years, (adopted widely for hazard assessment) is identified on the Planning Maps by <u>Coastal Hazard Areas</u> 1 and 2 lines, respectively. The <u>Coastal Hazard Areas</u> were first identified in 1988 by the Northland Regional Council but the area of these zones has been reviewed and updated in 1998 and 1999.

Traditional methods of foreshore stabilisation may, in fact, exacerbate, not mitigate, the impact of these coastal hazards. Policy 3.4.5 of the New Zealand Coastal Policy Statement 1994 (NZCPS) requires that new <u>subdivision</u>, use and development near the coast should be so located and designed that the need for hazard protection is avoided. The intent of this policy is to avoid having to implement hazard protection, and should guide where <u>subdivision</u> use and development is appropriate.

Policy 3.3.1 of the New Zealand Coastal Policy Statement requires that a precautionary approach is adopted towards activities involving the <u>subdivision</u>, use or development of areas of the coastal <u>environment</u>. The Objectives and Policies of this part of the District Plan reflect this requirement.

The warming of the earth's surface and atmosphere, caused by increases in greenhouse gases is predicted to result in a rise in sea level, higher local temperatures and changes in rainfall patterns and 'storminess'. The New Zealand Coastal Policy Statement Policies 3.4.2 and 3.4.4 state that plans must recognise the effects of possible sea level rise and that there are natural defence systems within the coastal environment that will mitigate the associated environmental effects. Subdivision, use and development will be discouraged from locating in areas that form natural defence systems. A copy of the NZCPS is available at Whangārei District Council's offices for perusal by the public.

Scrub and bush fires are a potential hazard. Grassland, dune lands, stands of native bush and exotic forestry blocks are included in the areas considered to be at risk, as is residential development where it is in close proximity to such areas.

There is a risk of volcanic activity in Northland, but because of the difficulty of defining exactly where and when an eruption will occur, it is not practicable to provide for hazard avoidance in the District Plan. A risk of damage from earthquakes also exists but is provided for by the <u>building</u> standards required by the Building Act 2004.



19.3 Objectives

19.3.1

The adverse <u>effects</u> of <u>natural hazards</u> on people, property and the <u>environment</u> are avoided, as far as practicable, or otherwise remedied or mitigated.

19.3.2

Existing natural buffers against <u>natural hazard</u> <u>effects</u> are protected, maintained and enhanced.

Explanation and Reasons: Natural hazards can rarely be fully understood or controlled by humans. The avoidance and mitigation of the effects of natural hazards are the better management approaches, with avoidance being preferred to reduce the risk to property and the health and safety of people. Natural buffers against natural hazards, such as coastal dunes, need to be protected so as to maintain their ability to protect people and property from natural hazards.

Note that coastal hazards exist only when activities occur too close to the active coastal zone, remove natural defence systems (such as the dunes) and interfere with natural and physical processes.

The commentary to Policy 3.4.3 of the New Zealand Coastal Policy Statement states that "the obligation to 'enhance' is directed at developers not at local authorities in their regulatory capacity. Local authorities can ensure such enhancement through conditions attached to resource consents".

19.4 Policies

19.4.1 Natural Hazard Effects

To ensure that <u>subdivision</u>, use and development do not increase the risk from, occurrence of, or the adverse effects of natural hazards.

Explanation and Reasons: Certain uses and development may initiate or intensify the adverse <u>effects</u> of <u>natural hazards</u> on the <u>site</u> and beyond. The activity will be restricted if the <u>effects</u> cannot be mitigated to an acceptable level. This will be assessed on a case-by-case basis.

19.4.2 Location of Activities

To avoid <u>subdivision</u>, use and development in identified <u>natural hazard</u> areas where the <u>natural hazard</u> is likely to impact adversely upon human health and safety, property and <u>infrastructure</u>.

Explanation and Reasons: The difficulty of managing the adverse <u>effects</u> of <u>natural hazards</u> highlights the need to avoid development in identified-hazard prone areas where substantial potential risk to human life exists. If mitigation of the <u>natural hazard</u> can be proved to reduce the potential risk to human health and safety to an acceptable level, activities will be considered. <u>Natural hazards</u> have the potential to cause damage, by a range of degrees, to property and



<u>infrastructure</u>. Activities may be acceptable if mitigation of the <u>natural hazard</u> reduces risk to human life and property to an acceptable level. This will be assessed on a case-by-case basis.

19.4.3 Natural Protection

To ensure that existing natural processes and features, such as sea cliffs, beaches, coastal dune systems and vegetation, which provide a buffer against <u>natural hazards</u>, are recognised, protected and enhanced in order to maintain their functioning and integrity.

Explanation and Reasons: Natural processes, such as coastal erosion, can involve such powerful forces that human intervention is futile. There should be protection of existing natural processes and features that have the potential to minimise the effects of natural hazards.

19.4.4 Sea Level Rise

To ensure that all <u>buildings</u> or <u>structures</u> in the coastal <u>environment</u> should be located so as to avoid the <u>effects</u> of a forecast 50 centimetre rise in global sea level this century.

Explanations and Reasons: A rise in global sea level of about 50 centimetres by the year 2100, as forecast by the Intergovernmental Panel on Climate Change (1996), will exacerbate both erosion and flooding from the sea, providing a cumulative threat to buildings or structures situated within close proximity to the sea. The policy adopts a precautionary approach to this hazard by ensuring that sea level rise is considered for all development in close proximity to the sea.

19.4.5 Coastal Hazards

To avoid the need to implement hazard protection works when locating new <u>subdivision</u>, use and development in the coastal <u>environment</u>.

Explanation and Reasons: In many instances, the use of coastal hazard protection works is futile and does not achieve acceptable environmental outcomes. Effective hazard management would be to avoid the hazard. In the coastal <u>environment</u> this can usually be achieved easily by setting back <u>subdivision</u> and development from the beach, thus allowing natural processes to continue without endangering people and property.

19.4.6 Mitigation measures

To ensure that mitigation measures in response to <u>natural hazards</u> do not, themselves, produce adverse <u>effects</u> on the <u>environment</u> and are designed and located to achieve their purpose.

Explanation and Reasons: Engineering measures used to limit the effects of natural hazards might themselves cause adverse effects. An example within the District includes the filling of low-lying land to lessen the risk of flooding. This can change water flow patterns and simply transfer the hazard elsewhere. Due to these factors, any mitigation measures will be assessed for their impacts on the overall environment, rather than merely on a site-specific basis.



19.4.7 Flood Flow Paths

To ensure that <u>subdivision</u>, use and development does not obstruct the flood flow paths of <u>rivers</u> and the efficient functioning of natural drainage systems.

Explanation and Reasons: Activities located in the flood paths of <u>rivers</u> and <u>streams</u> have the potential to interfere with the flow of floodwater. This may increase the adverse <u>effects</u> of the flooding upon human health and safety, property and <u>infrastructure</u>.

19.4.8 Fire Threat

To ensure that <u>subdivision</u>, use and development in areas where there is a high actual or potential risk of fire, incorporate measures to avoid or mitigate such risk.

Explanation and Reasons: Fire is a significant <u>natural hazard</u>. In some areas, such as forests and coastal grasslands and shrub lands, the risk of fire is higher than in other areas. In high-risk areas the avoidance or mitigation of risk can be achieved through measures such as the creation of firebreaks, provision of adequate on-site <u>water</u> supply or careful choice of <u>building</u> materials.

19.5 Methods

19.5.1 Regulatory Methods

Identification of Natural Hazard Areas on the Planning Maps. These include:

- Flood Susceptible Areas (Policy 19.4.7).
- Mining Hazard Areas (Policy 19.4.1).
- Coastal Hazard Area 1 (Policy 19.4.5).
- Coastal Hazard Area 2 (Policy 19.4.5).
- <u>Subdivision</u> rules relating to ability to subdivide in <u>natural hazard</u> areas (Policy 19.4.1).
- Resource Area rules relating to activities in <u>natural hazard</u> areas (Policy 19.4.1).
- Resource consent conditions (Policies 19.4.1 to 19.4.8).
- Investigate options for minimising flood damage (Policy 19.4.7).
- Prepare and distribute publicity material related to hazard investigations and related monitoring systems (Policies 19.4.1 to 19.4.8).
- In association with the Northland Regional Council, review flood control schemes and investigate options for improved flood control (Policies 19.4.6 and 19.4.7).

19.5.2 Other Plans and Legislation

- The Northland Regional Water and Soil Plan (Policies 19.4.1 to 19.4.8).
- The Building Act 2004 (Policy 19.4.1).
- The New Zealand Coastal Policy Statement (Policies 19.4.1 to 19.4.8).



- The Regional Policy Statement for Northland (Policies 19.4.1 to 19.4.8).
- The Northland Regional Coastal Plan (Policies 19.4.1 to 19.4.8).

19.5.3 Information, Education and Advocacy

- Liaison with the Northland Regional Council (Policies 19.4.1 to 19.4.8).
- Develop a <u>natural hazard</u> events' register (Policy 19.4.2).
- Educate and inform resource users about areas with known flooding, instability and other <u>natural hazard</u>-related problems, and the systems in place to monitor these <u>natural hazards</u> (Policies 19.4.2 and 19.4.6).
- Educate and inform resource users about climate change and sea level rise as new information is made available (Policy 19.4.4).
- Provide guidelines on structural and non-structural mitigation measures (Policy 19.4.6).
- Investigate options for minimising flood damage (Policy 19.4.7).
- Prepare and distribute publicity material related to hazard investigations and related monitoring systems (Policies 19.4.1 to 19.4.8).
- Develop maps showing areas of elevated rural fire risk resulting from factors other than weather (Policy 19.4.8).
- Maintain maps identifying <u>natural hazard</u> risk areas on Council's Geographic Information System (Policy 19.4.1).

19.5.4 Council Works and Services

- Works and services relating to maintaining existing Council-owned protection works (Policy 19.4.6).
- Catchment Drainage Plans (Policy 19.4.7).

19.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- Natural hazard areas are identified, assessed, classified and shown on the planning maps in the District Plan.
- <u>Subdivision</u>, use and development is avoided in identified <u>natural hazard</u> areas and/or the adverse <u>effects</u> from <u>natural hazards</u> are adequately avoided, remedied or mitigated.
- The adverse <u>effects</u> from <u>natural hazards</u> on the <u>environment</u>, people's health and safety and property are avoided, as far as practicable, or otherwise remedied or mitigated.
- Natural buffers relating to <u>natural hazards</u> are protected, maintained or enhanced.

20 Contaminated Sites



20 Contaminated Sites

20.1 Significant Issues

Use or redevelopment of <u>contaminated sites</u> can present a hazard to human health and safety, and may increase the adverse <u>effects</u> of the contamination.

The dispersal of <u>contaminants</u> into the surrounding environment by movement of <u>contaminants</u> from <u>sites</u>.

20.2 Overview

A National Environmental Standard for Assessing and Managing <u>Contaminants</u> in Soil to Protect Human Health 2011 ("NES") took <u>effect</u> on 1 January 2012. The objective of the NES is to ensure that <u>land</u> affected by <u>contaminants</u> in soil is appropriately identified and assessed at the time of being developed and, if necessary, remediated or the <u>contaminants</u> contained to make the <u>land</u> safe for human use. In particular the NES:

- Establishes regulations for relevant activities ensuring that all district planning controls relevant to assessing and managing public health risks from contaminants in soil are appropriate and nationally consistent.
- Establishes soil <u>contaminant</u> values protective of human health for a range of <u>land</u> uses, requiring their use when decisions are made under the NES; and
- Ensures best practice and consistent reporting on <u>land</u> affected, or potentially affected
 by <u>contaminants</u> is applied that enables efficient information gathering and consistent
 decision-making.

Control of <u>contaminated sites</u> is shared between District and Regional Councils. The District Council has a responsibility to control the <u>effects</u> of <u>contaminated sites</u> on human health and a general duty to protect the <u>environment</u>. Other <u>effects</u> arising from the <u>discharge</u> of <u>contaminants</u> from a <u>contaminated site</u> are controlled by the Regional Council through regional plans.

<u>Land</u> use activities involving <u>hazardous substances</u> can lead to the contamination of <u>land</u> and therefore endanger the health and safety of people and communities. Many historical <u>land</u> use activities have led to the contamination of <u>land</u>. Potentially <u>contaminated sites</u> range from former <u>landfill sites</u> and gasworks <u>sites</u> through to oil terminals and areas contaminated with <u>sewage</u>. In many cases, the contamination is not confined to the <u>site</u> at which the activity took place.

Potential adverse human health <u>effects</u> typically arise where <u>contaminated sites</u> are redeveloped, and <u>site</u> construction workers, residents or occupiers are exposed to <u>contaminants</u>. Human health risks also need to be considered when contaminated matter is transported away to another <u>site</u>. Additional <u>effects</u> can arise from the contamination of surface watercourses resulting from direct run-off from <u>sites</u>, or point source <u>stormwater discharges</u> and groundwater contamination in areas with permeable soils. The movement of <u>contaminants</u> off-<u>site</u> can be by wind and leaching, but can also occur from <u>land disturbances</u> such as <u>earthworks</u>. These <u>discharges</u> from <u>contaminated sites</u> are the responsibility of the Regional Council. (Also refer to 21 <u>Hazardous Substances</u>).

20 Contaminated Sites



20.3 Objectives

- **20.3.1** The use, management and development of <u>contaminated sites</u> in a way that ensures that the adverse <u>effects</u> on the <u>environment</u> are avoided, remedied or mitigated to acceptable environmental levels.
- **20.3.2** Minimisation of the adverse <u>effects</u> of <u>contaminated sites</u> on human health and safety.

Explanation and Reasons: <u>Land</u> contamination can be very difficult to remedy. Highly technical methods have been developed to undertake the process of decontamination. It is important that the <u>effects</u> and extent of contamination be contained until such methods can be employed to decontaminate the <u>site</u>. <u>Contaminated sites</u>, and their redevelopment, can pose significant human health and safety <u>effects</u>. It is important that these be minimised.

20.4 Policies

20.4.1 Identification

To identify contaminated sites that present a risk to human health and safety.

Explanation and Reasons: The District Council has little information on <u>contaminated sites</u>. It is therefore necessary to develop an appropriate database on such <u>sites</u>. A joint initiative by some Regional Councils and District Councils in developing a consistent methodology for <u>contaminated site</u> information using the PIM and LIM information system will enable, over time, an appropriate classification of <u>sites</u> in the District. Labelling of <u>sites</u> has to be undertaken with care so <u>land</u> is not blighted unnecessarily.

As the database is developed, the Council will, in association with the landowner and the Northland Regional Council, promote an appropriate level of remediation relating to the anticipated <u>land</u> use, in accordance with <u>land</u> use classes. A change to a more sensitive <u>land</u> use may require a higher level of remediation. The level of remediation agreed for a <u>site</u> will be recorded on the relevant property files. Responsibility for the clean up of <u>sites</u> will generally be with the landowner or persons responsible for the contamination.

20.4.2 Remediation

To avoid <u>subdivision</u>, use or development of contaminated <u>land</u> that presents a risk to health, safety or the <u>environment</u>, unless contamination is remedied or mitigated to acceptable environmental levels.

Explanation and Reasons: The level of contamination of a <u>site</u> will influence which activities would be appropriate. Remedial or mitigation measures can decrease the level of risk associated with the <u>site</u>. The range of mitigation and remedial measures allows for rehabilitation to a number of levels of decreased risk, therefore a range of activities could be possible. The process of remediation may result in adverse <u>effects</u> on the <u>environment</u> and a resource consent may be required to control these <u>effects</u>.

20.4.3 Removal of Matter

To contain the extent of contamination by avoiding the removal of soil or matter from a <u>contaminated site</u>, or where appropriate, to allow the excavation of contaminated material and to ensure that such material is stored, transported and disposed of in an appropriate manner.

Explanation and Reasons: The containment of contamination is an important part of managing contaminated sites. It is imperative that there is no further risk of contaminating other parts of

20 Contaminated Sites



the District. Where there is a need for soil to be removed from a <u>site</u>, this should be **District** of in an appropriate facility that deals with hazardous waste.

20.4.4 Dissemination of Information

To keep information on known <u>contaminated sites</u> in the District on a database linked to the PIM and LIM information.

Explanation and reasons: A database linked to the PIM and LIM information system will alert landowners, occupiers, buyers and sellers, and other involved parties of site contamination information. The database will distinguish between confirmed contaminated sites and those that have had a historical association with hazardous substances. The creation of such a database will enable data to be easily updated as new information becomes available and/or side remediation is undertaken.

20.5 Methods

20.5.1 Regulatory Methods

- Resource Area rules relating to activities on <u>contaminated sites</u> (Policies 20.4.1 to 20.4.3).
- Resource consent conditions (Policies 20.4.2 and 20.4.3).

20.5.2 Information, Education and Advocacy

- 1. Dissemination of available information on the location and associated hazards from contaminated sites throughout the District, through PIM and LIM reports (Policy 20.4.1).
- 2. Liaison with the Northland Regional Council (Policies 20.4.1 to 20.4.3).
- 3. Promote and support appropriate voluntary, self-regulating codes of practice but not limited to:
 - Health and Environmental Guidelines for selected Timber Treatment Chemicals (MFE MOH);
 - Code of Practice for the Safe use of Timber preservatives and Anti sapstain Chemicals (OSH);
 - Code of Practice for Fertiliser Use (NZ Fertilisers Manufactures Association);
 - ANZECC Guidelines for the Assessment and Management of <u>Contaminated Sites</u> (ANZECC);
 - Landfill Guidelines (Centre for Advanced Engineering);
 - A Guide to the Management of Cleanfills (MFE);
 - Code of Practice for the Transport of <u>Hazardous Substances</u> on <u>Land</u> (NZS 5433);
 - The <u>Storage</u> and Handling of Toxic Substances (NZS 4452),
 - Guidelines for Assessing and Managing Petroleum Hydrocarbon <u>Contaminated</u> <u>Sites</u> in NZ (MFE);
 - Guidelines for the Management and Handling of Used Oil;
 - Guidelines for the Assessment and Management of Gas Works <u>Sites</u>;
 - Guidelines for <u>Contaminated Sites</u> Management (MFE);
 - Guidelines for the Management of Hazardous Wastes in NZ (MFE) (Policies 20.4.1 to 20.4.3.);
 - Water and Soil Plan for Northland.

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20.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- <u>Contaminated sites</u> within the District are identified, assessed, classified and entered into a database.
- Known <u>contaminated sites</u> are remedied to a standard appropriate to their future use, whilst ensuring they do not have adverse <u>effects</u> on the <u>environment</u>.
- Any <u>subdivision</u>, use or development of <u>contaminated sites</u> will ensure that the health and safety of people and communities are protected.

Schedule 20A - Criteria for Contaminated Sites

The following documents will be used to assess contaminated sites:

- Resource Management (National Environmental Standard for Assessing and Managing <u>Contaminants</u> in Soil to Protect Human Health) Regulations 2011 (the 'NES');
- Users Guide for Assessing and Managing <u>Contaminants</u> in Soil to Protect Human Health (MfE, April 2012);
- Contaminated <u>Land</u> Management Guidelines No.s 1 to 5 (MfE, various);
- Hazardous Activities and Industries List (HAIL) (MfE, latest version);
- Methodology for Deriving Soil Guideline Values Protective of Human Health (MfE, 2011);
- Identifying, Investigating and Managing Risks Associated with Former Sheep-dip <u>Sites</u>:
 A Guide for Local Authorities (MfE, 2006);
- Australian and New Zealand Guidelines for the Assessment and Management of <u>Contaminated Sites</u> (ANZECC 1992);
- Health and Environmental Guidelines for Selected Timber Treatment Chemicals. Ministry for the Environment and Ministry of Health 1997. (Chapter 5);
- Guidelines for Assessing and Managing Contaminated Gasworks <u>Sites</u> in New Zealand. Ministry for the Environment 1997. (Section 4);
- Guidelines for Assessing and Managing Petroleum Hydrocarbon <u>Contaminated Sites</u> in New Zealand. Draft for Consultation. Ministry for the Environment 1997. (Module 4).

The NES criteria for individual compounds and substances will be used when assessing the contamination of any type of <u>site</u>.



27.1 Significant Issues

The consistent approach to, and management of:

- <u>Infrastructure</u> that crosses a territorial authority <u>boundary</u>;
- Significant natural features and natural resources that cross or border a territorial authority <u>boundary</u>;
- Activities which may have adverse effects that cross a territorial authority boundary;
- Activities that establish on or near jurisdictional boundaries that are sensitive to the surrounding environment;
- Resource consent applications that straddle the <u>Coastal Marine Area</u> boundary;
- Consultation with <u>tangata whenua</u> and <u>iwi authorities</u>.

27.2 Overview

The Whangārei District has common boundaries with the Kaipara District and the Far North District, and it is part of the Northland Regional Council's jurisdiction. Each District Council has responsibility for administration only within its own legal boundaries, but there are issues that cross these boundaries. To achieve integrated resource management, these issues need to be examined, and processes arranged between the local authorities to deal with them.

Cross boundary issues commonly arise in instances where an activity or development results in environmental effects that cross local authority boundaries, when activities or development require the use of <u>natural and physical resources</u> that cross local authority boundaries, or when an activity establishes on or near a local authority <u>boundary</u>. The provision of <u>infrastructure</u> that crosses local authority boundaries is one such instance where an integrated approach is required by neighbouring authorities.

Examples include the degree of consistency of the resource management approach by authorities in dealing with the effects of activities which straddle territorial boundaries.

Cross <u>boundary</u> effects also occur when the effects of activities impact on components of the <u>environment</u> under the jurisdiction of another authority. For example, while the control of <u>subdivision</u> is a <u>land</u> use activity controlled by the District Council, effects of increased run off affect the <u>water</u> quality of <u>rivers</u> and <u>streams</u>, which are managed by the Regional Council.

Of specific concern is the relationship between Regional Councils and territorial authorities, as to their respective roles under the Resource Management Act 1991. There are a number of cross boundary issues that arise in this regard. For example, land use activities administered by territorial authorities often result in discharges to air or water which are controlled by regional authorities. Integrated management of these activities requires coordination between the relevant authorities.



Many planning documents deal with cross <u>boundary</u> issues and have cross <u>boundary</u> implications. National and regional planning documents, such as the New Zealand Coastal Policy Statement, regional policy statements and regional plans, set the frameworks for integrated resource management, and District plans must not be inconsistent with them. These documents help to resolve cross <u>boundary</u> issues as well as influencing the objectives and policies of the neighbouring territorial authorities.

27.3 Objectives

27.3.1

The integrated management of <u>natural and physical resources</u> across local authority boundaries.

Explanation and Reasons: Resource management addresses numerous issues, which do not always fall within the legally defined territorial authority boundaries. An integrated approach on and across these boundaries, is the key to achieving the sustainable management of the <u>natural and physical resources</u> of each District.

27.4 Policies

27.4.1 Regional and District Councils

To develop appropriate processes and protocols with which adjacent authorities and the Northland Regional Council may deal with cross <u>boundary</u> issues, with particular regard to the clarification of roles between Regional and District Councils. Such processes include:

- Combined approaches to resource consent processing through joint hearing procedures;
- Notification to other local authorities on applications with effects that may cross media and/or jurisdictional boundaries.
- Regular liaison at Council officer level with other local authorities on resource management issues.

Explanation and Reasons: The Resource Management Act 1991 requires the Plan to state the processes used to deal with issues or effects which cross the jurisdictional boundaries of the Council. Many resource management issues do not fall solely within the boundaries of one District Council. Therefore it is important that processes continue to develop between District and Regional Councils so that cross boundary issues can be dealt with efficiently.

27.4.2 Local Authority Boundaries

To develop processes for dealing with <u>effects</u> from <u>subdivision</u>, use or development that cross local authority boundaries, to achieve integrated resource management.



Explanation and Reasons: To achieve integrated resource management and acceptable environmental outcomes across local authority boundaries, cross boundary issues need to be dealt with in a coordinated manner.

27.4.3 Tangata Whenua

To consult with <u>tangata whenua</u> concerning cross <u>boundary</u> issues, and to provide for the consideration of iwi/hapū issues where these cross local authority boundaries.

Explanation and Reasons: There are iwi and hapū whose ancestral lands straddle local authority boundaries. Environmental concerns of some iwi and hapū will likewise straddle local authority boundaries. These concerns, as expressed by iwi/hapū, need to be considered by the relevant authorities, to ensure consistency of approaches to tangata whenua concerns across local authority boundaries.

27.5 Methods

27.5.1 Regulatory Methods

 Hold joint hearings of resource consents under section 102 of the Resource Management <u>Act</u> 1991, when appropriate, to address cross <u>boundary</u> <u>effects</u> of development (Policy 27.4.1).

27.5.2 Other Plans and Legislation

- The New Zealand Coastal Policy Statement (Policy 27.4.1 and 27.4.2).
- The Far North and Kaipara District Plans (Policy 27.4.1 and 27.4.2).
- The Regional Policy Statement for Northland and Northland Regional Plans (Policy 27.4.1 and 27.4.2).
- Hapū Environmental Management Plan (Policy 27.4.3).

27.5.3 Information, Education and Advocacy

- Notification of local authorities of applications with <u>effects</u> that cross jurisdictional boundaries (Policy 27.4.2).
- Liaison with the Northland Regional Council (Policy 27.4.1).
- Liaison with adjacent territorial authorities (Policy 27.4.2).
- Liaison with other organisations involved in resource management, for example: Transit New Zealand, Heritage New Zealand Pouhere <u>Taonga</u>, Transpower, Department of Conservation, Ministry of Agriculture and Forestry, Ministry of Fisheries (Policy 27.4.2).
- Liaison with iwi authorities and tangata whenua (Policy 27.4.3).
- Submissions on other local authority policy statements, plans and resource consents (Policies 27.4.1 and 27.4.2).



27.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

The integrated management of <u>natural and physical resources</u> across local authority boundaries, particularly in regard to:

- Infrastructure that crosses a local authority boundary;
- Significant natural features and natural resources that cross a local authority boundary;
- Activities which may have adverse <u>effects</u> that cross a local authority <u>boundary</u>;
- Iwi and hapū interests that cross a local authority boundary; and
- The coast.



Referenced Documents

Index

REF.1 Referenced Documents

REF.1.1 Description and Expectations
REF.1.2 Schedule of Referenced Documents

REF.1.1 Description and Expectations

The District Plan shall primarily address resource management matters for the Whangārei District. Cross referencing of technical standards and regulations assists to maintain a streamlined District Plan.

The District Plan may incorporate by reference the following types of external documents:

- a. standards, requirements, or recommended practices of international or national organisations; or
- b. standards, requirements, or recommended practices prescribed in any country or jurisdiction; or
- c. any other written material that deals with relevant technical matters.

External documents may be incorporated in whole or in part, any amendments, additions or variations specified.

Council shall follow the process specified in Part 3 Schedule 1 of the Resource Management Act 1991 when incorporating documents by reference in the District Plan.

REF.1.2 Schedule of Documents Incorporated by Reference

The following documents are incorporated by reference:

Coastal Hazard Identification

NRC 1988: Coastal Hazard Identification. Whangārei County. Technical Publication No.1988/1, March 1988, held by Northland Regional Council.

Gibb, J.G. 1998a: Review of Coastal Hazard Zones for Eleven Selected Beaches in Whangārei District, Northland Region. Consultancy Report C.R. 98/4 prepared for and held by Northland Regional Council. July 1998.

Gibb, J.G. 1998b: Coastal Hazard Zone Assessment for the One Tree Point -Marsden Bay Area, Whangārei Harbour, Whangārei District. Consultancy Report C.R. 98/3 prepared for and held by Whangārei District Council.

Gibb, J.G. 1999: Coastal Hazard Risk Zone Assessment for Pātaua and Matapouri Bay, Whangārei District. Consultancy Report C.R. 99/7 prepared for and held by Whangārei District Council. December 1999.

IPCC 1996: Climate Change 1995. The Science of Climate Change. Summary for Policy Makers and Technical Summary of the Working Group 1. Report. Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge. Held by Northland Regional Council.

b. Artificial Lighting

AS/NZS 1158.0:2005 Road Lighting – Introduction.

AS/NZS 1158.1.1:2005 Road Lighting – Vehicle traffic (Category V) lighting – Performance and design requirements.

AS/NZS 1158.1.2:2010 Road Lighting – Vehicle traffic (Category V) lighting – Guide to design, installation, operation and maintenance.

AS/NZS 1158.2:2005 Road Lighting – Computer procedures for the calculation of light technical parameters for Category V and Category P lighting.



Referenced Documents

AS/NZS 1158.3.1:2005 Road Lighting – Pedestrian area (Category P) lighting - Performance and design requirements.

AS/NZS 1158.4:2015 Lighting for Roads and Public Spaces – Part 4: Lighting of pedestrian crossings.

AS/NZS 1158.5:2014 Lighting for Roads and Public Spaces – Part 5: Tunnels and Underpasses.

SA/SNZ TS 1158.6.2015 – Lighting for Roads and Public Spaces – Part 6: luminaires – Performance.

c. Noise

NZS 6801: 2008 New Zealand standard for Acoustics - Measurement of Environmental Sound

NZS 6802: 2008 New Zealand standard for Acoustics - Environmental Noise

NZ6809: 1999 New Zealand standard for Acoustic Port Management and Land Use Planning

NZ6803: 1999 New Zealand standard for Acoustics - Construction Noise

NZS 6808: 2010 New Zealand standard for Acoustics - Wind Farm Noise

NZS 6807: 1994 New Zealand standard for Noise Management and <u>Land</u> Use Planning for Helicopter Landing Areas

NZS 6805: 1992 New Zealand standard for Airport Noise Management and Land Use Planning

NZS 6806:2010 New Zealand standard for Acoustics – Road-traffic Noise – New and Altered Roads

AS2353: 1999 Australian Standard for Pedestrian Push-button Assemblies

AS2187.2:2006 Explosives – Storage and Use – Use of Explosives

d. Electromagnetic Radiation

NZS 2772.1:1999 New Zealand standard for Radio Frequency Fields Part 1: Maximum Exposure Levels $3\,\text{kHz}-300\,\text{GHz}.$

e. Vibration (Deleted – refer to Noise and Vibration Chapter)

f. Hazardous Substances

Department of Labour, 1992 Code of Practice for Design Installation and Operation of Underground Petroleum System

AS/NZ 1596:1997 Australian and New Zealand standard for Storage and Handling of LPG

New Zealand Radiation Protection Regulations 1982

NZS 8409: 1999 New Zealand Code of Practice for the Management of Agrichemicals

New Zealand Chemical Industry Council 1987 Code of Practice or Warning <u>Signs</u> for Premises Storing <u>Hazardous Substances</u>

New Zealand Ministry for the Environment 1999 Land Use Planning for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facility Operators

g. Engineering and Infrastructure

NZS 4121:2001 New Zealand standard Design for Access and Mobility <u>Buildings</u> and Associated Facilities

NZS 3604:2011 Timber-framed buildings

NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007).



Referenced Documents

h. Electricity Transmission Lines

NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances

Electricity Act 1992

Electricity (Hazards from Trees) Regulations 2003

Electricity (Safety) Regulations 2011

International Commission for Non -lonising Radiation Protection Guidelines (1998)

National Environmental Standards for Electricity Transmission Activities 2009

Outstanding Natural Landscape

WDC. 2016. Guidelines for managing change in Outstanding Natural Landscapes.

Littoralis Landscape Architecture & Simon Cocker Landscape Architecture. 2014. Northland Regional Council Northland Mapping Project: Outstanding Natural Landscapes – Mapping Methodology Report. Prepared for and held by Northland Regional Council.



Referenced Documents



Statutory Acknowledgements

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SAK.1 Statutory Acknowledgements

SAK.1 Description and Expectations

SAK.2 Statutory Acknowledgement for Ngāti Pūkenga

SAK.2.1 Statutory Areas

SAK.2.2 Statements of Association

SAK.2.3 Sections 29 – 33, 35 and 36 of the Ngati Pukenga Claims Settlement Act 2017

SAK.1 Description and Expectations

A statutory acknowledgement is a formal acknowledgement from the Crown of the mana of <u>tangata</u> <u>whenua</u> in relation to a special area.

It recognises the particular cultural, spiritual, historical and traditional association of an iwi or hap ū with the site, which is identified as a statutory area. In some instances, there may be more than one hapū or iwi who is recognised as having an association with a given area.

Statements of association within a statutory acknowledgement/area are set out in Treaty of Waitangi settlement legislation.

While there may be minor variations in the legislation for each settlement, the purposes of a statutory acknowledgement will generally include the following:

- Notification of resource consent applications.
- Environment court regard to statutory acknowledgement in determining whether or not iwi or hapū have an interest greater than the general public.
- Consent authorities are required to forward summaries of resource consent applications to the relevant iwi or hapū for activities within or adjacent to or impacting directly on the statutory area
- The relevant iwi or hapū may cite a statutory acknowledgement as evidence of association with a statutory area in submissions to and proceedings before Council.
- Recording of the statutory acknowledgement in the district plan.



Statutory Acknowledgement for Ngāti Pūkenga

SAK.2.1 Statutory Areas

Statutory Area Location

Pakikaikutu coastal statutory area

As shown on OTS-060-009

In accordance with Section 38 of the of the Ngati Pūkenga Claims Settlement Act 2017:

- (1) In relation to the Pakikaikutu coastal statutory area, the statutory acknowledgement
 - (a) applies, and is limited, to an area 100 metres wide on the seaward side of, and adjoining, the line of mean high-water springs; but
 - (b) does not of itself constitute, and may not be relied upon as, evidence that Ngāti Pūkenga is an iwi whose territory abuts Whāngarei Harbour for the purposes of section 143 of the Māori Fisheries Act 2004.

Maps of the statutory areas can be found in the document Ngati Pūkenga and The Trustees of Te Tāwharau o Ngati Pūkenga Trust and the Crown, Deed of Settlement: Attachments: https://www.govt.nz/dmsdocument/5539.pdf

SAK.2.2 Statements of Association

Ngāti Pūkenga, also known as Te Tāwera, settled the Pakikaikutu block near Pārua Bay in 1838. The area is more commonly known as Tamaterau today. The <u>land</u> was 'tuku whenua' due to the killing of a Ngāti Pūkenga chief at the place.

According to tribal history, Te Tāwera were on their way north in canoes to trade for firearms. On the way one of the crew members, Te Kohupō wished to visit with his sister who had married an important chief of the area. Disembarking near Whāngarei Heads he made his way around the coast, passing through Parua Bay. Unbeknown to him, he was being stalked by a local warrior and when he took rest near a small stream he was surprised and killed at Pakikaikutu.

News of Te Kohupō's murder soon reached Te Tāwera in the Bay of Islands. Readying and arming themselves with their recently acquired firepower they set forth heading southwards towards Whāngarei Harbour where they entered intent on 'utu'. Arriving at Pārua Bay they spied a large contingent of people on the shore, and emissaries issued forth carrying with them terms of peace.

The canoes were drawn up on the beach and the entire retinue made their way up from Pārua Bay over to Pakikaituku. The Whāngarei chiefs pointed out the place where Te Kohupō had met his end, rituals were enacted and in recognition of the unwarranted taking of his life, the <u>land</u> was given over to Te Tawera.

The coastal areas, particularly from Waiakaraka to Pārua Bay (where the canoes landed), was incredibly important to Ngāti Pūkenga, more so because of the steep nature of the Pakikaikutu block, and the challenges these presented when food needed to be grown, dwellings built, or game taken. The 'kāpata kai' as expressed by elders was the moana itself. There were oyster reefs at Tamaterau and Pārua that were utilized by the locals, spots where kina, scallops and mussels could be harvested. Every type of fish imaginable could be caught according to its own season in the shallows and deeper channels around the coast. When transport by water was the main mode of travel, the beaches and small coves provided safe anchorages, and canoes could ply this area taking aboard large seine nets to encircle large schools of hearrings, kahawai, parore, snapper and myriad of other species.



Statutory Acknowledgement for Ngāti Pūkenga

The shallows along this coastal strip abounded in various types of pipi, a staple for the people living there, as these could be taken at almost any time of the year regardless of the weather, dried and stored for leaner times, or gathered in quantities to supply the many gatherings, mourning ceremonies or taken as gifts for other iwi and hapū. Indeed, all of the marine life mentioned and more, when presented to other tribal groups in the quantities required helped to balance the delicate inter-tribal relationships and ensure the mana of Ngāti Pūkenga was upheld and enhanced.

SAK.2.3 Sections 29 – 33, 35 and 36 of the Ngati Pukenga Claims Settlement Act 2017

In accordance with Section 34 of the Ngati Pukenga Claims Settlement Act 2017, Sections 29 - 33, 35 and 36 of the Act are recorded:

29 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas.

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 31 to 33; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with sections 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Pūkenga to cite the statutory acknowledgement as evidence of the association of Ngāti Pūkenga with a statutory area, in accordance with section 36.

31 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

32 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.



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- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management <u>Act</u> 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, <u>archaeological site</u> has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

35 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—



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- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
- (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—(a) waive the right to be provided with a summary or copy of a notice under this section; and(b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

36 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Pūkenga may, as evidence of the association of Ngāti Pūkenga with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) The content of a coastal statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) Te Ohu Kai Moana Trustee Limited for the purposes of determining coastline entitlements under section 11 and Schedule 6 of the Māori Fisheries Act 2004; or
 - (b) the Māori Land Court or any person or body in the determination of a dispute under Part 5 of the Māori Fisheries Act 2004.
- (5) To avoid doubt, the content and existence of the statutory acknowledgement do not—

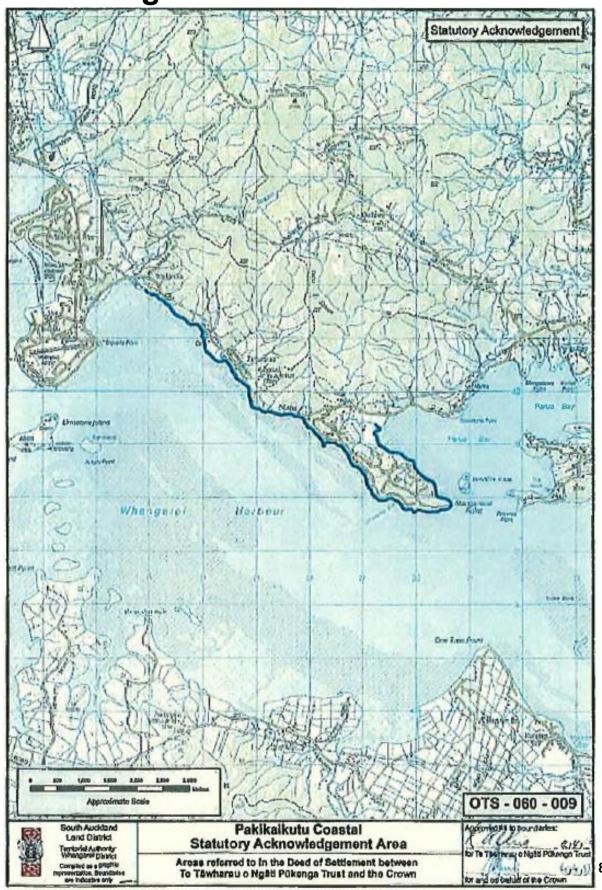


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- (a) imply, and should not be treated as implying, that the association Ngāti Pūkenga has with a statutory area is exclusive; or
- (b) preclude any iwi other than Ngāti Pūkenga from stating that they have, or from being treated as having, an association with, or an interest in, a statutory area; or
- (c) preclude either the trustees or members of Ngāti Pūkenga from stating that Ngāti Pūkenga has an association with a statutory area that is not described in the statutory acknowledgement; or
- (d) limit any statement made by Ngāti Pūkenga, other iwi, or their members.

Whangarei District Council

Statutory Acknowledgement for Ngāti Pūkenga



nearing Paner Recommendation - Consequential Amendments



Statutory Acknowledgement for Ngāti Pūkenga





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Ruakaka Equine Zone

REZ.1 Description and Expectations

The Ruakaka Equine Zone (REZ) provides for the ongoing use of the <u>site</u> for equine related activities (including training and racing), while providing a framework for future development to underpin its long term viability as a racecourse. Future development is to be compatible with the primary racecourse function and includes residential and <u>commercial activities</u>, as well as hospitality and event hosting.

Whangārei Racing Club, a non-profit organisation, has been operating on the racecourse <u>site</u> at Ruakaka since 1974. The facility also provides opportunities for local groups to use the grounds for a range of community activities and this will continue under the new Zone.

The <u>site</u> is within the coastal environment and has sensitive interfaces with the coast to the east, Department of Conservation administered Crown <u>land</u> to the south and a dune lake reserve to the south west. On the southern tip of the Crown <u>land</u>, there is a Wildlife Refuge gazetted under the 1953 Wildlife Act, including most of the Ruakaka Estuary. This reserve does not abut the Ruakaka Equine Zone. These areas provide habitat to a range of Threatened and At Risk fauna.

Further to the west is the Ruakaka Estuary and scarp, upon which residential development looks out over the <u>site</u> and with extensive views of Bream Bay. The western and northern interfaces of the <u>site</u> border existing and planned residential areas.

In addition to the recreational activities associated with the current horse racing-related activities on the <u>site</u>, the racecourse offers opportunities to expand the economic base of the area through horse training and related educational activities, visitor accommodation and events. The <u>site</u> also offers opportunities in providing for housing choices, improved public <u>access</u> to the coastal area and neighbourhood-level services for the wider residential area.

The Ruakaka Equine Zone has been divided into a number of Precincts. These Precincts reflect the specific characteristics of different parts of the racecourse <u>site</u> and enable different future uses. Equine related activities are provided for across the Zone, along with compatible <u>commercial activities</u> in specific Precincts. The Zone provisions encourage proposals for comprehensive and integrated development of the precincts.

Note: For the purposes of the REZ Chapter, in determining residential intensity, one "REZ unit" is the equivalent of one residential unit or 3 commercial activity accommodation units (eg hotel rooms or motel units).

REZ.1.2 Eligibility Rules

- 1. Eligibility Rules applicable to subdivision and <u>land</u> use within the Zone are detailed in REZ 1.2. and REZ 6.1.
- 2. The Zone-wide objectives and policies and the specific policies set out in the relevant individual precinct <u>land</u> use and subdivision sections shall form the basis of assessment for any resource consent application in the Ruakaka Equine Zone.
- 3. The first <u>land</u> use application for a non equine related activity in each of Precincts B, C and D will be publicly notified.
- 4. Any other application will be subject to the notification tests of the Resource Management Act 1991.
- 5. All parking shall be provided within the **boundary** of the Ruakaka Equine Zone.

Discretionary Activities

6. The following activities are discretionary activities within the Ruakaka Equine Zone:



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- a. Comprehensive and integrated development and/or subdivision in Precinct B, C or D where that would result in up to 250 REZ units in total within the whole of the REZ.
- b. Constructing up to 3 <u>access</u> points (including a horse <u>access</u> point) from Precinct D into adjoining Crown <u>land</u> administered by the Department of Conservation.
- c. Subdivision of the REZ into Precincts A, B, C or D.

Non Complying Activities

- 7. The following activities are non complying activities within the Ruakaka Equine Zone:
 - a. Any development that would result in more than 250 REZ units in total within the whole of the REZ.
 - b. Industrial activity.
 - c. Constructing more than 3 <u>access</u> points (including a horse <u>access</u> point) from Precinct D into adjoining Crown <u>land</u> administered by the Department of Conservation.
 - d. <u>Land</u> use and subdivision activities not permitted, prohibited or requiring consent as a discretionary activity.

Prohibited Activities

- 8. The following activities are prohibited activities within the Ruakaka Equine Zone:
 - a. The keeping of cats, dogs or mustelids in the Ruakaka Equine Zone (except seeingeye dogs).
 - b. The dumping of any waste, including green waste, from the Ruakaka Equine Zone into adjoining Crown land administered by the Department of Conservation.
 - c. Constructing <u>access</u> points from Precinct B and C into adjoining Crown <u>land</u> administered by the Department of Conservation.

REZ.1.3 Objectives

- 1. The long term viability of equine activities within the Ruakaka Equine Zone is secured.
- 2. The expansion of horse racing and training-related activities, and a cluster of compatible commercial and equine education facilities is enabled.
- A comprehensive and integrated framework for future residential and <u>mixed use</u> development is provided to ensure the viability of ongoing equine related activities, provide for a high quality environment within the Ruakaka Equine Zone, and respect the amenity of the surrounding environment.
- 4. The natural character of the coastline is protected, and any adverse effects of development of the Ruakaka Equine Zone on the adjacent Crown land administered by the Department of Conservation, Ruakaka Wildlife Refuge and dune lake and their significant wildlife are avoided.

REZ.1.4 Policies

- 1. To protect the ongoing operation of the Whangārei Racing Club on the <u>site</u> while providing opportunities for expansion of equine related activities by ensuring that:
 - a. The racetrack and infield area is retained for equine related activities.
 - b. There will be a maximum of 250 REZ units within the Zone.



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- c. All <u>residential units</u> within the Ruakaka Equine Zone will enter into a 'no complaints' covenant to ensure that the residential development does not impact on the <u>day</u> to <u>day</u> equine related activities and events.
- d. Use of the REE by community groups is provided for, but their use of facilities is to be compatible with the primary function of the Zone as a racecourse.
- 2. To ensure comprehensive and integrated future residential and <u>mixed use</u> development for the entire Ruakaka Equine Zone or individual Precincts by requiring applications for non equine related <u>land</u> use and/or subdivision within Precincts B, C and D to include comprehensive Precinct Layout Plans (PLP) prepared with reference to:
 - a. The objectives and policies of the Ruakaka Equine Zone and Precinct/s.
 - b. Anticipated **built form** and activities.
 - c. Proposed intensity of development.
 - d. Relationships and connections with adjacent Precincts and other zones/environments.
- 3. To preserve the natural character of the coastline, the adjacent Department of Conservation administered Crown <u>land</u>, Ruakaka Wildlife Refuge and dune lake by, for example, setting back <u>buildings</u> and <u>major structures</u>, managing their design and providing indigenous vegetated buffer strips along the boundaries. New development should not be visible from the beach area, when viewed from the foreshore area adjacent to the Zone, except for any redevelopment on the grandstand hill.
- 4. To respect the amenity of the areas surrounding the Ruakaka Equine Zone and to promote amenity within the Zone through considerate <u>building</u> design including <u>building</u> and <u>major structure</u> mass, <u>height</u>, colour and materials.
- 5. To avoid significant adverse effects on the amenity of surrounding residential areas, in particular panoramic views of Bream Bay.
- 6. To provide for visual and physical connections through the <u>site</u> and managed <u>access</u> to the coast.
- 7. To maintain and enhance visual connections to landscape features in the wider area, including headlands and off-shore islands.
- 8. To manage the effects of <u>infrastructure</u> provision and <u>site</u> works and require on-site <u>stormwater</u> attenuation and re-use, through adherence to the Three Waters Management Chapter.
- 9. To achieve hydrological neutrality for the Zone through identifying and establishing appropriate management measures for on-going <u>maintenance</u> and upkeep of sustainable, low-impact <u>stormwater</u> management facilities using best practice options.
- 10. To avoid adverse effects on the ecological and cultural values of the coastal area, the adjacent Crown <u>land</u> administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake, through:
 - a. Providing for up to a maximum number of REZ units as set out in REZ1.4.1(b).
 - b. Encouraging adaptive management staging of development, particularly in Precinct B.



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- c. Preparation and implementation of an Ecological Plan that demonstrates how the ecological values of the coastline, adjacent Department of Conservation administered reserves, Ruakaka Wildlife Refuge and dune lake are to be protected from development of the Ruakaka Equine Zone.
- d. Controlling <u>building</u> and <u>major structure</u> location and design, requiring vegetated buffers, managing <u>stormwater</u> quality and quantity, <u>access</u> controls, control of plant and animal pests, exclusion of domestic cats and dogs, and avoiding disturbance of habitats from development of the Ruakaka Equine Zone.
- e. Preparation and implementation of a <u>tangata whenua</u> cultural monitoring plan that identifies protocols for engagement with Patuharakeke, archaeological discovery protocols, recognition of and interpretation of <u>Tangata whenua</u> values on <u>site</u>, and a <u>kaitiaki</u> monitoring programme.

REZ.1.5 Subdivision and Land Use Application Information Requirements

- 1. All applications for non equine related <u>land</u> use and/or subdivision, including comprehensive and integrated development, must include:
 - a. Assessments of environmental effects, as detailed in REZ 1.5.2.
 - b. For Precinct B, C or D, a Precinct Layout Plan prepared for the whole of the Precinct/s as described in REZ 1.5.3 and REZ 1.4.2.
 - c. Proposed consent conditions, as detailed in REZ 1.5.4.
 - d. For Precinct B, C or D, an Ecological Plan or updated Ecological Plan prepared in accordance with REZ 1.6.
 - e. Event Plans where required in REZ 1.7.
- 2. Assessments of environmental effects shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated effects associated with the subdivision and/or development:
 - a. Context analysis, including how development within the precinct will integrate with existing and possible development in adjacent precincts and other zones and consistency with any prior Precinct Layout Plan.
 - b. Traffic effects assessment, within the <u>site</u> and on the local roading and state highway networks.
 - c. <u>Building</u> design assessment including consideration of exterior materials and colours, factors contributing to low energy sustainable design, including the use of durable, low <u>maintenance</u> materials, passive heating, passive cooling, use of solar energy and rainwater harvesting.
 - d. Ecological effects assessment (as described in REZ 1.6.)
 - e. Consideration of Adaptive Management Staging.
 - f. Timing of development.
 - g. Landscape and visual effects assessment, including natural character.
 - h. Infrastructure effects assessment.



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- i. Stormwater management effects assessment.
- j. <u>Infrastructure</u> funding.
- k. Cultural effects assessment by tangata whenua.
- I. <u>Tangata whenua</u> cultural monitoring plan (as described in Policy 1.4.9e).
- m. Archaeological effects assessment.
- n. Urban design assessment.
- o. Specialist reports submitted in conjunction with Plan Change 113.
- p. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.
- 3. Precinct Layout Plans shall set out how the Precincts are to be subdivided or developed, responding to, and compatible with, the assessment of environmental effects and relevant objectives and policies and must depict, as a minimum, the following features (as relevant to each Precinct):
 - a. Location and types of proposed activities.
 - b. <u>Building</u> envelopes (footprints, <u>height</u>, separation/<u>setbacks</u>, coverage).
 - c. Proposed <u>road</u> layout and cross sections.
 - d. Pedestrian and cycle facilities.
 - e. Proposed landscaping.
 - f. Proposed fencing.
 - g. Areas of cultural significance, including archaeological sites.
 - h. Relationships and connections with adjacent Precincts and other zones/environments.
 - Subdivision or development design, including number, size and shape of allotments; infrastructure, servicing, access and engineering details; land tenure (e.g freehold, leasehold, cross lease, company leases, unit titles); and any staging / timing of subdivision or development.
- 4. Proposed conditions of consent shall include (but shall not be limited to) the following matters:
 - a. Noise, lighting, visual amenity, car parking, traffic management.
 - b. <u>Building</u> design implementation.
 - c. Urban design.
 - d. Fencing.
 - e. Landscaping.
 - f. Adaptive Management Staging/Timing of development (if proposed).
 - g. <u>Stormwater</u> management, including groundwater quality and dune lake re-charge.
 - h. Identification, protection, and monitoring of areas of cultural significance, including <u>archaeological sites</u>.
 - i. Ecological requirements (as detailed in REZ 1.6.)



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- i. 'No Complaints' covenants for residential units (as required by REZ 1.4.1c.).
- k. Subdivision or development design and associated Whangārei District Council engineering standards including financial and monitoring mechanisms such as bonds.
- I. A means by which conditions are binding such as covenants or consent notices.
- m. Compliance with Precinct Layout Plans.
- n. Prevention of the keeping and introduction of cats, dogs and mustelids.

REZ.1.6 Ecological Requirements

General

- 1. The first non equine related <u>land</u> use or subdivision application for Precinct B, C or D shall include an Ecological Plan for the whole of the Ruakaka Equine Zone, as set out below. Subsequent applications should review, update and replace this Ecological Plan, as necessary.
- 2. Components of the Ecological Plan process shall include:
 - a. Baseline ecological monitoring of the environment comprising a minimum of 3 consecutive years of pre-lodgement monitoring in accordance with Table 1.
 - b. Ecological effects assessment informed by the results of baseline monitoring, submitted in conjunction with other resource consent information requirements.
 - c. Ecological Plan (or updated Ecological Plan) outlining the management strategies/options for addressing adverse effects of development, based on the findings of the ecological effects assessment, and incorporating provisions for ongoing ecological monitoring including appropriate review conditions of consent.
 - d. An Ecological Plan shall be prepared by a suitably qualified and experienced ecologist.

Ecological Effects Assessments

- 3. The purpose of an ecological effects assessment is to identify and assess actual and potential ecological effects arising from human disturbance and plant and animal pests associated with existing and proposed development within the Ruakaka Equine Zone.
- 4. An ecological effects assessment shall take into account:
 - a. The nature of development and level of intensity proposed.
 - b. Direct effects (resulting from physical development of the Ruakaka Equine Zone including <u>land</u> clearance, earthworks, construction, <u>stormwater</u>).
 - c. Secondary effects (resulting from increased activities and habitat modifications within the Ruakaka Equine Zone and the surrounding area, following proposed development).
 - d. Cumulative effects (resulting from future development that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider Ruakaka area which will also increase in the future).
 - e. The range of existing vegetation, wildlife, habitat values and special values within the REE and the surrounding area (comprising the coastline, adjacent Crown land



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administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake) including:

- i. Native vegetation.
- ii. Plant communities of value.
- iii. Birds and bird communities.
- iv. Invertebrate communities.
- v. Aquatic biota (fish, invertebrates and macrophytes).
- vi. Habitats of note in the context of the wider ecological district.
- vii. Habitats of local, regional or national value or significance.
- viii. Wildlife or vegetation values of special interest, including species or communities with a conservation rating rarity value, buffering or linkage values etc.
- f. Existing threats and risks including:
 - i. Weed and plant pests.
 - ii. Increased people pressure.
 - iii. Threats/risks to plant communities based on existing and proposed use of <u>site</u> (i.e fire, vehicle <u>access</u>, grazing, stock <u>access</u>, and plant pests).
 - iv. Range of animal pest species.
 - v. Risks to wildlife from known animal pests.
 - vi. Disturbance as a result of existing land use and activities.
 - vii. Threats/risks to habitats as a whole from existing <u>land</u> use (i.e stock <u>access</u>, human activities/disturbance, <u>stormwater</u>, <u>wastewater</u>).
 - viii. Other threats/risks to special values (e.g high summer visitor population).

Ecological Plan Requirements

- 5. The purpose of an Ecological Plan is to demonstrate how the ecological values of the coastline, adjacent Crown <u>land</u> administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake, are to be protected, including means of managing potential ecological effects identified in the ecological effects assessment.
- 6. Ecological Plans shall be prepared and reviewed in consultation with the Department of Conservation and tangata whenua. When an Ecological Plan (or its review) is submitted to Council for approval it shall include a summary of the consultation undertaken, any responses received from the Department of Conservation, tangata whenua, and any coastal care community group, and the changes (if any) made as a result of the consultation.
- 7. Ecological Plans shall also specify:
 - a. The range of management strategies required to avoid, remedy or mitigate adverse effects of development.



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- Monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.
- 8. Management strategies may include:
 - a. Measures for avoidance/minimisation of native vegetation removal.
 - b. Adaptive management.
 - c. Habitat replacement and enhancement.
 - d. Rehabilitation and landscape plans.
 - e. Use of plants from local genetic stock.
 - f. Development and implementation of an ongoing weed and plant pest management plan.
 - g. Fencing to constrain <u>access</u> to vegetated areas (including horse/stock <u>access</u>) and/or to discourage the dumping of green waste.
 - h. Access limitations to defined areas through sensitive adjoining habitats.
 - i. Vehicle restrictions through dune habitats.
 - j. Managing fire risk, including prohibition or restriction of use of open fires.
 - k. Baseline and ongoing monitoring of shorebirds, including identification of sources and levels of human interaction with, and disturbance to, shorebirds and their habitat.
 - I. Prevention of the keeping and introduction of domestic pets.
 - m. Informative signage and educational material on the significance of the area and on appropriate behaviour, and behaviours that should be avoided by residents, workers and visitors.
 - n. Seasonal management of bird nesting areas through the presence of a wildlife warden, and/or protective fencing and/or temporary <u>access</u> restrictions and appropriate signage.
 - o. Lighting design (including street lighting) to reduce light spill.
 - p. Noise management including precinct design and vegetated buffers.
 - q. Development of a fauna management plan and/or other specialised management plans if warranted in terms of the values identified in REZ 1.6.4(e).
- 9. The following information shall be incorporated in a draft Ecological Plan:
 - a. The details of protection/perimeter fencing and when this is to be erected.
 - b. The location of limited <u>access</u> points across the coastal dunes and methods of construction in accordance with Department of Conservation standards, and how use of these <u>access</u> points will be enforced.
 - c. The methods by which domestic pets (including cats, dogs and mustelids) will be excluded (such as by way of covenants on titles; advice to lot owners/occupiers; signage and follow-up enforcement).
 - d. The methods by which dumping of green waste, and introduction of pest plants and animals will be prevented and/or controlled.



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- The methods by which light spill (including street lighting) and noise will be controlled.
- f. The type of educational material to be provided prior to and following development occurring.
- g. The duties and appointment details of a warden or similar (i.e. in lead up and during breeding season and outside breeding season).
- h. Details regarding availability of the Ecological Plan, with the owners of the Racecourse and the Council to ensure that an up-to-date copy of the full Ecological Plan is available for public viewing, in addition to a summary of key points sign-posted within the Ruakaka Equine Zone.
- i. A means by which future residents (and other users of the REZ) could participate in, on a voluntary basis, the <u>maintenance</u> and management of adjoining Crown <u>land</u> administered by the Department of Conservation (such as dune restoration).
- j. The process by which the following will be progressively reviewed and implemented as development proceeds:
 - i. Weed and pest control within and adjacent to the Ruakaka Equine Zone.
 - ii. <u>Stormwater</u> management including the <u>maintenance</u> of the natural hydrological processes, wetland values and <u>water</u> quality, of the dune lake.
 - iii. Actions to minimise disturbance within adjacent Crown <u>land</u> administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake.
 - iv. The rehabilitation of adjacent dune habitats in the Ruakaka Bream Bay Scenic Reserve (excluding the backdunes in the area north of the Ruakaka Racecourse) as shown on Map REZ.4 aimed at enhancing natural habitat values.
- k. Provisions for the establishment of an Ecological Management Fund sufficient to provide for the annual cost of implementing the Ecological Plan in perpetuity, including, as a minimum, the following:
 - i. An initial bond, with the amount and legal process involved to be specified within the Ecological Plan. The bond shall be sufficient to provide for the first three years of implementation of the Ecological Plan.
 - ii. Details of a residents and landowners annual fee, levy or similar to ensure sufficient contributions to the Ecological Management Fund in perpetuity.
 - iii. Details of a Residents' Society (or similar), with responsibility for ensuring the on-going implementation of the Ecological Plan.
- I. Performance indicators and methods for monitoring the effectiveness of management strategies, including:
 - i. Record keeping and reporting on outcomes.
 - ii. Ongoing monitoring to identify potential cumulative effects and the effectiveness of the Ecological Plan.



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- Where staged development and/or an adaptive management approach is proposed, a feedback mechanism for monitoring results to inform decision making.
- m. Any additional ecological requirements, threats or management opportunities identified in the assessment of ecological effects.

Ecological Monitoring requirements

The purpose of the baseline and ongoing ecological monitoring programme is to establish the effectiveness of the management strategies and, if an adaptive management staged development is proposed, to determine if it should proceed to the next stage.

The minimum requirements and timeframes for ecological monitoring are given in the following table.

REZ TABLE 1 - Monitoring and Performance Indicators

Item	Monitoring	Performance Indicator	
Godwit/Knot	Arrival times; numbers; location; source of disturbance (human/climatic); at least three neap and three spring tides monthly over 2.7m above chart datum; November to March inclusive.	Continued use of high tide roost site(s).	
Variable oyster catcher and New Zealand Dotterel	Breeding habitat stability; location; source of disturbance (human/climatic); numbers/nest density; breeding outcomes; monitored August to March inclusive.	Breeding areas and breeding population are maintained.	
Other shorebirds and seabirds	Location, density and distribution of bird species in the lower estuary at low and high tide; source of disturbance (human/climatic); at least 3 days monthly.	Resident bird species are not displaced.	
Human Activity and Disturbance	Human presence, numbers, activity including areas of shellfish collection, in relation to bird location; human impact on bird use and persistence using the previous Department of Conservation data collection <u>site</u> or other <u>sites</u> ; at least three <u>days</u> monthly, both high <u>water</u> and low <u>water</u> , plus/minus 1 hour of each diurnal tide.	Threatened and resident bird species.	
Dune lake ecology	Nutrients; annually.	Nutrient concentrations stable and not deteriorating.	
Fire risk	Human activities such as fires within the REZ; fireworks; vegetation management around boundary of REZ and Department of Conservation managed land.	No unauthorised fires due to REZ development.	
Dune vegetation	The status and changes in foredune vegetation, particularly Spinifex.	No reduction in extent of foredune vegetation.	
Other Matters			



Ruakaka Equine Zone

Collection of Data	a. Baseline monitoring shall be a minimum of three consecutive years of monitoring data.
	b. Once monitoring has commenced, seasonal data must be maintained so that any gap in data is no more than two consecutive years.
	c. At least three consecutive years of monitoring data is required to correct any gap of more than two consecutive years in monitoring data.
	d. For adaptive management development, at least three consecutive years of monitoring data when the stage is fully developed should support an application to proceed to the next stage.
	e. All data is to be assessed for each application.
Annual Report	The monitoring programme must provide for an annual report to Council.
Area to be monitored	For each item identified above, the indicative area to be monitored is shown in Map REZ.4.

REZ.1.7. Event Requirements

- 1. Provision is included within Precincts A, B and D for the holding of equine related events, and within Precincts A and D for non equine related events.
- 2. Events within the definition of 'Equine Related Activities' include:
 - a. Entertainment (related to race days).
 - b. Race meetings.
 - c. Pony clubs and riding schools.
- 3. For the purposes of the Ruakaka Equine Zone, the types of event are defined as:
 - a. Small-scale events (involving between 50 and 400 people at any one time within the Ruakaka Equine Zone).
 - b. Medium-scale events (involving between 400 2,000 people at any one time within the Ruakaka Equine Zone).
 - c. Large-scale events (involving over 2,000 people at any one time within the Ruakaka Equine Zone).
- 4. All non equine related events shall take place in accordance with Event Plans certified by Council:
 - a. Small-scale and medium-scale non equine related events shall be in accordance with a generic Event Plan.
 - Large-scale, non equine related events shall be in accordance with an event specific Event Plan.
- 5. Event Plans shall set out the management of events, and must contain a description of the following matters:
 - a. The Precinct/s in which events shall take place.
 - b. Nature of event.
 - c. Scale of event (number of persons involved).



Ruakaka Equine Zone

- d. Timing, duration, hours of operation, and frequency.
- e. Details of methods to avoid disruption to on-site racecourse activities, minimize disturbance of nearby ecological resources, and manage effects on the functioning of surrounding <u>roads</u> and the amenity of surrounding residential areas, including:
 - i. Traffic management.
 - ii. Vehicle access and parking.
 - iii. Crowd management.
 - iv. Health and safety issues.
 - v. Litter control.
 - vi. Noise control.
 - vii. Control of light spill.
 - viii. Protection of ecological values.
 - ix. Information to residents/public prior to event.
 - x. Exclusion of cats, dogs and mustelids.
- 6. The owners of the racecourse and the Council will ensure that copies of Council certified generic and event-specific Event Plans are available for public viewing.



Precinct A – Infield and Racetrack

REZ.2.1 Precinct Description

The infield area of this Precinct can be developed for enhanced equine and community-related activities that support the ongoing use of the <u>site</u> for horse racing and training and community use. A new track can be provided inside the existing track and additional race <u>day</u> parking can be provided in the infield with <u>access</u> either at grade or under the existing racetrack. <u>Buildings</u> and <u>major structures</u> are to be limited to a single level, with a predominance of open space. Precinct A – Infield and Racetrack is shown on Map REE 1.

REZ.2.2 Precinct Objective

To allow the creation of an equine and recreational cluster within the infield area and the provision of effective race day facilities while maintaining an open space character.

REZ.2.3 Permitted Activities

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>height</u> of 6 metres.
 - b. The construction of any individual <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>gross floor area</u> of 1000m².
 - c. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct A.
 - d. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - e. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of the stables, of up to $100m^2$ gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
- 2. Any non equine related events comprising:
 - a. Gatherings of up to 50 people.
 - b. Small-scale events.
 - c. Medium-scale events not exceeding a total of 12 per calendar year.

Provided that:

- i. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
- ii. The activity does not include the use of amplified music resulting in noise beyond the levels of the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone <u>boundary</u>.



Precinct A – Infield and Racetrack

- iii. The activity does not involve the construction of permanent <u>buildings</u> or <u>major</u> <u>structures</u> (excluding <u>minor buildings</u>).
- iv. Small-scale and medium-scale events take place in accordance with a certified generic Event Plan prepared in accordance with REZ1.7.

REZ.2.4 Discretionary Activities

- 1. Sportsfields and non equine related <u>recreational facilities</u>, including clubrooms and <u>storage</u> sheds.
- 2. <u>Recreational facilities</u> not involving artificial lighting, including golf courses and golf driving ranges.
- 3. Any other <u>commercial activity</u>, whether a primary activity or ancillary activity, provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>height</u> of 6 metres above <u>ground level</u>.
 - b. The construction of any individual <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>gross floor area</u> of 1000m².
 - c. <u>Buildings</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct A.
- 4. Any activity requiring the use of floodlighting resulting in light spill beyond the Zone.
- 5. Any activity using amplified music resulting in noise beyond the levels at the <u>Residential</u> <u>Zones'</u> requirements.
- 6. The 13th and any subsequent medium-scale non equine related event per calendar year.
- 7. Any large-scale, non equine related event.

REZ.2.5 Non Complying Activities

Any activities other than those listed as permitted, discretionary or prohibited activities shall be non complying activities.

REZ.2.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991.

REZ.2.7 General Policies

Clustering of equine related activities

1. To enable a cluster of equine related activities within the infield that can share facilities to ensure an efficient use of space.

Maintaining a sense of openness

2. To limit <u>building</u> and <u>major structure</u> coverage and <u>height</u> within the infield to a low level to ensure that a sense of openness is maintained.

Community-related recreation and events



Precinct A – Infield and Racetrack

- 3. To support the ongoing use of the infield for community related passive and active recreation, where this is compatible with primary use of the precinct for equine related activities.
- 4. To enable public and <u>recreational facilities</u> to locate in the infield, provided that their hours of operation and associated management do not disrupt the primary use of the Ruakaka Equine Zone as a racecourse, the amenity of surrounding residential areas, and the protection of wildlife habitat within the adjacent Crown <u>land</u> administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake.
- 5. To ensure the adverse effects of non equine related events on adjacent residential and open space areas are managed appropriately.



Precinct B - Southern

REZ.3.1 Precinct Description

The area to the south of the existing racecourse can accommodate training and equine related activities as well as being able to be developed for terraced and low rise apartment type residential development. Any development above 2 storeys will need to be assessed to demonstrate that the adverse effects on the amenity of surrounding residential areas is no more than minor. Precinct B – Southern is shown on Map REZ.1.

REZ.3.2 Precinct Objective

To allow the development of a range of residential accommodation that is compatible with the surrounding environment and ensures linkages through the <u>site</u> to the coast. Some non-residential development is also anticipated, limited to small scale office-based activities (health, business and service-related, educational, community and cultural) each occupying no more than 200m² gross floor area.

REZ.3.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct B the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (except <u>minor buildings</u>) does not exceed two storeys (8 metres) in <u>height</u>.
 - b. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct B.
 - c. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - d. The construction or alteration of any <u>building</u> or structure complies with a 3 metre high plus a 35 degree daylight angle, as measured from the southern <u>boundary</u> of Precinct B.
 - e. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of the stables, of up to 100m² gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.

REZ.3.4 Discretionary Activities

- 1. Any non equine related activity comprising comprehensive and integrated development provided that:
 - a. Non residential development is limited to small-scale office-based activities (commercial service related, educational, community and cultural) each occupying no more than 200m² gross floor area.
 - b. Development over 2 storeys in height will not occupy more than 10% of the gross precinct area, with no building or major structure exceeding 14m/4 storeys in height.
 - c. Total <u>building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 40% of the gross precinct area.



Precinct B – Southern

- d. No more than 60% of the gross precinct area will comprise <u>impervious areas</u> (including roofs, streets, footpaths more than 1m wide, patios greater than 20m² and driveways).
- e. <u>Buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) will be set back a minimum of 13 metres from the common <u>boundary</u> to the south, with provision within the <u>setback</u> for:
 - i. A minimum of 5m width of indigenous vegetation planting.
 - ii. A path for horse <u>access</u> to the beach linking with the horse <u>access</u> to the beach through Precinct D, with indigenous planting along both sides, with the horse <u>access</u> secured by appropriate fence treatment.
- f. <u>Building</u> and <u>major structures</u> (excluding <u>minor buildings</u>) will comply with a daylight angle of 3 metres high and sloping 35 degrees into the <u>site</u>, measured from the southern <u>boundary</u> of Precinct B.
- g. Noise levels are maintained at the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone boundary.
- h. Fencing of the dune slack wetland identified on Map REZ 1 has been undertaken in advance of non equine development within Precinct B.
- 2. Any equine related activity that is not a permitted activity.

REZ.3.5 Non Complying Activities

Any activity other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.3.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.

REZ.3.7 General Policies

Residential Development

1. To develop a high quality living environment that is designed to be compatible with other racecourse activities.

Non Residential activities

2. To encourage the concentration of non residential activities compatible with a residential and racecourse environment to the south of the grandstand area, helping to form a small commercial and community hub.

Preservation of Natural Character of Crown Land to the South

- 3. To preserve the natural character of the Crown <u>land</u> to the south by ensuring that any public <u>access</u> to the coast and to Crown <u>land</u> administered by the Department of Conservation shall only be through Precinct D, and by ensuring the visual dominance of <u>buildings</u> and <u>major structures</u> is minimised through:
 - a. Appropriate separation, <u>building</u> and <u>major structure</u>, orientation and design (<u>building</u> articulation (expression, form), roofline design, choice of materials and colours).
 - b. Softening of the boundary treatment through an indigenous vegetation buffer strip.
 - c. <u>Building</u> and <u>major structure</u> design that minimizes the extent of built mass fronting the reserve.
 - d. Minimal windows, doors and other openings to the south.



Precinct B - Southern

e. Use of directional lighting to reduce the potential for light and noise spill, especially to the south.

Urban Design

- To ensure that residential <u>buildings</u> are of a high quality and the environment is welldesigned, development should:
 - Include <u>buildings</u> that help to frame and activate (directly interact with) public and semi public areas, while offering privacy and security to residents.
 - b. Address appropriate performance standards in relation to:
 - i. Internal amenity (size of units, daylight <u>access</u>, ventilation, circulation space).
 - ii. Privacy visual and aural.
 - iii. On-site outdoor space.
 - iv. <u>Building</u> articulation (expression, form) and design, including ground floor activation (direct interaction with the street or open space) and roofscapes.
 - v. Maintenance of exterior (durability) and quality of finish.
 - vi. Car parking and vehicle circulation.
 - vii. Waste management.
 - c. Incorporate a variety of <u>residential unit</u> sizes, with a mix of smaller and larger units across the Precinct, as well as within larger developments.
 - d. Provide each unit with its own private outdoor space for privacy and easy use in terms of relationship to indoor spaces.
 - e. Generally utilise lifts and interior corridors for <u>access</u> to low rise apartments and limit shared exterior walkways and stairs. The number of units served by such facilities should not exceed 6 to 8 per floor.
 - f. Activate (enliven) ground floors that front streets, walkways and communal open spaces (public or private) through appropriate placement of windows, doors and internal activities. Fencing should be low so as to maintain visual interaction.
- 5. Appropriate vehicle, pedestrian and cycle <u>access</u> is to be provided to and within this Precinct, as well as connections with Precincts C and D. The main circulation route should be aligned so that it captures a vista towards the Hen Island (Taranga).

Stormwater Management

6. To protect the ecological values of the dune lake in addition to meeting the requirements of the Three Waters Management Chapter, appropriate on-site <u>stormwater</u> management of run-off from hard surfaces, streets and open car parking areas will be required.

Sourcing of Plant Species

7. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height. Species should be selected from within the Waipu Ecological District.



Precinct C - Western

REZ.4.1 Precinct Description

The <u>land</u> to the west of the existing racetrack will be able to be developed primarily for <u>residential units</u>. These <u>residential units</u> could provide an opportunity for different types of <u>live/work</u> options such as clustered housing and stabling. Adverse effects of the housing on the ecological values of the dune lake are to be avoided. Stand alone residential development and more intensive formats are possible within this Precinct. Precinct C – Western is shown on Map REZ 1.

REZ.4.2 Precinct Objective

To allow the development of <u>residential units</u> (stand-alone and terrace-type) and stabling facilities that are designed to be stepped back from the interface with the dune lake.

REZ.4.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct C the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed two storeys (8 metres) in <u>height</u> above <u>ground level</u>.
 - b. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct C.
 - c. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - d. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding minor structure) complies with a 3 metre high plus a 45 degree daylight angle, as measured from the western <u>boundary</u> of the Zone.
 - e. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding minor <u>buildings</u>) is not within 5 metres of the Precinct C <u>boundary</u> with the dune lake reserve.
 - f. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of stables, of up to 100m² gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
 - g. <u>Living areas</u>, including decks, of any <u>residential unit</u> within the Precinct shall not be visible from any point on the surface of the dune lake, with this surface set at a nominal <u>height</u> of RL3.25.

REZ.4.4 Discretionary Activities



Precinct C – Western

- 1. The construction or alteration of any <u>residential unit</u> (other than equine related accommodation permitted in REZ 4.3.1) provided that:
 - a. <u>Buildings</u> will not exceed two storeys (8 metres above <u>ground level</u>) in <u>height</u>.
 - b. <u>Buildings</u> will not cover more than 35% of the gross precinct area of Precinct C.
 - c. <u>Impervious area</u> (including roofs, streets, footpaths more than 1 metre wide, patios greater than 20m² and driveways) will not cover more than 60% of the gross precinct area of Precinct C.
 - d. A <u>buffer area</u> with a minimum width of 5 metres is provided between any development and the <u>boundary</u> with the dune lake reserve, with the buffer using methods such as indigenous planting, earth bund, fencing.
 - e. No <u>living areas</u>, including decks, of any Ruakaka Equine Zone unit will be visible from any point on the surface of the dune lake, with this surface set at a nominal <u>height</u> of RL3.25.
 - f. Noise levels are maintained at Residential Zone requirements.
- 2. Any equine related activity that is not a permitted activity.

REZ.4.5 Non Complying Activities

Any activity other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.4.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.

REZ.4.7 General Policies

Built Development

- 1. To provide housing choice by allowing medium density housing and residential terrace style accommodation and/or residential/stabling development for trainers/visitors.
- 2. To ensure that development is well designed, with each <u>residential unit</u> having its own private outdoor space and appropriate relationship with adjoining units, while enabling <u>residential units</u> to relate positively to streets.

Visual amenity

3. To protect visual amenity of the surrounding residential areas through a planting plan to control vegetation growth <u>heights</u>.

Effects on Dune Lake

- 4. To preserve the natural character of the dune lake by ensuring the visual dominance of <u>buildings</u> and <u>major structures</u> is minimised through:
 - a. Appropriate separation, <u>building</u> and <u>major structure</u> orientation and design (<u>building</u> articulation (expression, form), roofline design, choice of materials and colours).
 - b. Softening of the boundary treatment through an indigenous vegetation buffer strip.



Precinct C – Western

- c. <u>Building</u> and <u>major structure</u> design that minimizes the extent of built mass fronting the dune lake reserve.
- d. Minimal windows, doors and other openings to the south-west.
- e. Use of directional lighting, to reduce the potential for light and noise spill, especially to the west.
- f. No public access provided to the dune lake.
- g. No <u>living areas</u>, including decks, of any residential <u>building</u> or other REZ unit being visible from the surface of the dune lake.

Stormwater Management

5. To require specific on-site <u>stormwater</u> management techniques so that treated <u>stormwater</u> from streets, driveways, roofs and other hard surfaces will not adversely affect the ecological values of the dune lake and can be used to help recharge the dune lake, if appropriate, in addition to meeting the Three Waters Management Chapter provisions.

Sourcing of Plant Species

6. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height. Species should be selected from within the Waipu Ecological District.



Precinct D – Eastern

REZ.5.1 Precinct Description

This precinct can, in addition to equine related activities, also accommodate compatible commercial and community-related development, including hotel/conference facilities, café/restaurants and event spaces, offices and business activities, as well as an element of residential development. New residential development is not to be visible from the coast. Any redevelopment of the current grandstand <u>buildings</u> which increases the size of the <u>building</u> envelope will require specific assessment in terms of design and visual impact on views enjoyed by surrounding residents. Development is expected to provide a number of public facilities including <u>access</u> to the beach, a public plaza or similar and some public car parking. Precinct D – Eastern is shown on Map REZ 1.

REZ.5.2 Precinct Objective

To allow for the development of the eastern precinct and existing grandstand and function rooms, capitalising on the views from the existing landform, to provide for multiple uses that may include watching racing, public open space, accommodation, conference centre facilities and related commercial development, as well as some low scale residential development.

REE.5.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct D the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The activity does not include the use of floodlighting resulting in light spill beyond the Environment.
 - b. The construction or alteration of any <u>building</u> or <u>structure</u> does not exceed two storeys (8 metres above <u>ground level</u>) in <u>height</u>.
 - c. Any new <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) and/or redevelopment of existing <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill as shown on Map REZ 1 that does not:
 - Exceed the <u>height</u> of the existing grandstand (RL16.24), (with the exception of the footprint of the existing commentators' box <u>building</u> where the <u>height</u> shall not exceed a <u>height</u> of RL21.74).
 - ii. Extend further in a north-south direction than the NE (north-east) wall of the Barn and the SW (south-west) wall of the Administration Building as indicated on Maps REZ 2 and REZ 3.
 - d. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct D.
 - e. Except for <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill, <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) will not be visible from Mean Low Water Springs from any point between the northern and southern boundaries of the Ruakaka Equine Zone.
 - f. The construction or alteration of any <u>building</u> or structure complies with a 3 metre high plus a 35 degree daylight angle, as measured from the southern <u>boundary</u> of the Precinct.



Precinct D - Eastern

- g. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of stables, of up to 100m² aross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
- h. The activity does not involve any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- 2. Any non equine related events in the existing facilities (grandstand, administration <u>building</u> and carpark) comprising:
 - a. Gatherings of up to 50 people.
 - b. Small-scale events.
 - c. Medium-scale events not exceeding a total of 12 per calendar year.

Provided that:

- i. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
- ii. The activity does not include the use of amplified music resulting in noise beyond the levels of the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone <u>boundary</u>.
- iii. The activity does not involve the construction of permanent <u>buildings</u> or <u>major</u> structures (excluding minor buildings).
- iv. The activity does not involve any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- v. Small-scale and medium-scale events take place in accordance with a certified generic Event Plan prepared in accordance with REZ1.7.

REZ.5.4 Discretionary Activities

- 1. Non equine related activities comprising comprehensive and integrated development:
 - a. Visitor accommodation and <u>place of assembly</u> primarily for hotel/conference activity/function space/visitor accommodation.
 - b. Any <u>commercial activity</u>, <u>place of assembly</u>, educational facility or <u>recreational facility</u> (not forming part of a hotel/conference facility), where each development is less than 500m² <u>gross floor area</u>.
 - c. Any new <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) and/or redevelopment of existing <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill as shown on Map REZ 1 that:
 - Does not exceed the <u>height</u> of the existing grandstand (RL16.24), (with the exception of the footprint of the existing commentators' box <u>building</u> where the <u>height</u> shall not exceed RL21.74).



Precinct D - Eastern

- ii. Does not extend further in a north-south direction than the NE (north-east) wall of the Barn and the SW (south-west) wall of the Administration Building as indicated on Maps REZ 2 and REZ 3.
- d. Residential <u>buildings</u> that are not visible from the beach area, (when viewed from Mean Low Water Springs, at any point between the northern and southern boundaries of the Ruakaka Equine Zone).
- e. The construction or alteration of <u>buildings</u> associated with the above activities (a)-(d) provided that:
 - i. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) visible from the beach will be limited to redevelopment of <u>buildings</u> on the grandstand hill as provided for in REZ.5.4.1(c).
 - ii. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will be set back at least 13 metres from the southern <u>boundary</u>, with the 13 metre <u>setback</u> providing:
 - A minimum of 5 metres width of <u>indigenous vegetation</u> planting.
 - A continuation of the horse <u>access</u> path to the beach from Precinct B, with <u>indigenous vegetation</u> planting along both sides, and the horse <u>access</u> secured by fencing.
 - iii. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will be set back more than 5 metres from the <u>boundary</u> with the foreshore reserve to the east.
 - iv. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will comply with a daylight angle measured at the southern Ruakaka Equine Zone <u>boundary</u> of 3 metres high and sloping 35 degrees into the <u>site</u>.
 - v. <u>Impervious areas</u> (including roofs, streets, footpaths more than 1 metre wide, patios greater than 20m² and driveways) will comprise more than 60% of the gross precinct area.
- f. Noise levels are maintained at the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone boundary.
- g. Any activity involving any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- h. The 13th and any subsequent medium-scale non equine related event per calendar year.
- i. Any large-scale non equine related event.
- 2. Any equine related activity that is not a permitted activity.

REZ.5.5 Non Complying Activities

Any activities other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.5.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.



Precinct D - Eastern

REZ.5.7 General Policies

1. To provide for a variety of commercial and community opportunities to be developed within the Precinct including visitor accommodation (hotel/motel) and conference centres, cafes/restaurants and similar. Some residential development is also expected.

Visibility of Buildings and Major Structures from Beach

- 2. To preserve the natural character of the coastline by limiting the visibility of any new building or major structure as viewed from the beach. Any building or major structure, or part of building or part of major structure, that is visible from the beach should be of a high design standard, compatible with the coastal setting.
- 3. <u>Buildings</u> and <u>major structures</u> should be designed and located so that they are not visible from the beach, except for <u>buildings</u> and <u>major structures</u> on the grandstand hill. Assessment of this shall be taken from Mean Low Water Springs. View points should be taken from several points along the beach, including oblique views from the beach at the southern and northern <u>boundary</u> of the <u>site</u>.

Development of Grandstand Buildings

- 4. Any expansion of the grandstand <u>buildings</u> (in terms of <u>height</u> and/or length, as measured in a north/south alignment) should be designed so as to minimise the disruption to the views from surrounding residences. Specific analysis of alternative designs will be required to be prepared and taken into account in any development. Additional <u>height</u> is preferred to additional horizontal bulk. However this will need to be balanced with the need to preserve the natural character values of the coastal environment by limiting visibility from the beach area.
- 5. To enhance public amenity, a plaza that is available for public use should be provided on the grandstand hill to allow views both across the racecourse and out to the coast and the landscape features of the headlands (Bream Head and Bream Tail) and the off-shore islands.

Alternative Location for Parking

6. To maintain adequate on-site parking by ensuring that at the point at which this Precinct is developed for non equine related activities a suitable alternative location for race day parking has been found and/or provision within the Precinct is made for parking on race day.

Events

7. To minimize disruption to adjacent residential areas and Crown <u>land</u> administered by the Department of Conservation, Wildlife Refuge and dune lake from events by managing their timing, frequency and effects.

Access to Coast

- 8. To manage <u>access</u> to the coastal environment in consultation with the Department of Conservation:
 - a. Limited public <u>access</u> point(s) to the beach shall be provided with public car parking provided adjacent to one of these <u>access</u> points.
 - b. Any walking <u>access</u> point should be located north of the mid-point of the eastern <u>boundary</u> of the Ruakaka Equine Zone.



Precinct D – Eastern

- c. No car access shall be provided to the beach.
- d. The horse <u>access</u> point to the beach is to remain, and be re-aligned within the Ruakaka Equine Zone to run inside the southern <u>boundary</u> of the Ruakaka Equine Zone connecting with Precinct B but clear of known <u>archaeological sites</u>.
- e. The northern informal beach <u>access</u> is to be closed to vehicles and fenced, and the dune is to be restored.

Noise and Lighting Effects

 To limit light and noise spill into the adjacent Crown <u>land</u> administered by the Department of Conservation through <u>building</u> design that includes use of directional lighting on exterior facades of <u>buildings</u>, and minimises windows, doors and balconies on the south side of adjacent <u>buildings</u>.

Ecological Issues

- 10. To protect the ecological values of the coastal dunes, a <u>buffer area</u> 5 metres wide must be created between any development and the <u>boundary</u> with the coastal dune reserve to the east. This <u>buffer area</u> must be designed using appropriate methods such as indigenous planting and fencing.
- 11. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height.

Stormwater Management

12. To require appropriate on-site management of <u>stormwater</u> run-off from hard surfaces, streets and open car parking areas to protect the ecological values of the dune lake in addition to meeting the Three Waters Management Chapter.

Coastal Erosion Hazard Risks

- 13. To ensure that very long term (greater than 100 years) coastal erosion hazard risks are taken into account including:
 - a. Not compromising the effectiveness of existing natural defences (foreshore dune).
 - b. Avoiding the use of hard protection structures or barriers and providing space for natural defences to be augmented in the future.
 - c. Promoting awareness of coastal erosion risks including into the very long term.



Subdivision

REZ.6.1 Eligibility Rules

- 1. Subdivision is a prohibited activity within Precinct A (Infield & Racetrack).
- 2. Non equine related subdivision in Precinct B, C or D as part of a comprehensive and integrated development is a discretionary activity.
- 3. Equine related subdivision in Precinct B, C or D is a discretionary activity.
- 4. Subdivision that is not prohibited or requiring consent as a discretionary activity is a non-complying activity.

Note: There are also other relevant subdivision rules in section REZ 1.2.

REZ.6.2 General Policies

Effects on Equine Related Activities.

1. To avoid, remedy or mitigate the effects of subdivision on the operation of the <u>site</u> for equine use.

Effects on Natural Character and Amenity.

- To ensure subdivision and development is designed and located to avoid, remedy or mitigate adverse effects, and where possible enhance the natural character of the coastal environment, Department of Conservation administered reserves, the Ruakaka Wildlife Refuge and the dune lake.
- To provide for the long term protection and enhancement of the adjacent natural features through subdivision design in accordance with required <u>setbacks</u> and appropriately designed buffer zones.
- 4. To take into account the amenity of the surrounding environment and impact on view shafts across the Ruakaka Equine Zone in the location and orientation of <u>building</u> sites/platforms.

Infrastructure, Servicing, and Engineering Design.

- 5. To ensure that all <u>infrastructure</u>, servicing, and engineering design are in accordance with the District Wide provisions of the District Plan.
- 6. To provide for an efficiently staged provision of services and <u>infrastructure</u>, including roading, <u>water</u> supply and <u>wastewater</u>.
- 7. To require adequate provision for potable and fire fighting <u>water</u> supplies to each <u>building</u> <u>site</u> at the time of subdivision.

Stormwater Management

8. To achieve hydrological neutrality for the Zone through identifying and establishing appropriate management measures for on-going <u>maintenance</u> and upkeep of sustainable, low-impact <u>stormwater</u> management facilities using best practice options.

Public Access, Roading and Pedestrian and Cycle Connections

9. To promote connectivity and managed accessibility in and around the Ruakaka Equine Zone and to the coast by providing areas for public access and pedestrian and cycle connections through the Ruakaka Equine Zone.



Subdivision

 To ensure the <u>road</u> layout and <u>access</u> into the Ruakaka Equine Zone as part of any subdivision is designed to avoid, remedy or mitigate any adverse effects on the surrounding <u>road</u> network.

Staging of Subdivision

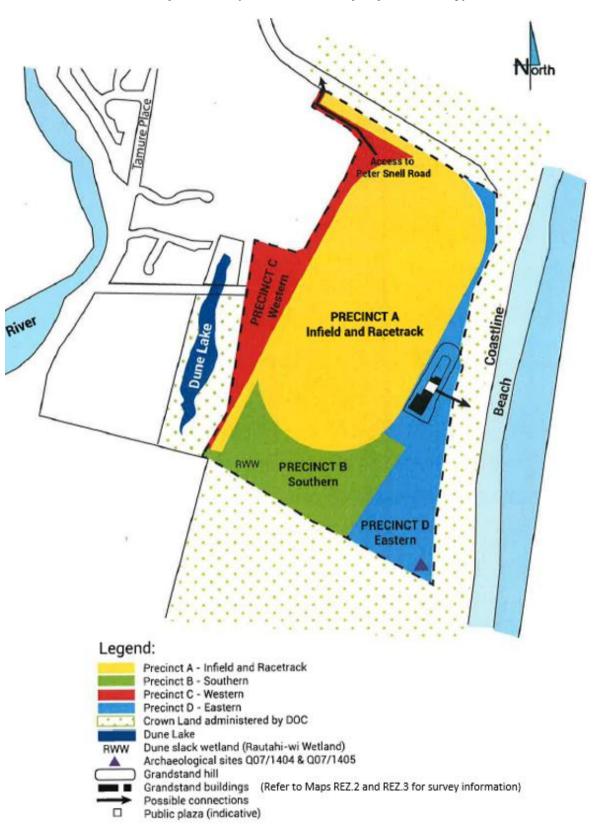
11. To enable non equine related subdivision proposals for comprehensive and integrated development for the entire Ruakaka Equine Zone or individual Precincts (excluding Precinct A) to be developed in a staged manner.





Ruakaka Equine Zone

Map REZ 1 (for indicative purposes only)

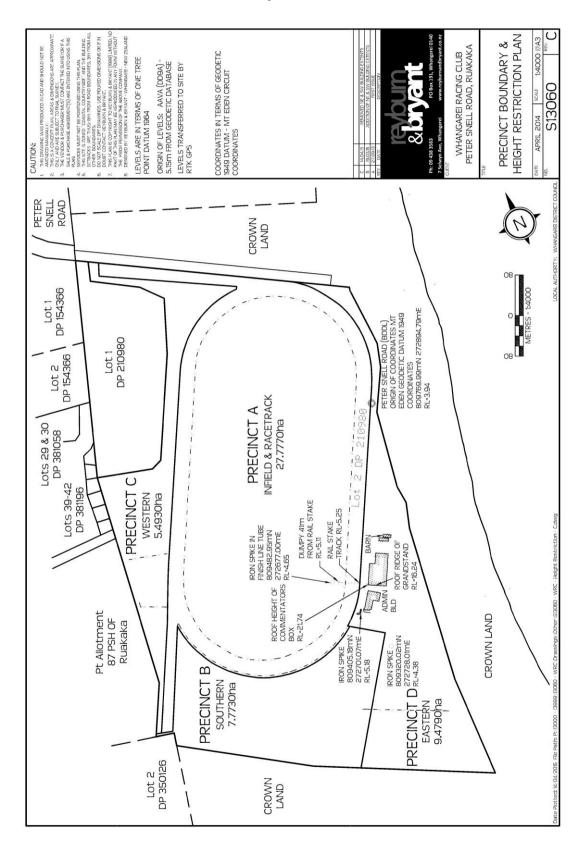




Whangarei District Council

Ruakaka Equine Zone

Map REZ 2







Ruakaka Equine Zone

Map REZ 3



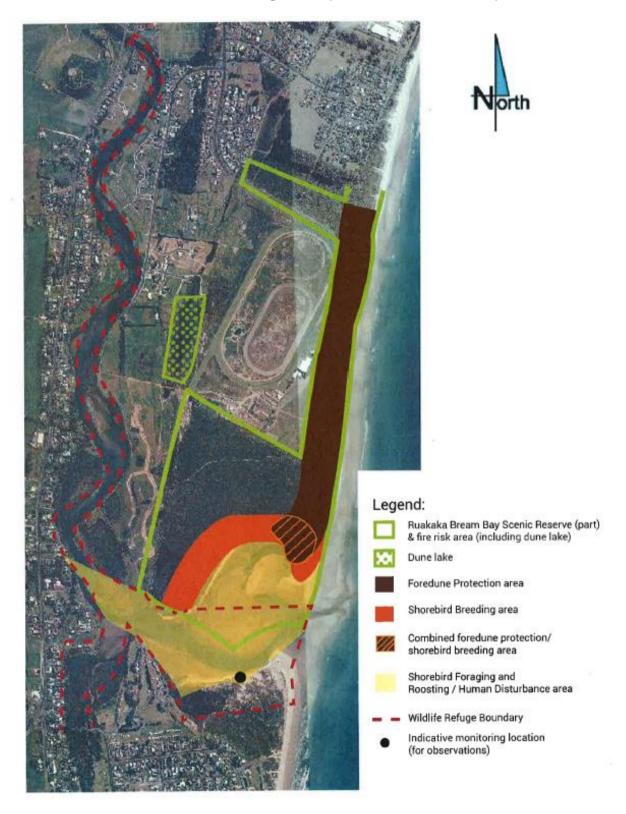




Ruakaka Equine Environment

Map REZ 4

Indicative Monitoring Areas (Refer REZ.1.6 Table 1.)







Ruakaka Equine Environment



Precinct A – Infield and Racetrack

REZ.2.1 Precinct Description

The infield area of this Precinct can be developed for enhanced equine and community-related activities that support the ongoing use of the <u>site</u> for horse racing and training and community use. A new track can be provided inside the existing track and additional race <u>day</u> parking can be provided in the infield with <u>access</u> either at grade or under the existing racetrack. <u>Buildings</u> and <u>major structures</u> are to be limited to a single level, with a predominance of open space. Precinct A – Infield and Racetrack is shown on Map REE 1.

REZ.2.2 Precinct Objective

To allow the creation of an equine and recreational cluster within the infield area and the provision of effective race day facilities while maintaining an open space character.

REZ.2.3 Permitted Activities

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>height</u> of 6 metres.
 - b. The construction of any individual <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>gross floor area</u> of 1000m².
 - c. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct A.
 - d. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - e. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of the stables, of up to $100m^2$ gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
- 2. Any non equine related events comprising:
 - a. Gatherings of up to 50 people.
 - b. Small-scale events.
 - c. Medium-scale events not exceeding a total of 12 per calendar year.

Provided that:

- i. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
- ii. The activity does not include the use of amplified music resulting in noise beyond the levels of the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone <u>boundary</u>.



Precinct A – Infield and Racetrack

- iii. The activity does not involve the construction of permanent <u>buildings</u> or <u>major</u> <u>structures</u> (excluding <u>minor buildings</u>).
- iv. Small-scale and medium-scale events take place in accordance with a certified generic Event Plan prepared in accordance with REZ1.7.

REZ.2.4 Discretionary Activities

- 1. Sportsfields and non equine related <u>recreational facilities</u>, including clubrooms and <u>storage</u> sheds.
- 2. <u>Recreational facilities</u> not involving artificial lighting, including golf courses and golf driving ranges.
- 3. Any other <u>commercial activity</u>, whether a primary activity or ancillary activity, provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>height</u> of 6 metres above <u>ground level</u>.
 - b. The construction of any individual <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed a <u>gross floor area</u> of 1000m².
 - c. <u>Buildings</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct A.
- 4. Any activity requiring the use of floodlighting resulting in light spill beyond the Zone.
- 5. Any activity using amplified music resulting in noise beyond the levels at the <u>Residential</u> <u>Zones'</u> requirements.
- 6. The 13th and any subsequent medium-scale non equine related event per calendar year.
- 7. Any large-scale, non equine related event.

REZ.2.5 Non Complying Activities

Any activities other than those listed as permitted, discretionary or prohibited activities shall be non complying activities.

REZ.2.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991.

REZ.2.7 General Policies

Clustering of equine related activities

1. To enable a cluster of equine related activities within the infield that can share facilities to ensure an efficient use of space.

Maintaining a sense of openness

2. To limit <u>building</u> and <u>major structure</u> coverage and <u>height</u> within the infield to a low level to ensure that a sense of openness is maintained.

Community-related recreation and events



Precinct A – Infield and Racetrack

- 3. To support the ongoing use of the infield for community related passive and active recreation, where this is compatible with primary use of the precinct for equine related activities.
- 4. To enable public and <u>recreational facilities</u> to locate in the infield, provided that their hours of operation and associated management do not disrupt the primary use of the Ruakaka Equine Zone as a racecourse, the amenity of surrounding residential areas, and the protection of wildlife habitat within the adjacent Crown <u>land</u> administered by the Department of Conservation, the Ruakaka Wildlife Refuge and the dune lake.
- 5. To ensure the adverse effects of non equine related events on adjacent residential and open space areas are managed appropriately.



Precinct B – Southern

REZ.3.1 Precinct Description

The area to the south of the existing racecourse can accommodate training and equine related activities as well as being able to be developed for terraced and low rise apartment type residential development. Any development above 2 storeys will need to be assessed to demonstrate that the adverse effects on the amenity of surrounding residential areas is no more than minor. Precinct B – Southern is shown on Map REZ.1.

REZ.3.2 Precinct Objective

To allow the development of a range of residential accommodation that is compatible with the surrounding environment and ensures linkages through the <u>site</u> to the coast. Some non-residential development is also anticipated, limited to small scale office-based activities (health, business and service-related, educational, community and cultural) each occupying no more than 200m² gross floor area.

REZ.3.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct B the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (except <u>minor buildings</u>) does not exceed two storeys (8 metres) in <u>height</u>.
 - b. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct B.
 - c. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - d. The construction or alteration of any <u>building</u> or structure complies with a 3 metre high plus a 35 degree daylight angle, as measured from the southern <u>boundary</u> of Precinct B.
 - e. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of the stables, of up to 100m² gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.

REZ.3.4 Discretionary Activities

- 1. Any non equine related activity comprising comprehensive and integrated development provided that:
 - a. Non residential development is limited to small-scale office-based activities (commercial service related, educational, community and cultural) each occupying no more than 200m² gross floor area.
 - b. Development over 2 storeys in height will not occupy more than 10% of the gross precinct area, with no building or major structure exceeding 14m/4 storeys in height.
 - c. Total <u>building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 40% of the gross precinct area.



Precinct B - Southern

- d. No more than 60% of the gross precinct area will comprise <u>impervious areas</u> (including roofs, streets, footpaths more than 1m wide, patios greater than 20m² and driveways).
- e. <u>Buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) will be set back a minimum of 13 metres from the common <u>boundary</u> to the south, with provision within the <u>setback</u> for:
 - i. A minimum of 5m width of indigenous vegetation planting.
 - ii. A path for horse <u>access</u> to the beach linking with the horse <u>access</u> to the beach through Precinct D, with indigenous planting along both sides, with the horse <u>access</u> secured by appropriate fence treatment.
- f. <u>Building</u> and <u>major structures</u> (excluding <u>minor buildings</u>) will comply with a daylight angle of 3 metres high and sloping 35 degrees into the <u>site</u>, measured from the southern <u>boundary</u> of Precinct B.
- g. Noise levels are maintained at the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone boundary.
- h. Fencing of the dune slack wetland identified on Map REZ 1 has been undertaken in advance of non equine development within Precinct B.
- 2. Any equine related activity that is not a permitted activity.

REZ.3.5 Non Complying Activities

Any activity other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.3.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.

REZ.3.7 General Policies

Residential Development

1. To develop a high quality living environment that is designed to be compatible with other racecourse activities.

Non Residential activities

2. To encourage the concentration of non residential activities compatible with a residential and racecourse environment to the south of the grandstand area, helping to form a small commercial and community hub.

Preservation of Natural Character of Crown Land to the South

- 3. To preserve the natural character of the Crown <u>land</u> to the south by ensuring that any public <u>access</u> to the coast and to Crown <u>land</u> administered by the Department of Conservation shall only be through Precinct D, and by ensuring the visual dominance of <u>buildings</u> and <u>major structures</u> is minimised through:
 - a. Appropriate separation, <u>building</u> and <u>major structure</u>, orientation and design (<u>building</u> articulation (expression, form), roofline design, choice of materials and colours).
 - b. Softening of the boundary treatment through an indigenous vegetation buffer strip.
 - c. <u>Building</u> and <u>major structure</u> design that minimizes the extent of built mass fronting the reserve.
 - d. Minimal windows, doors and other openings to the south.



Precinct B - Southern

e. Use of directional lighting to reduce the potential for light and noise spill, especially to the south.

Urban Design

- 4. To ensure that residential <u>buildings</u> are of a high quality and the environment is well-designed, development should:
 - a. Include <u>buildings</u> that help to frame and activate (directly interact with) public and semi public areas, while offering privacy and security to residents.
 - b. Address appropriate performance standards in relation to:
 - i. Internal amenity (size of units, daylight <u>access</u>, ventilation, circulation space).
 - ii. Privacy visual and aural.
 - iii. On-site outdoor space.
 - iv. <u>Building</u> articulation (expression, form) and design, including ground floor activation (direct interaction with the street or open space) and roofscapes.
 - v. Maintenance of exterior (durability) and quality of finish.
 - vi. Car parking and vehicle circulation.
 - vii. Waste management.
 - c. Incorporate a variety of <u>residential unit</u> sizes, with a mix of smaller and larger units across the Precinct, as well as within larger developments.
 - d. Provide each unit with its own private outdoor space for privacy and easy use in terms of relationship to indoor spaces.
 - e. Generally utilise lifts and interior corridors for <u>access</u> to low rise apartments and limit shared exterior walkways and stairs. The number of units served by such facilities should not exceed 6 to 8 per floor.
 - f. Activate (enliven) ground floors that front streets, walkways and communal open spaces (public or private) through appropriate placement of windows, doors and internal activities. Fencing should be low so as to maintain visual interaction.
- 5. Appropriate vehicle, pedestrian and cycle <u>access</u> is to be provided to and within this Precinct, as well as connections with Precincts C and D. The main circulation route should be aligned so that it captures a vista towards the Hen Island (Taranga).

Stormwater Management

6. To protect the ecological values of the dune lake in addition to meeting the requirements of the Three Waters Management Chapter, appropriate on-site <u>stormwater</u> management of run-off from hard surfaces, streets and open car parking areas will be required.

Sourcing of Plant Species

7. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height. Species should be selected from within the Waipu Ecological District.



Precinct C – Western

REZ.4.1 Precinct Description

The <u>land</u> to the west of the existing racetrack will be able to be developed primarily for <u>residential units</u>. These <u>residential units</u> could provide an opportunity for different types of <u>live/work</u> options such as clustered housing and stabling. Adverse effects of the housing on the ecological values of the dune lake are to be avoided. Stand alone residential development and more intensive formats are possible within this Precinct. Precinct C – Western is shown on Map REZ 1.

REZ.4.2 Precinct Objective

To allow the development of <u>residential units</u> (stand-alone and terrace-type) and stabling facilities that are designed to be stepped back from the interface with the dune lake.

REZ.4.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct C the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) does not exceed two storeys (8 metres) in <u>height</u> above <u>ground level</u>.
 - b. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct C.
 - c. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
 - d. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding minor structure) complies with a 3 metre high plus a 45 degree daylight angle, as measured from the western <u>boundary</u> of the Zone.
 - e. The construction or alteration of any <u>building</u> or <u>major structure</u> (excluding minor <u>buildings</u>) is not within 5 metres of the Precinct C <u>boundary</u> with the dune lake reserve.
 - f. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses, does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - i. One shared accommodation facility within the vicinity of stables, of up to 100m² gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
 - g. <u>Living areas</u>, including decks, of any <u>residential unit</u> within the Precinct shall not be visible from any point on the surface of the dune lake, with this surface set at a nominal <u>height</u> of RL3.25.

REZ.4.4 Discretionary Activities



Precinct C – Western

- 1. The construction or alteration of any <u>residential unit</u> (other than equine related accommodation permitted in REZ 4.3.1) provided that:
 - a. <u>Buildings</u> will not exceed two storeys (8 metres above <u>ground level</u>) in <u>height</u>.
 - b. <u>Buildings</u> will not cover more than 35% of the gross precinct area of Precinct C.
 - c. <u>Impervious area</u> (including roofs, streets, footpaths more than 1 metre wide, patios greater than 20m² and driveways) will not cover more than 60% of the gross precinct area of Precinct C.
 - d. A <u>buffer area</u> with a minimum width of 5 metres is provided between any development and the <u>boundary</u> with the dune lake reserve, with the buffer using methods such as indigenous planting, earth bund, fencing.
 - e. No <u>living areas</u>, including decks, of any Ruakaka Equine Zone unit will be visible from any point on the surface of the dune lake, with this surface set at a nominal <u>height</u> of RL3.25.
 - f. Noise levels are maintained at Residential Zone requirements.
- 2. Any equine related activity that is not a permitted activity.

REZ.4.5 Non Complying Activities

Any activity other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.4.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.

REZ.4.7 General Policies

Built Development

- 1. To provide housing choice by allowing medium density housing and residential terrace style accommodation and/or residential/stabling development for trainers/visitors.
- 2. To ensure that development is well designed, with each <u>residential unit</u> having its own private outdoor space and appropriate relationship with adjoining units, while enabling <u>residential units</u> to relate positively to streets.

Visual amenity

3. To protect visual amenity of the surrounding residential areas through a planting plan to control vegetation growth heights.

Effects on Dune Lake

- 4. To preserve the natural character of the dune lake by ensuring the visual dominance of <u>buildings</u> and <u>major structures</u> is minimised through:
 - a. Appropriate separation, <u>building</u> and <u>major structure</u> orientation and design (<u>building</u> articulation (expression, form), roofline design, choice of materials and colours).
 - b. Softening of the boundary treatment through an indigenous vegetation buffer strip.



Precinct C – Western

- c. <u>Building</u> and <u>major structure</u> design that minimizes the extent of built mass fronting the dune lake reserve.
- d. Minimal windows, doors and other openings to the south-west.
- e. Use of directional lighting, to reduce the potential for light and noise spill, especially to the west.
- f. No public access provided to the dune lake.
- g. No <u>living areas</u>, including decks, of any residential <u>building</u> or other REZ unit being visible from the surface of the dune lake.

Stormwater Management

5. To require specific on-site <u>stormwater</u> management techniques so that treated <u>stormwater</u> from streets, driveways, roofs and other hard surfaces will not adversely affect the ecological values of the dune lake and can be used to help recharge the dune lake, if appropriate, in addition to meeting the Three Waters Management Chapter provisions.

Sourcing of Plant Species

6. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height. Species should be selected from within the Waipu Ecological District.



Precinct D – Eastern

REZ.5.1 Precinct Description

This precinct can, in addition to equine related activities, also accommodate compatible commercial and community-related development, including hotel/conference facilities, café/restaurants and event spaces, offices and business activities, as well as an element of residential development. New residential development is not to be visible from the coast. Any redevelopment of the current grandstand <u>buildings</u> which increases the size of the <u>building</u> envelope will require specific assessment in terms of design and visual impact on views enjoyed by surrounding residents. Development is expected to provide a number of public facilities including <u>access</u> to the beach, a public plaza or similar and some public car parking. Precinct D – Eastern is shown on Map REZ 1.

REZ.5.2 Precinct Objective

To allow for the development of the eastern precinct and existing grandstand and function rooms, capitalising on the views from the existing landform, to provide for multiple uses that may include watching racing, public open space, accommodation, conference centre facilities and related commercial development, as well as some low scale residential development.

REE.5.3 Permitted Activities

Prior to the commencement of construction of any <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) associated with non equine related activities in Precinct D the following activities shall be permitted activities:

- 1. Any equine related activity provided that:
 - a. The activity does not include the use of floodlighting resulting in light spill beyond the Environment.
 - b. The construction or alteration of any <u>building</u> or <u>structure</u> does not exceed two storeys (8 metres above <u>ground level</u>) in <u>height</u>.
 - c. Any new <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) and/or redevelopment of existing <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill as shown on Map REZ 1 that does not:
 - Exceed the <u>height</u> of the existing grandstand (RL16.24), (with the exception of the footprint of the existing commentators' box <u>building</u> where the <u>height</u> shall not exceed a <u>height</u> of RL21.74).
 - ii. Extend further in a north-south direction than the NE (north-east) wall of the Barn and the SW (south-west) wall of the Administration Building as indicated on Maps REZ 2 and REZ 3.
 - d. <u>Building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage will not exceed 15% of the gross precinct area of Precinct D.
 - e. Except for <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill, <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) will not be visible from Mean Low Water Springs from any point between the northern and southern boundaries of the Ruakaka Equine Zone.
 - f. The construction or alteration of any <u>building</u> or structure complies with a 3 metre high plus a 35 degree daylight angle, as measured from the southern <u>boundary</u> of the Precinct.



Precinct D – Eastern

- g. Accommodation for horse-trainers, students and caretakers associated with the permanent housing and training of horses does not exceed the following gross floor area requirements across the Ruakaka Equine Zone:
 - One shared accommodation facility within the vicinity of stables, of up to 100m² gross floor area.
 - ii. One relocateable <u>residential unit</u> of up to 200m² <u>gross floor area</u> for a foreman or trainer. One further such relocateable <u>residential unit</u> may be included for each additional (permanently housed) 15 horses, up to a maximum of 45 (permanently housed) horses.
- h. The activity does not involve any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- 2. Any non equine related events in the existing facilities (grandstand, administration <u>building</u> and carpark) comprising:
 - a. Gatherings of up to 50 people.
 - b. Small-scale events.
 - c. Medium-scale events not exceeding a total of 12 per calendar year.

Provided that:

- i. The activity does not include the use of floodlighting resulting in light spill beyond the Zone.
- ii. The activity does not include the use of amplified music resulting in noise beyond the levels of the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone <u>boundary</u>.
- iii. The activity does not involve the construction of permanent <u>buildings</u> or <u>major</u> <u>structures</u> (excluding <u>minor buildings</u>).
- iv. The activity does not involve any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- v. Small-scale and medium-scale events take place in accordance with a certified generic Event Plan prepared in accordance with REZ1.7.

REZ.5.4 Discretionary Activities

- 1. Non equine related activities comprising comprehensive and integrated development:
 - a. Visitor accommodation and <u>place of assembly</u> primarily for hotel/conference activity/function space/visitor accommodation.
 - b. Any <u>commercial activity</u>, <u>place of assembly</u>, educational facility or <u>recreational facility</u> (not forming part of a hotel/conference facility), where each development is less than 500m² <u>gross floor area</u>.
 - c. Any new <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) and/or redevelopment of existing <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on the grandstand hill as shown on Map REZ 1 that:
 - Does not exceed the <u>height</u> of the existing grandstand (RL16.24), (with the exception of the footprint of the existing commentators' box <u>building</u> where the <u>height</u> shall not exceed RL21.74).



Precinct D - Eastern

- ii. Does not extend further in a north-south direction than the NE (north-east) wall of the Barn and the SW (south-west) wall of the Administration Building as indicated on Maps REZ 2 and REZ 3.
- d. Residential <u>buildings</u> that are not visible from the beach area, (when viewed from Mean Low Water Springs, at any point between the northern and southern boundaries of the Ruakaka Equine Zone).
- e. The construction or alteration of <u>buildings</u> associated with the above activities (a)-(d) provided that:
 - i. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) visible from the beach will be limited to redevelopment of <u>buildings</u> on the grandstand hill as provided for in REZ.5.4.1(c).
 - ii. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will be set back at least 13 metres from the southern <u>boundary</u>, with the 13 metre <u>setback</u> providing:
 - A minimum of 5 metres width of <u>indigenous vegetation</u> planting.
 - A continuation of the horse <u>access</u> path to the beach from Precinct B, with <u>indigenous vegetation</u> planting along both sides, and the horse <u>access</u> secured by fencing.
 - iii. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will be set back more than 5 metres from the <u>boundary</u> with the foreshore reserve to the east.
 - iv. <u>Buildings</u> and <u>major structures</u> (excluding minor structures) will comply with a daylight angle measured at the southern Ruakaka Equine Zone <u>boundary</u> of 3 metres high and sloping 35 degrees into the <u>site</u>.
 - v. <u>Impervious areas</u> (including roofs, streets, footpaths more than 1 metre wide, patios greater than 20m² and driveways) will comprise more than 60% of the gross precinct area.
- f. Noise levels are maintained at the <u>Residential Zones'</u> requirements at the Ruakaka Equine Zone <u>boundary</u>.
- g. Any activity involving any development or ground disturbance within 25m of archaeological sites Q07/1404 and Q07/1405.
- h. The 13th and any subsequent medium-scale non equine related event per calendar year.
- i. Any large-scale non equine related event.
- 2. Any equine related activity that is not a permitted activity.

REZ.5.5 Non Complying Activities

Any activities other than those listed as permitted, discretionary or prohibited activities shall be a non complying activity.

REZ.5.6 Notification Rule

Non complying and discretionary activities will be subject to the notification tests of the Resource Management Act 1991, except as provided for in REZ1.2.



Precinct D - Eastern

REZ.5.7 General Policies

1. To provide for a variety of commercial and community opportunities to be developed within the Precinct including visitor accommodation (hotel/motel) and conference centres, cafes/restaurants and similar. Some residential development is also expected.

Visibility of Buildings and Major Structures from Beach

- 2. To preserve the natural character of the coastline by limiting the visibility of any new building or major structure as viewed from the beach. Any building or major structure, or part of building or part of major structure, that is visible from the beach should be of a high design standard, compatible with the coastal setting.
- 3. <u>Buildings</u> and <u>major structures</u> should be designed and located so that they are not visible from the beach, except for <u>buildings</u> and <u>major structures</u> on the grandstand hill. Assessment of this shall be taken from Mean Low Water Springs. View points should be taken from several points along the beach, including oblique views from the beach at the southern and northern <u>boundary</u> of the <u>site</u>.

Development of Grandstand Buildings

- 4. Any expansion of the grandstand <u>buildings</u> (in terms of <u>height</u> and/or length, as measured in a north/south alignment) should be designed so as to minimise the disruption to the views from surrounding residences. Specific analysis of alternative designs will be required to be prepared and taken into account in any development. Additional <u>height</u> is preferred to additional horizontal bulk. However this will need to be balanced with the need to preserve the natural character values of the coastal environment by limiting visibility from the beach area.
- 5. To enhance public amenity, a plaza that is available for public use should be provided on the grandstand hill to allow views both across the racecourse and out to the coast and the landscape features of the headlands (Bream Head and Bream Tail) and the off-shore islands.

Alternative Location for Parking

6. To maintain adequate on-site parking by ensuring that at the point at which this Precinct is developed for non equine related activities a suitable alternative location for race day parking has been found and/or provision within the Precinct is made for parking on race day.

Events

7. To minimize disruption to adjacent residential areas and Crown <u>land</u> administered by the Department of Conservation, Wildlife Refuge and dune lake from events by managing their timing, frequency and effects.

Access to Coast

- 8. To manage <u>access</u> to the coastal environment in consultation with the Department of Conservation:
 - a. Limited public <u>access</u> point(s) to the beach shall be provided with public car parking provided adjacent to one of these <u>access</u> points.
 - b. Any walking <u>access</u> point should be located north of the mid-point of the eastern <u>boundary</u> of the Ruakaka Equine Zone.



Precinct D – Eastern

- c. No car <u>access</u> shall be provided to the beach.
- d. The horse <u>access</u> point to the beach is to remain, and be re-aligned within the Ruakaka Equine Zone to run inside the southern <u>boundary</u> of the Ruakaka Equine Zone connecting with Precinct B but clear of known <u>archaeological sites</u>.
- e. The northern informal beach <u>access</u> is to be closed to vehicles and fenced, and the dune is to be restored.

Noise and Lighting Effects

 To limit light and noise spill into the adjacent Crown <u>land</u> administered by the Department of Conservation through <u>building</u> design that includes use of directional lighting on exterior facades of <u>buildings</u>, and minimises windows, doors and balconies on the south side of adjacent <u>buildings</u>.

Ecological Issues

- 10. To protect the ecological values of the coastal dunes, a <u>buffer area</u> 5 metres wide must be created between any development and the <u>boundary</u> with the coastal dune reserve to the east. This <u>buffer area</u> must be designed using appropriate methods such as indigenous planting and fencing.
- 11. To enhance biodiversity, only locally sourced, indigenous plant species should be used and a planting plan should be in place to manage vegetation height.

Stormwater Management

12. To require appropriate on-site management of <u>stormwater</u> run-off from hard surfaces, streets and open car parking areas to protect the ecological values of the dune lake in addition to meeting the Three Waters Management Chapter.

Coastal Erosion Hazard Risks

- 13. To ensure that very long term (greater than 100 years) coastal erosion hazard risks are taken into account including:
 - a. Not compromising the effectiveness of existing natural defences (foreshore dune).
 - b. Avoiding the use of hard protection structures or barriers and providing space for natural defences to be augmented in the future.
 - c. Promoting awareness of coastal erosion risks including into the very long term.



Subdivision

REZ.6.1 Eligibility Rules

- 1. Subdivision is a prohibited activity within Precinct A (Infield & Racetrack).
- 2. Non equine related subdivision in Precinct B, C or D as part of a comprehensive and integrated development is a discretionary activity.
- 3. Equine related subdivision in Precinct B, C or D is a discretionary activity.
- 4. Subdivision that is not prohibited or requiring consent as a discretionary activity is a non-complying activity.

Note: There are also other relevant subdivision rules in section REZ 1.2.

REZ.6.2 General Policies

Effects on Equine Related Activities.

1. To avoid, remedy or mitigate the effects of subdivision on the operation of the <u>site</u> for equine use.

Effects on Natural Character and Amenity.

- To ensure subdivision and development is designed and located to avoid, remedy or mitigate adverse effects, and where possible enhance the natural character of the coastal environment, Department of Conservation administered reserves, the Ruakaka Wildlife Refuge and the dune lake.
- To provide for the long term protection and enhancement of the adjacent natural features through subdivision design in accordance with required <u>setbacks</u> and appropriately designed buffer zones.
- 4. To take into account the amenity of the surrounding environment and impact on view shafts across the Ruakaka Equine Zone in the location and orientation of <u>building</u> sites/platforms.

Infrastructure, Servicing, and Engineering Design.

- 5. To ensure that all <u>infrastructure</u>, servicing, and engineering design are in accordance with the District Wide provisions of the District Plan.
- 6. To provide for an efficiently staged provision of services and <u>infrastructure</u>, including roading, <u>water</u> supply and <u>wastewater</u>.
- 7. To require adequate provision for potable and fire fighting <u>water</u> supplies to each <u>building</u> <u>site</u> at the time of subdivision.

Stormwater Management

8. To achieve hydrological neutrality for the Zone through identifying and establishing appropriate management measures for on-going <u>maintenance</u> and upkeep of sustainable, low-impact <u>stormwater</u> management facilities using best practice options.

Public Access, Roading and Pedestrian and Cycle Connections

9. To promote connectivity and managed accessibility in and around the Ruakaka Equine Zone and to the coast by providing areas for public access and pedestrian and cycle connections through the Ruakaka Equine Zone.



Subdivision

 To ensure the <u>road</u> layout and <u>access</u> into the Ruakaka Equine Zone as part of any subdivision is designed to avoid, remedy or mitigate any adverse effects on the surrounding <u>road</u> network.

Staging of Subdivision

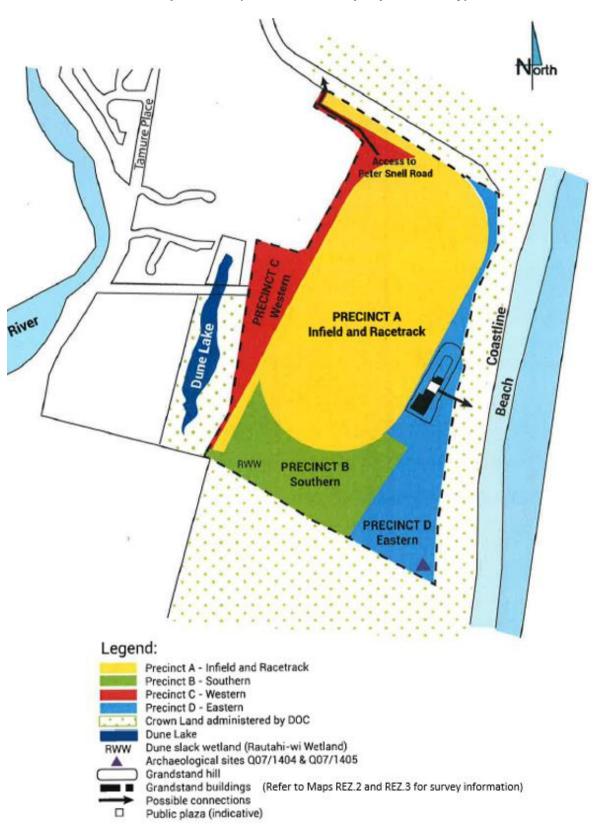
11. To enable non equine related subdivision proposals for comprehensive and integrated development for the entire Ruakaka Equine Zone or individual Precincts (excluding Precinct A) to be developed in a staged manner.





Ruakaka Equine Zone

Map REZ 1 (for indicative purposes only)

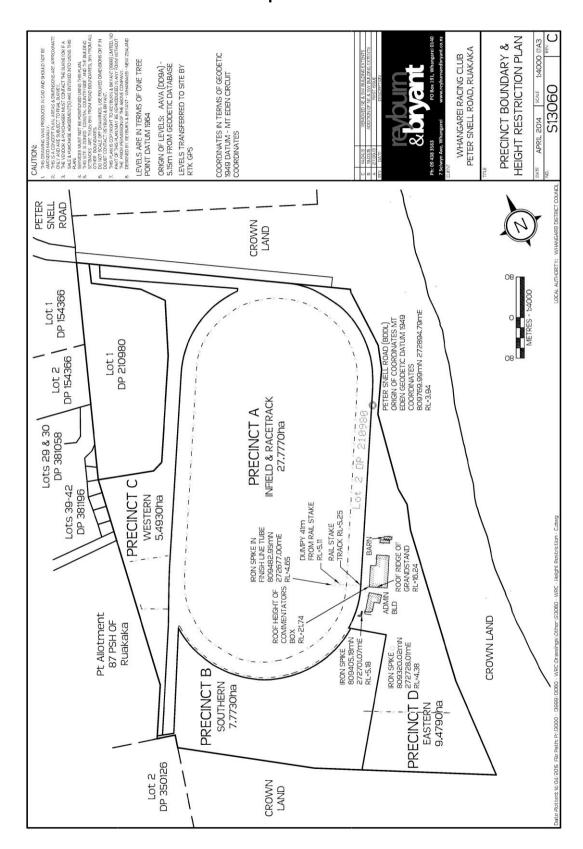




Whangarei District Council

Ruakaka Equine Zone

Map REZ 2







Ruakaka Equine Zone

Map REZ 3



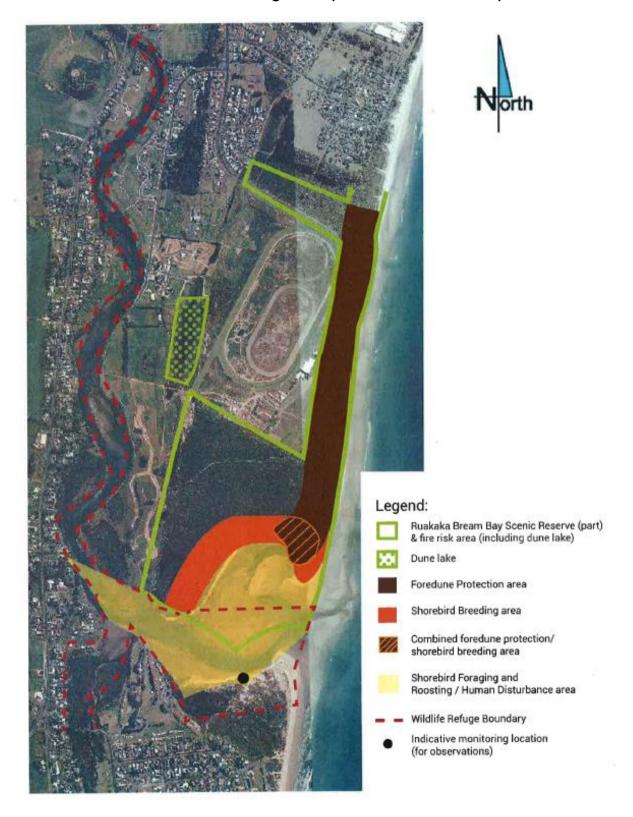




Ruakaka Equine Environment

Map REZ 4

Indicative Monitoring Areas (Refer REZ.1.6 Table 1.)





17.1 **Significant Issues**

Loss of biodiversity and fragmentation of significant indigenous vegetation and significant habitats of indigenous fauna arising from land clearance, pest invasions, modification of indigenous wetlands, subdivision, use and development.

Low representation of threatened and/or rare vegetation and habitat types in the protected areas network within the District.

Finding a balance between the protection of ecosystems and ecological processes, and sustainable land development and use.

Lack of public understanding of ecological processes and values leading to inappropriate land use.

17.2 Overview

Since first human settlement in the District, large areas of native forests and shrub lands, freshwater indigenous wetlands, mangrove forest, mudflats and coastline have been lost or modified by direct or indirect human impacts. As a result of habitat changes, the District has a high number of endangered and threatened species.

The effects on wildlife of loss of habitat vary, but for less mobile species with special habitat requirements, this can result in local extinction. More mobile species have special habitat requirements at certain stages of their life cycles, for example, the loss of breeding habitats could have serious long-term consequences for particular species.

Habitats special to the District, and which are now poorly represented as natural ecological areas, include:

- Taraire-puriri broadleaf forest remnants found on the basalt soils;
- Mineralised flax, raupo and sedge swamps;
- Acid peat bogs;
- Podsol gumlands;
- Lowland kahikatea/cabbage tree and swamp forest remnants;
- Coastal forests and shrub lands;
- Kauri and Podocarpus (rimu, matai, kahikatea, miro, kaiwaka, tanekaha forests):

All of these habitat types have been severely reduced in area, or are highly modified and now often only occur as tiny modified relics of what once occurred in the District.

Threatened indigenous species which are of particular concern include:

- North Island brown kiwi kiwi distribution in the District has declined by half in just 20 years, and numbers continue to decline;
- The unique black mudfish, now down to just two tiny populations;



- Heart-leafed kohuhu only one population now exists:
- King fern only three known populations;
- Calystegia marginate only three populations remain;
- Brown teal the District contains the last significant mainland population of this endangered duck species;
- Fairy tern New Zealand's sole population of this endangered subspecies, which numbers 30 individuals, with one of only three known breeding sites being located at Waipu Estuary;
- Hochstetter's frog the only known Northland populations are found in the Brynderwyn - Mareretu-Waipu Caves forest areas:
- Kauri and flax snails these two species continue to decline and local extinction has now occurred over many parts of the District;
- Banded rail, fernbird, bittern and spotless crake, (all secretive wetland/gumland birds), continue to decline due to loss and modification of their specialist habitat sites;
- New Zealand dotterel the District contains nationally important populations of this species around several sandy beaches and spits;
- Long-tailed bats, kaka and red-crowned parakeets are forest species, which have disappeared from many sites, while the unique, but tiny freshwater crab is known from only two riverine sites.

As habitats are reduced in number and size, it becomes increasingly difficult to maintain viable areas for particular plant and animal species to ensure regeneration, migration, colonisation and breeding.

Without habitat suitable to its requirements, species will soon be lost, and it is for this reason the District now contains such a large number of threatened indigenous flora and fauna.

Areas near rivers provide habitats, not found elsewhere, which are important for the survival of a number of indigenous plants and animals. These riparian areas provide nesting, escape cover and food producing habitat for insects, fish and wildlife. They also function as wildlife corridors, important for providing access to water, routes for migration and a food source, particularly for those native bird species which are poor fliers.

In providing a regime for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, a set of criteria and a ranking system was developed by ecological scientists. The criteria are included in Schedule 17A, where vegetation and habitat are ranked as outstanding, high, moderate high, moderate and potential value. In terms of section 6(c) of the Resource Management Act 1991, 'significant' includes areas ranked as moderate [ecological] value and above. The Plan at present identifies as 'Significant Ecological Areas' on the Planning Maps all areas ranked as outstanding value, and those ranked as high value, that are owned by the Council, the Department of Conservation or which have been volunteered for protection by the landowner.

The Council is only one of a number of organisations that has an interest in the conservation of indigenous vegetation and habitats. Initiatives taken by the Council to identify and protect Significant Ecological Areas will be ongoing, and will complement the work of the other organisations. Over time, knowledge about



the District's ecological areas will be improved and the area that is protected will increase. Protection can, and will be, achieved both by regulatory and nonregulatory means.

Voluntary and incentive-based methods will be an important component of the nonregulatory methods of protecting areas identified as Significant Ecological Areas.

17.3 **Objectives**

17.3.1

Maintenance and enhancement of the life-supporting capacity of ecosystems, and the biodiversity of the District.

17.3.2

Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.

Explanation and Reasons: indigenous vegetation and the habitats of indigenous fauna have an important role to play in the life-supporting capacity of the biosphere, and are an important component of the natural landscapes of the District. Significant modifications to such vegetation and habitats can disrupt natural cycles and the processes that sustain them, threaten their viability and reduce biodiversity. The objectives reflect obligations of all parties under section 6(e) of the Resource Management Act 1991 to recognise and provide for the protection of areas of significant vegetation and significant habitats of indigenous fauna, as well as the obligation under section 7(d) to have particular regard to the intrinsic values of ecosystems.

17.4 **Policies**

17.4.1 Significant Indigenous vegetation and Significant Habitats of Indigenous **Fauna**

To recognise as significant, and provide protection for, indigenous vegetation and habitats of indigenous fauna, including indigenous wetlands, which are of Moderate, Moderate-High, High and Outstanding value using the criteria set out in Schedule 17A.

Explanation and Reasons: The system for rating significant ecological sites is explained in the Whangarei District Sites of Ecological Significance Report (Boffa Significant ecological sites, in terms of section 6(c) of the Miskell, 1995). Resource Management Act 1991, will generally contain one or more of the following attributes - threatened indigenous wildlife or plant species; viable populations of species which are of a typical habitat and retain a high degree of naturalness; representative examples of a particular habitat type; high diversity of indigenous species or habitat types of importance for indigenous migratory species.



These attributes have been developed by New Zealand ecologists over the last 30 years, and are based on international criteria used by the International Union for Conservation of Nature (I.U.C.N.). Biodiversity is strongly influenced by the integrity of indigenous wetlands and riparian areas. The latter provide shade and food and are often unique habitats for indigenous vegetation and fauna in their own right. The presence of riparian vegetation, in particular, can have an important influence on the ecological structure of in-stream invertebrate communities and fisheries values.

17.4.2 Significant Ecological Areas

To maintain the ecological values of significant indigenous vegetation and the significant habitats of indigenous fauna in the Low Density Residetial and Open Space and Recreation Zones

Explanation and Reasons: These policies identify the criteria that will be used in identifying significant ecological areas and, furthermore, where within the Whangārei District the Council will focus effort in the maintenance of such ecological values.

17.4.3 Enhancement

To promote the enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna that have been, or may be, degraded by inappropriate subdivision, use and development.

Explanation and Reasons: Degraded natural habitats reduce the diversity and threaten the health of plant and animal communities in the District, particularly for species already threatened. Enhancement may take the form of protecting existing indigenous plant communities through fencing, stock and pest control, planting and covenanting remnant forest and wetland habitats, or through restoration of degraded habitats, mainly through replanting. enhancement is to improve the condition of degraded ecosystems so that natural cycles and processes can occur. Such enhancement may also include off-site environmental compensatory actions when the mitigation of environmental effects on site is inadequate or not practical.

17.4.4 Effects

To avoid, remedy or mitigate the adverse effects of land use activities on areas of indigenous vegetation and significant habitats of indigenous fauna, including areas of value to tangata whenua, as determined by Schedule 17A, so as to maintain its ecological values.

Explanation and Reasons: This policy applies to all areas of indigenous vegetation and habitats of indigenous fauna, not just those that are significant in terms of other policies. Activities may indirectly affect vegetation and habitat through, for example, noise, vibration or the introduction of predators (e.g. cats and dogs). This policy will often be particularly relevant to the assessment of resource consent applications for activities that may impact on significant areas of indigenous vegetation or significant habitats of indigenous fauna. Specific areas of indigenous vegetation are used for the harvesting of species for cultural use.



17.4.5 Environmental Pests

To avoid, remedy or mitigate the adverse effects of goats in areas of indigenous vegetation and habitats of indigenous fauna, particularly in areas where they have been eradicated at Mt Manaia and Bream Head.

Explanation and Reasons: Goats are a pest in the District and can cause significant amounts of damage to indigenous vegetation and habitats of indigenous fauna. Goats have been eradicated from the areas around Mt Manaia and Bream Head. It is therefore necessary to prevent the re-infestation of these areas and allow the vegetation to regenerate.

- 17.4.5A: To avoid the introduction of plant and animal pests where practicable.
- 17.4.5B: To encourage programmes for plant and animal pest control in areas of ecological value.
- To recognise that dogs, cats and mustelids are a significant threat to kiwi.

Explanation: The role of introduced plant and animal pests in damaging native vegetation, native communities and biota is well established. Council has a role which may include regulatory, education and information mechanisms to limit adverse effects and environmental risks that may be associated with pests. Council also has a complimentary role to the Northland Regional Council's pest management functions.

17.5 Methods

17.5.1 Regulatory Methods

- Rules regulating the clearance of indigenous vegetation, vegetation planting and indigenous wetland destruction (Policies 17.4.1, 17.4.2).
- Subdivision and Resource Area rules relating to the taking of esplanade reserves on land adjacent to rivers and indigenous wetlands (Policies 17.4.3 to 17.4.4).
- Resource consent conditions protecting significant indigenous vegetation and the significant habitats of indigenous fauna, including conditions requiring bush covenants and, where appropriate, fencing (Policies 17.4.2, 17.4.3, 17.4.4).
- Heritage orders in special circumstances (Policies 17.4.3 to 17.4.4).
- Identification of Goat Control Areas on the Planning Maps (Policy 17.4.5.).
- The provision of a Goat Control Area Rule Table in the Natural Features Rule table.
- Identify in a schedule, as appropriate, plants and animals of cultural significance, as determined by iwi/hapū Environmental Management Plans (policy 17.4.4).



17.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland (Policies 17.4.1 to 17.4.4).
- The Northland Regional Water and Soil Plan (Policies 17.4.1 to 17.4.4).
- The New Zealand Coastal Policy Statement (Policies 17.4.1 to 17.4.4).
- The Northland Conservation Management Strategy (Policies 17.4.1 to 17.4.4).
- lwi/Hapū Environmental Management Plans (Policies 17.4.1 to 17.4.4).

17.5.3 Information, Education and Advocacy

- Liaison with government and community groups (Policies 17.4.1 to 17.4.4).
- Liaison with iwi/hapū in regard to lwi/Hapū Environmental Management Plans and ecological issues of concern to tangata whenua (Policies 17.4.1 to 17.4.4).
- Educate and inform resource users of the need for local sourcing of plant material (Policies 17.4.3 to 17.4.4).
- Investigate with landowners and other interested parties, the recording of other areas of significant indigenous vegetation and habitats of indigenous fauna, using the criteria within Schedule 17A (Policies 17.4.1 to 17.4.2).
- Promote voluntary protection of significant indigenous vegetation or the significant habitats of indigenous fauna, through the use of protective covenants and other mechanisms, including fencing and rates relief schemes (Policies 17.4.3 to 17.4.4).
- Promote and support appropriate voluntary, self-regulating, industry-based codes of practice and guidelines (Policies 17.4.3 to 17.4.4).
- Promote community awareness of the role of ecosystems and the importance of the protection of indigenous biodiversity, through plant and animal pest control programmes and other measures (Policies 17.4.1 to 17.4.4).
- Hold, and make available, databases recording ecological information and maps detailing ecological areas within the District.
- Promote and support programmes to exclude dogs, cats and mustellids from known high-density kiwi habitat (Policy 17.4.5C).

17.5.4 Economic Instruments

- Financial contributions under Chapter 8 (Policies 17.4.3 to 17.4.4).
- Annual Plan allocation for assisting other protection agencies (Policies 17.4.3 to 17.4.4).
- Provision of rates' relief as an incentive and method of compensation for those landowners who voluntarily covenant land, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Policies 17.4.3 to 17.4.4).
- Consideration of a waiver or reduction of <u>subdivision</u> consent application fees where the sole or principal purpose of the subdivision is protection of significant indigenous vegetation or significant habitats of indigenous fauna. (Policies 17.4.3 to 17.4.4).



17.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and/or enhanced.
- Adverse effects from subdivision, use and development on areas of significant indigenous fauna are avoided, remedied or mitigated.
- The establishment of ecological corridors connecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- Areas of indigenous vegetation and habitats of inigenous fauna of significance to Māori are protected and/or enhanced.

Schedule 17A - Criteria for Ranking Significance of Areas of Indigenous Vegetation and Habitat

\$17A.1 Outstanding Value

- All sites which meet the following criteria:
 - Occurrence of an endangered endemic species;
 - Areas important to nationally vulnerable or internationally uncommon species (breeding or migratory);
 - C. Ecosystem or example of an original habitat type which is nationally
 - Rare national example of a sequence or a mosaic.
- All sites which contain wildlife species listed in Schedule 17B as 'Outstanding Value' - nationally endangered.
- All sites which contain plant species listed in Schedule 17C as being of 'Outstanding Value' within the Northland context.

S17A.2 High Value

- All sites which meet the following criteria:
 - Occurrence of a vulnerable endemic species;
 - Important habitat of a nationally rare species, or presence of rare Northland endemic species;
 - Example of a nationally uncommon habitat, sequence or mosaic;
 - Habitat type that is rare in that Ecological Region.
- All sites which contain wildlife species listed in Schedule 17B as 'High Value' - nationally vulnerable.
- All sites which contain plant species listed in Schedule 17C as being of 'High Value' within the Northland context.



S17A.3 Moderate-High Value

- All sites which meet the following criteria:
 - Occurrence of a rare endemic species, or regionally threatened species, or endemic species of limited abundance throughout the country;
 - A habitat or sequence which is rare in that Ecological District;
 - Habitat which is uncommon elsewhere in that Ecological Region or District but contains all, or almost all, species typical of that habitat type (for that Region or District);
 - An area where any particular species is exceptional in terms of abundance or
- 2. All sites which contain wildlife species listed in Schedule 17B as 'Moderate-High Value' - nationally rare or regionally threatened.
- 3. All sites which contain plant species listed in Schedule 17C as being of 'Moderate-High Value' within the Northland context.

S17A.4 Moderate Value

- All sites supporting good numbers of species which are typical of a widespread habitat within an ecological region, and which have not been heavily modified by human influence.
- All sites which contain wildlife species listed in Schedule 17B as 2. 'Moderate Value' - restricted distribution.
- All sites which do not contain any of the species listed in Schedule 17B or 17C, but which are viable areas of indigenous vegetation, or viable habitats of indigenous fauna.

S17A.5 Potential Value

- All sites which meet the following criteria:
 - All areas of some biological significance, whose biological values are limited by heavy modification, or other factors, but which would have increased biological value if left to regenerate or if managed or developed, (may include wildlife habitat which functions as a corridor, or which is sub-optimal habitat that may be necessary for maintaining genetic diversity).
- All sites which do not contain any of the species listed in Schedule 17B or 17C, but which are viable areas of indigenous vegetation or viable habitats of indigenous fauna.

Note: The application of these criteria within the Plan applies only to significant areas of indigenous vegetation and habitat rated 'Moderate' and above, as indicated in Policy 17.4.1.



Schedule 17B - Status of Northland's Wildlife Species Applicable to the Whangarei District (Adapted from the Northland Conservation Management Strategy 1999)

Outstanding Value

(Endangered Endemic Species)

(Indiangerou Indomété process)					
Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Fairy Tern	All Marine Turtles	Short-Tailed Bat	Black Mudfish	Incomplete	Incomplete
Little Spotted Kiw i			Short-Jaw ed Kokopu		
Ni Brown Kiw i					
Brown Teal					

High Value

(Vulnerable Endemic Species)

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
NZ Dabchick	Robust Skink	Long-Tailed Bat	Giant Kokopu	Flax Snail	Northland Tusked Weta
Black Petrel	Macgregor's Skink		Lamprey		Freshw ater Crab
Bullers Shearw ater	Tuatara			Incomplete	Incomplete
NI Weka	Hochstetter's Frog				
Little Shearw ater	Poor Knights Skink				
Australasian Bittern					
NZ Falcon					
NZ Dotterel					
Wrybill					
Stitchbird					
NZ Pigeon					
Royal Spoonbill					
Pycrofts Petrel					



Moderate-High Value

(Rare Endemic or Regionally Threatened Species)

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Reef Heron			Koaro	Incomplete	Incomplete
Banded Rail			Banded Kokopu		
Banded Dotterel			Blue-Gilled Bully		
Caspian Tern					
Cook's Petrel					
Poor Knights Bellbird					
White-Fronted Tern					
NI Saddleback					

Moderate Value (Restricted Distribution)

(Restricted Distribution)					
Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Australian Little Grebe				Incomplete	Incomplete
Hoary-Headed Grebe					
Variable Oystercatcher					
Greg Plover					
Sharp Tailed Sandpiper					
Curlew Sandpiper					
Knot					
Godw it					
Golden Plover					
Turnstones Far Eastern Curlew					
Siberian Tattler					
Red-Necked Stint					
Long Tailed Cuckoo					

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Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Spotless Crake					
North Island Fernbird					
Red Crowned Parakeet					
Scaup					

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Schedule 17C - Threatened and Uncommon Plants of Whangarei District (Alphabetical List)

Outstanding Value	
Species	Distribution
Asplenium Pauperequitum	Rare on cliffs on Poor Knights Islands
Clianthus Puniceus Var. Puniceus	Previously Whangārei, Kaipara
Crassula Hunua	Old record from Wairua River. Already checked
Hebe Aff. Bishopiana	Hikurangi Swamp, once more widespread but still local
Isoetes Aff. Kirkii	Gone from Wairua Falls
Lepidium Oleraceum Ss.	
Rorippa Divaricata	Poor Knights, Hen and Chicken Islands
High Value	
Anogramma Leptophylla	P J de Lange record of two patches Waiomio Caves carpark
Austrofestuca Littoralis	Open coast beaches around Whangārei
Baumea Complanata	Was near Maungatapere, shrubland/gumland
Calystegia Marginata Mostly coastal sites and open ground Maungatapere	
Carmichaelia Williamsii	Islands and mainland – Poor Knights to Hauraki Gulf
Colensoa Physaloides	Unbrow sed, high fertility forests
Cordyline Kaspar	Poor Knights, Hen and Chicken Islands
Dactylanthus Taylorii	Anecdotal record – Parahaki
Desmoschoenus Spiralis	Occasional on open coast
Euphorbia Glauca	Was around Whangārei Harbour, now Hen and Chicken Islands
Hebe Actiflora	Old record from Wairua Falls – needs checking
Hibiscus Aff. Trionum	Whangārei Heads
Hibiscus Diversifolius	Bream Head
lleostylus Micranthus	Populations on totara, large population in Bay of Islands on Coprosma propinqua
Marattia Salicina	Punaruku, Whananaki, Matapouri, Pukenui, Motatau
Meryta Sinclairi	Local on Hen and Chicken Islands
Picris Burbidgei	Offshore islands
Pimelea Arenaria	Whangārei Heads, Ocean Beach, major population at Pataua
Pimelea Tomentosa	Locally common on East Coast
Pittosporum Obcordatum	1000+ plants – Hikurangi



Senecio Scaberulus	Coastal - mainly east coast cliffs and banks - local
Sicyos Australis	Poor Knights, Hen and Chicken Islands
Todea Barbara	Poor Knights
Moderate-High Value	
Adiantum Formosum	Formerly recorded at Wairoa River
Calochilus Paludosus	Formerly recorded in Whangārei and Mangonui
Caladenia Atradenia	Shrubland in a number of localities
Celmisia Adamsii Var. Rugulosa	Kauri Mountain, Mt Manaia, Bream Head
Doodia Aspera	Formerly recorded at Waiomio
Fuchsia Procumbens	A number of <u>sites</u> from Bay of Islands to Bream Head
Korthalsella Salicornioides	Locally common on manuka and kanuka
Mazus Pumilio	Large patch in Council covenant at Whananaki
Pellaea Falcate	
Plectranthus Parviflorus	One collection from Tangihua Forest
Pomaderris Paniculosa Ssp. Novae-Zelandiae	Mt Manaia
Rorippa Divaricata	Poor Knights, Hen and Chicken Islands
Tetragonia Tetragonoides	

Schedule 17D

Criteria for Ranking Significance of Areas of Indigenous Vegetation, Habitat and Restoration Potential in Relation to the Environmental Benefit Rule (73.3.2).

Since first human settlement in the District, large areas of native forests and shrub lands, freshwater indigenous wetlands, mangrove forest, mudflats, and coastline have been lost or modified by direct or indirect human impacts (Chapter 17.2 Overview). About 26% of Northland's original forest and tall shrubland remain today, most of it in public ownership.

The preservation of privately owned land containing a "feature" such as:

- A stand of indigenous vegetation;
- An indigenous fauna habitat;
- An indigenous wetland, including ephemeral wetland; or
- An area of appropriately designed indigenous re-vegetation or enhancement.

through covenanting or other process, is available with use of the Environmental Benefit Rule (73.3.2) during <u>subdivision</u>.

Indigenous vegetation and habitats in the district are described in Chapter 17 of this plan. This section also contains the following schedules:



- Schedule 17A Criteria for Ranking Significance of Areas of Indigenous **Vegetation** and Habitat
- Schedule 17B Status of Northland's Wildlife Species Applicable to the Whangārei District
- Schedule 17C Threatened and Uncommon Plants of Whangarei District

In accordance with the ranking criteria in Schedule 17A, overleaf is a table summarising the criteria for ranking the quality of a feature referred to in Rule 73.3.2 It is followed by the descriptions for all of the value categories.

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TABLE 1. Criteria for Ranking Value of Feature

VALUE	Outstanding	High	Moderate High	Moderate	Potential Restoration	
Minimum Vegetation, Dune, Fauna Habitat or Wetland Areas	0.5ha	1.0*	1.5ha	2.0ha		
Required					To achieve the same criteria	
Minimum w idth of feature	50m	50m	50m	50m	specified in 'Moderate Value' category, as a minimum.	
% Canopy cover (native) ***	> 75%	> 50%	> 25%	> 25%		
Species richness (plants**) ***	> 40	> 30	> 20	> 12	Restoration to be completed within 4 years.	
Ecotones ¹	≥ 4	≥ 3	≥ 2	≤2		
Intactness (i.e.	Intact Ground;	Intact	Disturbed	Disturbed	See follow ing requirements.	
Canopy tiers) ***	Mid; Canopy	Ground;	ground and	ground and		
		Mid; Canopy	Mid Canopy;	Mid canopy;		
			Intact	Intact		
			Canopy	Canopy		
Introduced flora and	Minimal	Minimal	Minimal -	Moderate		
fauna			Moderate			
Human modification	Nil Except for w alking tracks	Nil same	Grazing, selective logging	Grazing, selective logging,		
	and pest control			water course changes		
Quality: (Schedule	Outstanding	High	Moderate -	17B or		
17A) or (Schedules 17B & 17C)			High	Northland		
, , ,				Protection		
				Strategy ²		

^{*} except for peat bog, which must contain a good coverage of indigenous canopy trees and have a minimum area of 0.5ha.

^{**} not including epiphytes

^{***} except for dunes, which may be forested but considered to be of good quality, with a covering of spinifex or pingao (the latter considered to be High Value in Schedule 17C)



Outstanding Value

- 1. Contains best quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Best quality can be measured by the presence of:
 - A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 75% indigenous latesuccessional species appropriate to the vegetation type; and
 - Intact and dense ground, mid and canopy tiers (Intactness); and
 - A very high level of diversity, i.e. species richness (>40 species of indigenous plant⁷) and/or a suite of four or more native vegetation units/community types forming an ecotone¹ within the proposed protected feature; and
 - The particular ecological unit, or combination of units, is unmodified by humans and introduced species of flora and fauna are absent (Naturalness and Long-term viability).

OR

- 2. Contains a representative example of an ecological unit, or combination of units that is very poorly represented in protected areas in the Ecological District of Northland₂, in particular:
 - Riverine swamp forest and flood plain forest;
 - Dune forest:
 - Broadleaf forest on alluvium and volcanic soils; or
 - Podocarp forest (other than secondary totara forest).

OR

3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "Outstanding Value" categories of Schedules 17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following size and shape parameters:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 0.5 hectares of contiguous vegetation. The minimum width of the feature, at any one point, must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this



case the minimum area of contiguous vegetation must be 0.5 hectare, and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Large areas surrounded by, or adjoining protected land along >50% of its boundary will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

High Value

- 1. Contains high quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. High quality can be measured by the presence of:
 - A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 50% indigenous latesuccessional species appropriate to the vegetation type; and
 - Intact and moderately dense ground, mid and canopy tiers; and
 - A high level of diversity, i.e. species richness (>30 species of indigenous plant⁷) and/or a suite of at least three native vegetation units/community types forming an ecotone¹ within the proposed protected feature; and
 - The particular ecological unit, or combination of units, is unmodified by humans but some introduced species of flora and fauna may be present. Any such disturbance would be shown to have only minor impact on the long-term viability of the feature.

OR

- 2. Contains a representative example of an ecological unit, or combination of units, that is under-represented in protected areas in the Ecological District or Northland², in particular:
 - Peat bogs;
 - Podzol gumland;
 - Coastal indigenous wetland including saltmarsh;
 - Coastal herbfield, shrubland and forest;
 - Predator-free islands;
 - Ephemeral inland wetlands³;
 - Dunes including dune lakes;
 - Riparian margins of lower and middle-order⁴ streams⁵; or
 - Buffers to, and linkages between, key areas for conservation management.

<u>OR</u>



3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened, in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "High Value" categories of Schedules 17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 1.0 hectare of contiguous vegetation. The minimum width of the feature, at any one point must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case, the minimum area of contiguous vegetation must be 0.5 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Moderate-High Value

- 1. Contains moderately high quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Moderately high quality can be measured by the presence of:
 - A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 25% indigenous latesuccessional species appropriate to the vegetation type; and
 - An intact, dense canopy tier but mid or ground tiers may show some evidence of past disturbance, i.e. stock grazing, exotic plant material; and
 - A moderately high level of diversity, i.e. species richness (>20 species of indigenous plant⁷) and/or a suite of at least two native vegetation units/community types forming an ecotone¹ within the proposed protected feature:
 - The particular ecological unit, or combination of units, may show evidence of modification by humans, e.g. selective logging, hydrological manipulation, stock grazing and/or introduced species of flora and fauna that may be having a moderate impact on the long-term viability of the feature.

<u>OR</u>



- 2. Contains a representative example of an ecological unit, or combination of units, that is uncommon in protected areas in the Ecological District or Northland², in particular:
 - Mangrove forest
 - Kauri forest
 - Volcanic lakes
 - Serpentine shrubland
 - Broadleaf shrubland
 - Upland broadleaf forest

<u>OR</u>

3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened, in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "Moderate-High Value" categories of Schedules17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 1.5 hectares of contiguous vegetation. The minimum width of the feature, at any one point, must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case the minimum area of contiguous vegetation must also be as for the 'High Value' category, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected <u>land</u> along part of their <u>boundary</u>, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for <u>subdivision</u> and covenanting.

Moderate Value

- 1. Contains moderate quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Moderate quality can be measured by the presence of:
 - A coherent, well developed, appropriate canopy of indigenous species.
 - An intact, dense canopy tier but mid or ground tiers may show evidence of past disturbance, i.e. stock grazing, exotic plant material.
 - A mature <u>indigenous vegetation</u> community with a coherent, moderately developed canopy that comprises in excess of 25% indigenous late-



successional species appropriate to the vegetation type. Early (primary) successional communities (e.g. kanuka-manuka shrublands), may be accepted under this value category if they have a high level of intactness and naturalness and if there is evidence of the future establishment and retention of late-successional vegetation. i.e. presence of occasional late-successional canopy species in the upper and lower tiers.

- A moderate level of diversity, i.e. species richness (12 or more species of indigenous plant7) and/or two native vegetation units/community types which may form an ecotone₁ within the proposed protected feature;
- The particular ecological unit, or combination of units, may show evidence of modification by humans, e.g. selective logging, grazing, hydrological manipulation and/or introduced species of flora and fauna that may be having a significant impact on the long-term viability of the feature.

OR

- 2. Contains a representative example of an ecological unit, or combination of units, that is adequately represented in protected areas in the Ecological District or Northland², in particular:
 - Mixed lowland kauri-podocarp-broadleaf forest
 - Manuka-kanuka shrubland where the level of maturity is such that at least 75% of the canopy is 3 metres or over in height.

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 2.0 hectares of contiguous vegetation. The minimum width of the feature, at any one point must be no less than 50 metres.
- The exception to this rule is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case the minimum area of contiguous vegetation must be as for the 'High Value' and 'Moderate-High Value' categories, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Potential / Restoration Value

There will be some remnants within the District that do not comply with any of the criteria 'Moderate' and above, due to high levels of modification and disturbance. Where a feature is marginal under these terms, but could be improved to a



significant standard within a maximum of 4 years, a feature may have Potential / Restoration Value.

This criterion could apply to any ecosystem type, but where it is critically depleted within the Ecological District or Northland, a proposed restoration project will have maximum significance value. Ecosystems to which this applies to include, in particular⁶:

Coastal (dune including dune lakes, shrubland and forest)

- Riverine forest, swamp forest and podocarp forest on alluvium
- Broadleaf volcanic forest
- Swamps, bogs and riparian ecotones including estuarine

An Environmental Benefit will not be offered upfront on the basis of a remnant having Potential/ Restoration value. However, if a <u>land</u> owner should choose to undertake restoration of a feature, providing this is done following a comprehensive rehabilitation programme designed by a suitably qualified and experienced professional accepted by the Council and achieves the criteria specified in the 'Moderate Value' category and to be completed within a maximum of 4 years, then the remnant will qualify for an Environmental Benefit.

The design of the rehabilitation programme shall ensure that the remnant can meet the assessment criteria for at least 'Moderate Value' representative vegetation (as detailed above) in the future. This will include the following requirements:

- Developing an appropriate, intact canopy, mid and ground tier of native species to ensure that weed species do not compete with natives for ground space; and
- Plant selection should bring the total species diversity present within the feature up to a moderate level, i.e. species richness (12 or more species of indigenous plant) and/or a suite of at least two native vegetation units/community types which may form an ecotone¹; and
- All plants must be eco-sourced and maintained for a minimum of four years with a survival rate of at least 85% with a minimum planting density of 10,000 plants per hectare; and

All modifying activities are prohibited and any man-made <u>structures</u> are removed (except for those integral to the feature's management, e.g. fences, culverts, weirs etc) or naturalised and all weed and animal pest species are actively managed. This is to ensure that the feature achieves a high level of naturalness and long-term viability (see Criterion 1 of Outstanding Value category).

Ecological features with Restoration/Potential value must also meet the following size and shape parameters once restored:

 The total area proposed for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 2.0 hectares and the minimum width of the feature, at any one point is no less than 50m.



The exception to this rule is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case, the minimum area of contiguous vegetation must be as for the 'High Value', 'Moderate-High Value' and 'Moderate Value' categories, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Bonding

Where an Environmental Benefit Lot is awarded on the basis of revegetation/restoration, a s224 certificate will not be issued for a proposed Environmental Benefit Lot unless/until re-vegetation/restoration has been successfully completed, consistent with performance in the Criteria or the consent holder provides a bond to the satisfaction of the Council to a value of not less than 150% of the value of the works.

Access to bonding shall not be available until one year after planting, where there is evidence to the Council's satisfaction of the successful initial implementation of an approved management plan.

The management plan is to include matters of the following type:

- Named species appropriate to the location
- Size at planting
- Density
- Seed source
- Weed clearance/release
- Pest control
- Fertiliser application
- Irrigation requirements (at Council's discretion)

Council shall retain discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which represent a significant risk in its assessment to successful re-establishment. Evidence of the degree of risk should form part of any related proposal.

Council may also elect to recover related actual and reasonable costs.

s.224 certificate arrangements

Legally effective post s.224 certificate arrangements are required which:

- Secure the retention of re-planted vegetation;
- Establish responsibility for the continued execution of the management plan until its objectives (tree height, percentage canopy cover or both) and/or term are satisfied (this may require a community-owned management structure, depending on the number of subsequent owners);



Ensures Council access to the land in the event the bond is to be executed.

These requirements may necessitate a bond to be complemented by covenants or other legal instruments.

Notations:

- 1. Natural vegetation sequence occurring over an environmental gradient or in relation in an estuarine environment, the ecotone might be from to landform, e.g. mangroves to saltmarsh to freshwater wetland to coastal shrubland (note that mangroves and saltmarsh may be in public ownership).
- 2. Information on priority for protection of indigenous ecosystems has been sourced from Section 6.3 of the Northland Protection Strategy - a report to the Nature Heritage Fund Committee. This report should also be referenced for descriptions of these ecosystem types.
- 3. Wetland ecosystems should function hydrologically, as naturally as possible. Artificial (i.e. man-made) ponds (used for water supply) do not qualify under this criterion, as they do not represent natural habitat or function naturally in a hydrological sense. Established indigenous wetland vegetation surrounding a man-made pond may comply but must meet the minimum size criteria. The open water of a man-made pond cannot contribute to this size requirement. Indigenous wetlands in which the water levels are controlled by a man made structure (e.g. a weir) which is expressly for the purpose of maintaining the water levels in order to maintain a viable ecology do comply with this criterion.
- 4. Stream order is a measure of the relative size of streams. The smallest first and second-order streams are in the upper part of a catchment and comprise the headwaters of a watercourse. A middle-order stream is further down the catchment and will be larger in size. A middle-order stream is downstream of the confluence of at least two lower-order streams.
- 5. Significant watercourses Where high instream values have been identified, i.e. a Macro invertebrate Community Index (MCI) score of 100+ or native fishery diversity and abundance data, and the upper catchment is already protected.
- 6. Information on restoration priorities has been sourced from Section 6.3 of the Northland Protection Strategy – a report to the Nature Heritage Fund Committee.
- 7. Plant species that are rooted in soil and do not include epiphytes.

Notes:

- 1. Although a minimum size for a complying feature is stated, in all cases the whole of the ecological remnant worthy of protection on the property must be made subject to legal and physical protection at the time of consent and no area of the feature can be left out or divided for the purposes of obtaining additional lots at some later date.
- 2. An Environmental Benefit will only be granted subject to a condition placed in the subdivision consent specifying weed and pest control management.

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23.1 Significant Issues

Network utilities are essential services to the community, and often their choice of location is restricted by Operational requirements.

Network utility operations have the potential to create adverse environmental <u>effects</u>, particularly on visual amenity and the natural character of the <u>environment</u>. The inappropriate installation, siting, design, operation, maintenance and minor upgrading of network utility operations has the potential to adversely affect the health and safety of people and communities.

Network utility operations may pose a potential risk to the health and safety of people and communities.

Other activities, including the location of <u>buildings</u>, <u>major structures</u> and/or plantings in close proximity to existing network utility operations, have the potential to compromise the efficient development, use and maintenance of those utility operations.

23.2 Overview

Network utility operators provide a variety of essential services to the community including airports. railways, roads, electricity, radio-communication. telecommunication and meteorological services, water, wastewater disposal, drainage, and gas supply and reticulation. Due to their essential nature, sufficient provision needs to be made for the efficient operation, maintenance and upgrading of existing network utilities, and for the establishment of new services as required. The Second Schedule of the Resource Management Act 1991 specifically mentions the scale, sequence, timing and relative priority of public works, goods and services, including public utility networks, as matters to be provided for in District plans. The Resource Management Act 1991 also provides for land to be designated by an approved authority for network utility purposes.

Many network utilities are able to be placed underground and their <u>effect</u> on the <u>environment</u> may be no more than minor. However, other network utilities have significant potential to adversely affect the <u>environment</u> and/or the health and safety of people and communities. These <u>effects</u> need to be addressed through the provisions of the District Plan, and various Objectives, Policies and Methods have been adopted to ensure the sustainable management of these resources and the control of possible adverse environmental <u>effects</u>.

At the same time, neighbouring <u>land</u> uses and development have the potential to adversely affect the operation, maintenance and minor upgrading of existing and proposed network utility operations. The management of the <u>effects</u> of neighbouring activities is therefore also addressed through the provisions of the Plan. For example, buffer distances can be used to control the encroachment of activities where network utilities are already established. This can reduce the potential for conflict and ensure <u>access</u> for operational and maintenance purposes.

Many network utilities occur throughout the District and may also cross local body boundaries. It is desirable, therefore, to maintain consistency, wherever possible, for the provision of network utility operations throughout the District and across



local body boundaries. At the same time, different parts of the District exhibit different natural characteristics and possess different <u>amenity values</u>. Living areas and areas of high recreational, landscape, ecological, cultural or heritage values are most affected by the impacts, particularly the visual impacts, from utility <u>structures</u>. These need to be taken into account, when providing for the installation, operation and maintenance of network utility operations.

23.3 Objectives

23.3.1

The orderly, efficient and effective installation, operation, maintenance and minor upgrading of network utility operations throughout the District, to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

23.3.2

The protection of the <u>environment</u> from, as far as practicable, from the potential adverse <u>effects</u> of network utility operations, particularly <u>effects</u> on the health and safety of communities, the natural character of the <u>environment</u>, <u>sites</u> of historical and cultural significance, and the <u>amenity values</u> of the surrounding area.

23.3.3

The protection of network utility operations from the adverse <u>effects</u> of adjacent <u>land</u> use and development.

Explanation and Reasons: Network utility operations are essential to the well-being of people and communities but have the potential to adversely affect the <u>environment</u>. At the same time neighbouring <u>land</u> uses can adversely affect the installation, operation, maintenance and minor upgrading of utility operations. The objectives of the Plan are to enable the orderly and efficient provision of network utility operations whilst avoiding, remedying or mitigating adverse <u>effects</u> on the <u>environment</u> and the community.

23.4 Policies

23.4.1 Provision of Services

The orderly and efficient provision of network utility operations should be enabled, and the essential nature and operational needs of network utility operations should be taken in to account, when assessing the location, design and operation of these services.

Explanation and Reasons: The siting of utility operations may be influenced by operational needs that limit the choice of suitable locations.



For example, facilities such as cellular communications need to be located throughout the District in order to adequately serve residential as well as commercial and other users. The provision of high voltage power distribution will also, in some cases, be unavoidable in built up areas. Accordingly, the Plan does not preclude such facilities, but will require account to be taken of location and design so as to avoid significant effects on the environment and the community.

23.4.2 Environmental Effects

Network utility operations should be sited, designed and operated in such a way that the adverse <u>effects</u> on the <u>environment</u> will be avoided, remediated or mitigated, as far as practicable. When siting and designing network utility facilities, particular regard should be made to:

- Areas of Outstanding Landscape value;
- Putstanding Natural Features
- · Significant Ecological Areas;
- The natural character of the coastal environment;
- Ridgelines and skylines;
- Heritage Buildings, Sites and Objects;
- Sites of Significance to Māori.

Explanation and Reasons: Network utility operations provide important services throughout the District, enabling people and communities to provide for their social, economic and cultural well-being. The location of network utility facilities can adversely affect the natural character of the environment, particularly in Outstanding Landscape Areas, Pitstanding Natural Features, Significant Ecological Areas and in the Coastal Area. To avoid, remedy or mitigate such effects network utility facilities should be sited in visually unobtrusive locations, wherever possible. Furthermore, mitigating measures should as far as reasonably practicable be appropriate to the environment in which they are located. Operational requirements often necessitate the siting of facilities on ridgelines or skylines, which can potentially result in adverse visual effects. Heritage Buildings, Sites and Objects and Sites of Significance to Māori are also sensitive to the adverse effects from network utility operations. Care should be exercised when siting facilities near these areas.

23.4.3 Amenity Values

The adverse <u>effects</u> of network utility operations should be avoided, remedied or mitigated as far as reasonably practicable in accordance with the <u>amenity values</u> of the different Zones. In the <u>Residential Zones</u>, the Rural Village Zone, the <u>Strategic Rural Industries</u> Zone, the commercial centres and in the <u>Open Space and Recreation Zones</u>, <u>telecommunication</u> and electrical services should be underground or by wireless link, where practicable. In other <u>environments</u>, undergrounding or wireless links should be encouraged, but where this is not practicable, feasible services should be sited and designed so as to minimise adverse <u>effects</u> on amenity values.



Explanation and Reasons: Network utility operations can significantly affect the amenity of an area, particularly in the Residential Zones, the Rural Village Zone, the <u>Strategic Rural Industries</u> Zone, the commercial centres and in the <u>Open Space and Recreation Zones</u>. Above-ground <u>structures</u> can reduce visual amenity, where inappropriately sited or designed, while <u>sewage</u> treatment plants can produce offensive odours.

Noise, <u>effects</u> on traffic, dust and vibration are other possible amenity <u>effects</u>. Such facilities should be <u>sites</u> in visually non-obtrusive locations and levels of mitigation should be appropriate for the Zone in which they are located. Many network utilities are able to be sited underground and, in the case of <u>telecommunications</u>, new technology may allow the service to be provided by a wireless link. Both these options provide an effective method for avoiding visual <u>effects</u> and should be encouraged, where practicable. However, it is recognised that it is not practicable to underground some network utilities.

23.4.4 Health and Safety

Network utility operations should be installed, sited, designed, operated, maintained and upgraded in compliance with the relevant (national, international or industry) standards, codes of practice or guidelines in order to avoid, remedy or mitigate potential adverse effects on the health and safety of people.

Explanation and Reasons: The installation, operation and maintenance of some network utility operations carries potential risks to the health, safety and well-being of people and communities. For example, there is a risk of electrocution and risk of injury or damage to property should an overhead power line fall. There is also a need to safeguard the community from the risks associated with pipelines that distribute hazardous substances such as gas or petroleum products.

23.4.5 Radio Frequency Fields (RF) and Electromagnetic Radiation (EMR)

To ensure that any <u>effects</u> from the generation of Radio Frequency Fields and Electromagnetic Radiation are in accordance with the relevant New Zealand Standard.

Explanation and Reasons: Certain utilities and other activities emit electromagnetic radiation, which may have a potential health effect on some people living near them if they exceed an acceptable public level of exposure (as defined by the relevant New Zealand Standard). Radio Frequency Fields (RF) are produced by activities involving radio wave transmissions at frequencies of 3kHz to 300GHz such as broadcasting, mobile phone base station and microwave transmission activities. It is the antennae used for sending the signal that produces the Electromagnetic Radiation (EMR). An acceptable public level of exposure to EMR is established in the relevant New Zealand Standard, which has been thoroughly researched and based upon scientific evidence.



23.4.6 Encroachment

<u>Subdivision</u>, use and development of <u>land</u> should not compromise the safe and efficient operation of, and <u>access</u> to, existing and proposed network utility operations.

Explanation and Reasons: An increase in development, under or alongside an existing network utility facility, is known as encroachment. Encroachment can affect access to, and the ongoing operation and maintenance of, network utility operations. This concept is increasingly being referred to as "reverse sensitivity", where adjoining and/or sensitive activities have the potential to adversely affect network utility operations by impacting on their legitimate right to operate.

It can also constrain future relocation and/or undergrounding options. In addition, encroachment has the potential result of increased risks to the health and safety of people. By controlling encroachment, these conflicts can be avoided, remedied or mitigated.

23.5 Methods

23.5.1 Regulatory Methods

- Identify different Zones on the Planning Maps (Policy 23.4.6).
- Formulate Zone rules relating to the location, type and <u>effects</u> of activities (Policies 23.4.4 & 23.4.6).
- Identify Resource Areas on the Planning Maps (Policy 23.4.2).
- Formulate Resource Area rules relating to the location, type and <u>effects</u> of activities (Policies 23.4.1 to 23.4.6).
- Formulate <u>Subdivision</u> rules relating to the location, size and layout of <u>allotments</u> (Policy 23.4.6).
- Have regard to relevant objectives, policies and rules in other sections of the Plan (Policies 23.4.1 to 23.4.6).
- Attach conditions to resource consents relating to network utility operations (Policies 23.4.1 to 23.4.6).
- Requiring Authorities may designate the <u>land</u> for network utility purposes (Policy 23.4.2).

23.5.2 Other Plans and Legislation

- Ensure that plans and management strategies are not inconsistent with the New Zealand Coastal Policy Statement, the Regional Policy Statement for Northland and any relevant regional plans (Policies 23.4.1 to 23.4.6).
- Take into account the relevant provisions in the Local Government Acts 1974 and 2002. Transit New Zealand Act 1986, the Building Act 2004, the Electricity Act 1992, the Gas Act 1992, the Health Act 1956, the Telecommunications (Residual Provisions) Act 1987 and the Telecommunications Act 2001, the Land Drainage Act 1908 and any other relevant legislation (Policies 23.4.1 to 23.4.6).



- Have regard to reserve management plans formulated under the Reserves Act 1977 (Policies 23.4.1 to 23.4.6).
- Take into consideration any relevant lwi/Hapū Environmental Management Plans (Policy 23.4.4).

23.5.3 Information, Education and Advocacy

- Liaise with network utility operators (for example: Transit New Zealand, Transpower, Telecom New Zealand Ltd) over the siting and operation of network utility operations (Policies 23.4.1 to 23.4.6).
- Liaise with the Northland Regional Council and adjacent territorial authorities in regard to any potential cross <u>boundary</u> issues relating to network utility operations (Policies 23.1.1 to 23.4.6).
- Liaise with iwi/hapū in regard to the potential development of lwi/Hapū Environmental Management Plans and issues of concern to <u>tangata whenua</u> relating to network utility operations (Policies 23.4.1 to 23.4.6).
- Liaise with other organisations with specific resource management and/or environmental concerns in the District, for example, the Department of Conservation, Heritage New Zealand Pouhere Taonga, Ministry of Agriculture and Forestry (Policies 23.4.1 to 23.4.6)
- Educate and inform both network utility operators and the public about issues relating to the provision of network utility operations (Policies 23.4.1 to 23.4.6).
- Promote the use of appropriate codes of practice, standards and guidelines (national, international and industry) (Policies 23.4.1 to 23.4.6).

23.5.4 Economic Instruments

• Receive <u>financial contributions</u> as prescribed in Chapter 59 of the Plan (Policy 23.4.1).

23.5.5 Council Works and Services

 Undertake appropriate works and services relating to <u>roads</u>, <u>water</u> supply, <u>wastewater</u> and storm <u>water</u> disposal, and any other relevant functions (Policies 23.4.1 to 23.4.6).

23.5.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- The orderly, efficient and effective provision of network utility operations to the District's communities.
- The protection of natural, cultural and <u>historic heritage</u> from adverse <u>effects</u> of network utility operations.
- Amenity values in the different Zones are not adversely affected by network utility operations.



• People and communities do not suffer adverse effects on their health and safety from network utility operations.

Network utility operations are not adversely affected by encroachment from neighbouring activities that are sensitive to the operation of network utility facilities.





Rural (Urban Expansion) Zone

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RUEZ.	1.1 Description and Expectations

The Rural (Urban Expansion) Zone (RUEZ) covers five areas of rural residential land. These five areas contain clusters of low density residential development situated on the fringes of Whangārei City's residential suburbs, and are addressed in adopted Urban Structure Plans.

The locations of Rural (Urban Expansion) Zone are limited to those areas containing existing rural residential development and which allow for the future reticulated development of areas contiguous to existing urban areas. The Rural (Urban Expansion) Zone generally adjoins Residential or Open Space and Recreation Zones on the inner (urban) edge and Large Lot Residential Zone or Rural Production Zone on the outer (rural) edge.

There is a distinct rural residential amenity and character within Rural (Urban Expansion) Zone areas which is different to the amenity of urban areas and of areas of Rural Production Zone. Part of that rural residential amenity and character relates to remnants of rural production activities such as stock loading yards, bars, sheds, fences and shelterbelts. The Rural (Urban Expansion) Zone areas also provide amenity to the adjoining urban areas by providing a rural residential outlook until future urban expansion occurs.

The Rural (Urban Expansion) Zone provides for a density of rural residential development that lies between the densities of the Rural Living and Residential Zones. It provides capacity for the future urban expansion of the City and accordingly must be managed for this purpose.

It is anticipated that most Rural (Urban Expansion) Zone locations will be considered for rezoning to a Residential Zone once reticulated services are available. However, two clusters of Rural (Urban Expansion) Zone (Toe Toe Road and Whau Valley Road – see RUEZ. Appendix 1 for location of these areas) have been identified as not suitable for future urban development because of natural hazards, proximity to Quarrying Resource Areas and other landuse constraints, and have been zoned Rural (Urban Expansion) Zone solely to recognise the existing level of rural residential development.

Some non-residential activities of a compatible nature, scale and location may be located within the Rural (Urban Expansion) Zone including commercial activities that are ancillary activities to residential activities.



Rural (Urban Expansion) Zone

RUEZ.1.2 Objectives

- 1. Rural (Urban Expansion) Zones, other than Toe Toe Road and Whau Valley Road, are maintained as rural residential areas prior to being reticulated for urban expansion.
- 2. <u>Subdivision</u> and development within the Rural (Urban Expansion) Zone does not compromise its future for <u>reticulated</u> urban expansion.
- 3. <u>Subdivision</u> and development within the Rural (Urban Expansion) Zone avoids hazard areas and protects heritage and natural features such as landforms, watercourses and indigenous vegetation.
- 4. Infrastructure services for <u>subdivision</u> and development within the Rural (Urban Expansion) Zone are appropriately designed and constructed.
- 5. Compatible small scale non-residential activities are provided for within the Rural (Urban Expansion) Zone.

RUEZ.1.3 General Policies

- 1. To provide for existing clusters of rural-residential development, while recognising these areas, other than Toe Toe Road and Whau Valley Road, are suitable for urban expansion.
- 2. Prior to urban expansion, to maintain rural residential character and amenity in the Rural (Urban Expansion) Zone by maintaining:
 - A sense of spaciousness with visual connections to a range of landscapes (such as Mt Parihaka, Hurupaki, Rawhitiroa and Ngararatunua scoria cones, Parakiore, Pukenui/Western Hills Forest, and Glenbervie Forest).
 - b. <u>Historic heritage</u> features (such as <u>stone walls</u> in Maunu, Three Mile Bush and Vinegar Hill).
 - c. Dominance of the natural environment (such as landscapes, vegetation and <u>water</u> courses) over the built environment.
 - d. Lack of urban amenities (such as footpaths, street lights or kerb and channeling).
 - e. A high level of privacy and low levels of noise and lighting.
 - f. A range of rural residential development with associated <u>residential units</u>, <u>landscaping</u>/gardens and small scale <u>rural production activities</u>.
- 3. Prior to urban expansion, maintain rural residential amenity in the Rural (Urban Expansion) Zone by ensuring that all new <u>buildings</u> are:
 - a. Of a scale and character appropriate to the Rural (Urban Expansion) Zone.
 - b. Sufficiently <u>setback</u> from <u>site boundaries</u> to enable privacy, the retention of open space and access to sunlight.
- 4. Prior to urban expansion protect rural residential character and amenity in the Rural (Urban Expansion) Zone by avoiding <u>commercial</u> and <u>industrial</u> <u>activities</u> and providing for limited <u>commercial activities</u> that are <u>ancillary activities</u> to <u>residential activities</u> on the same <u>site</u>.
- 5. To provide for future urban expansion in the Rural (Urban Expansion) Zone by locating <u>buildings</u>, <u>major structures</u>, <u>building</u> platforms, <u>allotment</u> boundaries, access and on-<u>site</u> services to allow for future urban expansion including an urban level of servicing.



Rural (Urban Expansion) Zone

- 6. To avoid future urban expansion in the Toe Toe Rd and Whau Valley Rd Rural (Urban Expansion) Zone areas due to hazards, proximity to Quarrying Resource Areas and land use constraints.
- 7. To provide for urban expansion in Rural (Urban Expansion) Zone areas where <u>reticulated</u> services are available by applying the objectives, policies and rules for the General Residential Zone to urban <u>subdivision</u> and subsequent land use.
- 8. To provide for future urban expansion by providing within each <u>subdivision</u> an area of protected <u>land</u> that allows access and linkages to existing and future services including <u>roads</u>, <u>wastewater</u>, <u>stormwater</u>, <u>pedestrian</u> access and open space.
- 9. To avoid adverse <u>effects</u> from <u>commercial activities</u> that are <u>ancillary activities</u> to <u>residential</u> <u>activities</u> on pedestrian safety, <u>road</u> safety and efficiency, and parking.
- 10. To manage <u>reverse sensitivity effects</u> by avoiding the establishment of within close proximity to Quarrying Resource Areas, Rural Production Zone, Strategic Rural Industries, Business Zones and plantation forestry.
- 11. To ensure <u>subdivision</u> protects and enhances environmental features by:
 - a. Designing <u>subdivision</u>s to respond to the topography and characteristics of the <u>land</u> being developed.
 - b. Locating accessways, services, utilities and <u>building</u> platforms where these can be provided without the need for significant <u>earthworks</u>, retaining, benching or <u>site</u> contouring.
- 12. To ensure <u>subdivision</u> results in an efficient and safe <u>road</u> network by:
 - a. Limiting the number of <u>allotment</u>s served by shared accessways and the number of shared accessways per <u>subdivision</u>.
 - b. Requiring Indicative Roads and cycleways to be formed.

RUEZ.1.4 Guidance Note

- 1. The following shall form the basis for assessment of resource consent application in the Rural (Urban Expansion) Zone:
 - a. The objectives policies and provisions for the Rural (Urban Expansion) Zone in the District Plan.
 - b. The Strategic Direction objectives and policies.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Rural (Urban Expansion) Zone.

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Landuse

RUEZ.2.1 Eligibility Rules

- 1. Any land use activity that is undertaken on an <u>allotment</u> created through provision RUEZ.3.1.1 will be assessed by applying the objectives, policies and rules for landuse in the General Residential Zone.
- 2. <u>Industrial activities</u>, whether a primary activity or <u>ancillary activity</u> are prohibited activities.
- 3. <u>Intensive livestock farming</u> and <u>hospitals</u>, whether a primary activity or <u>ancillary activity</u> are non-complying activities.
- 4. Any <u>commercial activity</u> is a non-complying activity within the Rural (Urban Expansion) Zone where the activity:
 - a. Exceeds 3 or more of the discretionary criteria in RUEZ.2.3.7(a f).
 - b. Is not an ancillary activity to the residential use of the site.
 - c. Does not involve a permanent resident of the <u>site</u> as the principal operator of the commercial activity.
 - d. Includes, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
- 5. More than 1 principal <u>residential unit</u> per <u>site</u> where there is less than 1ha <u>net site area</u> per principal <u>residential unit</u> is a non-complying activity.
- 6. Any other activity not requiring consent as a non-complying or discretionary activity is a permitted activity.
- 7. Any minor building is a permitted activity and is exempt from the building rules.

RUEZ.2.2 Notification Rules

1. All landuse activities are subject to the notification tests of the RMA.

RUEZ.2.3 Discretionary Activities

- 1. Any sensitive activity (excluding non-habitable buildings):
 - a. Within 500m of:
 - i. The Mining Area of a Quarrying Resource Area.
 - ii. The Strategic Rural Industries Zone.
 - b. Within 20m of:
 - i. The Rural Production Zone.
 - ii. A Business Zone.
 - iii. Plantation forestry (on a separate site).
- 2. A minor residential unit:
 - a. Resulting in more than 1 minor residential unit per site.
 - b. That does not use the access to the principal residential unit.
 - c. Where the nearest distance between the <u>minor residential unit</u> and the <u>principal residential</u> <u>unit</u> is greater than 15m.
 - d. With a gross floor area greater than 90m² (including decking and garage areas).

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Landuse

- 3. Any building or major structure:
 - a. That exceeds a maximum height of 8m above ground level.
 - b. <u>Setback</u> less than 10m from any <u>boundary</u>.
 - c. <u>Setback</u> less than 6m from a right of way or common access.
 - d. Within 27m of mean high water springs (excluding bridges, culverts and fences).
 - e. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
 - f. Within 30m of an indicative road identified on the District Plan Zone Maps.
- 4. Any <u>place of assembly</u>, <u>educational facility</u>, <u>general community</u> or <u>recreational facility</u>, whether a primary activity or <u>ancillary activity</u>.
- 5. <u>Impervious areas</u> exceeding 15% of the <u>net site area</u>.
- 6. The clearance of <u>indigenous vegetation</u> within an <u>allotment</u> that is not a single urban environment <u>allotment</u>:
 - a. Exceeding 500m² per site within each 10 year period from 12 December 2018.
 - b. Within 20m of a water body.
 - c. With the exception of vegetation clearance associated with:
 - i. Routine maintenance within 7.5m of the eaves of existing buildings:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights
 - v. Conservation planting, including planting for ecological restoration purposes.

7. Commercial activities that:

- a. Generate more than 20 traffic movements per day, per site.
- b. Do not provide the following required parking spaces:
 - i. 1 in addition to that of the residential unit,
 - ii. Plus 1 per employee,
 - iii. Plus 1 in circumstances where clients visit the site.
- c. In addition to the principal operator have more than two other persons engaged in providing the activity.
- d. Occupy more than 15% of the total GFA of all <u>buildings</u> on <u>site</u>.
- e. Have a total signage area greater than 0.25m².
- f. Have illuminated or moving signage.
- 8. Any farm quarry.
- 9. Any <u>care centre</u> or <u>emergency service</u>, whether a primary activity or ancillary activity.

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RUEZ.2.4 Assessment Criteria

- In addition to those general matters listed in the How the Plan Works Chapter for Assessment of Discretionary Activities, discretionary activities pursuant to RUEZ.2.3.2, RUEZ.2.3.3b, RUEZ.2.3.3.c, RUEZ.2.3.3.f and RUEZ.2.3.7.a and non-complying activities pursuant to RUEZ.2.1.5 shall consider the following additional criteria:
 - a. The extent to which the additional <u>residential unit</u>s, reduced <u>setbacks</u> or additional <u>traffic</u> <u>movements</u> appropriately address <u>effects</u> on the transportation network, including through:
 - i. The current or future provision of a well-connected street and transport network.
 - ii. Facilitation of walking, cycling and public transport.
 - iii. Methods to manage significant localised traffic effects.

Note: Also refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

Subdivision



RUEZ.3.1 Eligibility Rules

- 1. <u>Subdivision</u> where the proposed allotments will be connected to Council <u>reticulated</u> <u>water</u>, <u>wastewater</u> and <u>stormwater</u> services and have a <u>net site area</u> of at least 500m² shall be:
 - a. Assessed using the objectives, policies and rules that apply to serviced lots in the General Residential Zone.
- Subdivision where the proposed <u>allotments</u> will not be connected to Council reticulate <u>water</u>, <u>wastewater</u> and <u>stormwater</u> services and that does not meet RUEZ.3.3.1.a or RUEZ.3.3.1.e shall be a non-complying activity.
- 3. <u>Subdivision</u> of a <u>site</u> where a minimum 100m² <u>building area</u> is located within 500m of a Strategic Rural Industries Zone or a Mining Area of a QRA shall be a non-complying activity.
- 4. Other subdivision that is not a controlled or non-complying activity is a discretionary activity.

RUEZ.3.2 Notification Rules

1. All <u>subdivision</u> applications are subject to the notification tests of the RMA.

RUEZ.3.3 Controlled Activities

- 1. <u>Subdivision</u> where:
 - a. Each of the proposed <u>allotment</u> has a <u>net site area</u> of at least 1ha.
 - b. Each <u>allotment</u> can accommodate a minimum 100m² <u>building area</u> on which a <u>residential</u> <u>unit</u> can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
 - c. Except in Toe Toe Road and Whau Valley, the <u>subdivision</u> design and layout sets aside (by way of easements, bonds, covenants, consent notices or segregation strips) <u>land</u> for the future provision or extension of <u>reticulated water</u>, <u>wastewater</u> and <u>stormwater</u> and of <u>roads</u>, within the <u>site</u> and to adjoining <u>sites</u> to the urban standards.

Note: Refer to How the Plan Works for Matters Control is Reserved Over and the additional matter in RUEZ.3.5.2 for any controlled activity consent pursuant to RUEZ3.3.1.a – e

RUEZ.3.4 Assessment Criteria & Matters of Control

- When assessing whether provision 3.3.1(c) has been complied with Council will consider whether a plan has been provided that includes the following:
 - a. Indication of proposed urban allotment boundaries.
 - b. The location of future urban infrastructure that demonstrates ease of access to the infrastructure for maintenance purposes and is sensitively placed to avoid environmental damage, including <u>reticulated water</u>, <u>wastewater</u>, and <u>stormwater</u>, roading network, and pedestrian network.
 - c. Consideration of how future urban infrastructure will link to adjacent <u>land</u> and to any existing areas set aside for future urban infrastructure.
 - d. How areas set aside for future urban infrastructure will be protected (for example through easements, covenants, bonds, consent notices or segregation strips).

Subdivision



- e. Regard to the natural features of the <u>site</u>, including recognising the natural values of streams, vegetation and fauna habitat and linkages between these areas.
- f. Identification and protection of any heritage and natural features.
- g. Provision of linkages to existing open space and consideration of proposed open space.

Note: Acceptable means of compliance for urban standards required under RUEZ.3.3.1(c) can be found in the Whangārei District Council Engineering Standards.

- 2. In addition to the matters of control specified in the How the Plan Works Chapter when assessing controlled activity <u>subdivision</u>s pursuant to RUEZ.3.3.1.a c, control is reserved over the following additional matters. <u>Subdivision</u> that cannot comply with the controlled activity requirements of RUEZ.3.3.1.a e shall also consider the following additional matters:
 - a. The extent to which the <u>allotments</u> appropriately address <u>effects</u> on the transportation network, including through,
 - i. The current or future provision of a well-connected street and transport network.
 - ii. Facilitation of walking, cycling and public transport.
 - iii. Methods to manage significant localised traffic effects.

Note: Also refer to the How the Plan Works Chapter for Assessment of Discretionary Activity

RUEZ



Rural (Urban Expansion) Zone

Figure 1: Toetoe Road areas subject to provisions RUEZ.1.3.6 and RUEZ.3.3.1(c) outlined in red

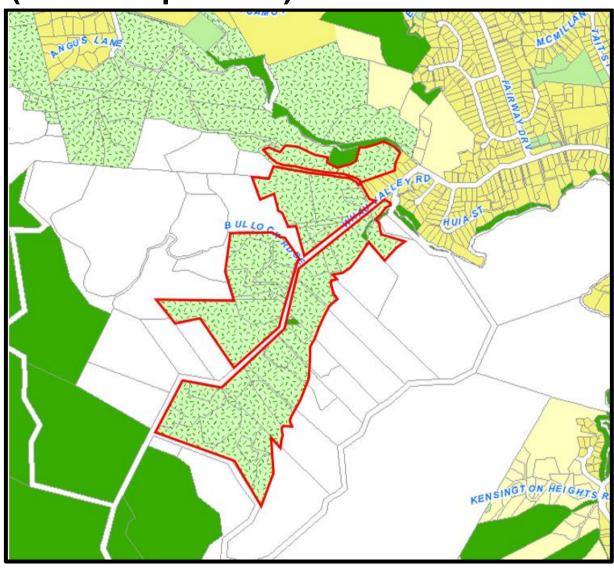


Figure 2: Whau Valley $\frac{\text{Road}}{\text{end}}$ areas subject to provisions RUEZ.1.3.6 and RUEZ.3.3.1(c) outlined in red

RUEZ



Rural (Urban Expansion) Zone



Noise and Vibration



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NAV.1 Description and Expectations

Noise has the potential to cause adverse <u>effects</u>, depending on a number of factors including frequency, timing, volume and the type of noise. Disturbance of sleep is often the greatest complaint in relation to noise, however other adverse <u>effects</u> include general nuisance, psychological and chronic health <u>effects</u>, interference with speech communication and interference with learning processes, thinking and education.

Excessive noise can detract from the character and <u>amenity values</u> associated with the local <u>environment</u>. Noise generating activities can also be restricted by noise 'sensitive' activities in proximity that seek a higher level of amenity (<u>reverse sensitivity</u>). In an urban sense noise is a significant issue (especially at <u>night</u>) in <u>mixed use</u> zones and in 'interface' areas where <u>noise sensitive activities</u> (e.g. residential uses) are located in close proximity to high noise emitting <u>land</u> uses (e.g. bars and panel beaters).

The Resource Management Act 1991 (RMA) addresses noise in two ways. First, under section 16 there is a duty on every occupier of land and every person carrying out an activity in, on, or under a water body or the coastal marine area to adopt the best practical option to not emit more than a reasonable level of noise. Section 16 of the Act states that a national environmental standard, plan or resource consent may prescribe noise emission standards. Section 16 therefore guides how district plans can address noise emissions.

The other way the RMA addresses noise is through the control of excessive noise. There are specific provisions in the Act to deal with excessive noise, which normally involves intermittent noise sources that require immediate attention, for example loud stereos associated with parties. The excessive noise provisions stand apart from district plan provisions.

Noise rules have been designed to provide an adequate level of protection from the potential <u>effects</u> of noise. The rules within this chapter provide certainty about the level of ambient sound permitted during

Noise and Vibration



specific time frames within each Zone and acknowledge that there will be some noise associated with activities. The rules aim to strike a balance between the need for <u>land</u> to be used for its intended purpose while ensuring that other <u>land</u> users are not exposed to unreasonable levels of noise.

Permitted noise levels are set at a limit that is consistent with the character and <u>amenity values</u> anticipated in each Zone. Differing noise limits are established in interface areas between Zones to ensure that reasonable noise limits can be maintained. Reasonable noise limits are established for other activities such as, construction and <u>demolition</u>, airport operation, temporary military training, use of explosives, helicopter landing areas, shooting ranges and <u>wind turbines</u>.

In certain areas <u>noise sensitive activities</u> are restricted in order to ensure the unhindered and continued operation of high noise generating activities. In other areas the provision of acoustic insulation requirements for <u>buildings</u> containing <u>noise sensitive activities</u> in high noise <u>environments</u> will allow various activities to co-exist in Zones anticipating <u>mixed use</u>. Guidance from the most recent New Zealand Standards will ensure that noise levels are measured and analysed in accordance with international best practice.

Vibration is generally only a concern adjacent to construction or <u>demolition</u> projects; where there is operation of mechanical plant near or attached to <u>buildings</u> or <u>structures</u>; or in relation to explosives use and blasting. Accordingly vibration limits have been provided to ensure that vibration from construction, <u>demolition</u>, fixed mechanical plant and use of explosives and blasting does not exceed reasonable levels. For construction, <u>demolition</u> and fixed mechanical plant, a simplified approach has been taken whereby single velocity limits have been specified. This approach is considered to be the least complicated and will ensure the required level of amenity if maintained. For explosives use and blasting a more flexible approach has been adopted to achieve operational efficiency and to ensure the required level of amenity is maintained.

NA V.2 Eligibility

The following provisions shall apply district wide in addition to any other provisions in this District Plan applicable to the same area or <u>site</u>.

NAV.3 Objectives

- To enable a mix of activities to occur across a range of Zones, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local <u>environment</u>.
- 2. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

NAV.4 Policies

- 1. To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic <u>amenity values</u> of each Zone.
- 2. To avoid reverse sensitivity effects by:
 - a. Requiring suitable acoustic design standards for <u>noise sensitive activities</u> located in or adjacent to areas anticipating high noise levels.
 - b. Restricting <u>noise sensitive activities</u> in Zones where they could unduly compromise the continuing operation of appropriate <u>business</u> activities.
 - c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.

Noise and Vibration



- 3. To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic <u>amenity values</u> of each Zone by:
 - a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each Environment.
 - b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local <u>environment</u>.
- 4. To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the <u>effects</u> of <u>reverse sensitivity</u>.
- 5. To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the <u>amenity values</u> anticipated in the surrounding <u>environment</u>.

NAV.5 Noise Measurement and Assessment

Unless specified otherwise, noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with New Zealand Standard NZS6802:2008 "Acoustics - Environmental Noise."

NAV.6 Permitted Activties

Unless specifically stated otherwise, any activity shall be a permitted activity provided it complies with all of the noise standards given in the following section(s) NAV.6.1 - NAV.6.15 and all other relevant Zone and District Wide rules.

Noise and Vibration



NAV.6.1 Noise Arising from Activities within Environments

The following noise limits shall apply within and between Zones:

Noise emitted from	Noise measured within the applicable boundary of any of the following Zones (refer	Daytime 0700 to 2200 hours	Night-tim 0700	Notes	
any <u>site</u> in the following Zone	to following table for applicable assessment location)	dB <u>L_{Aeq}</u>	dB <u>L_{Aeq}</u>	dB <u>L_{AFmax}</u>	8,9
Light Industrial	Residential Zones	55	45	75	
Commercial	Neighbourhood Centre				
Sport and Active Recreation	Natural Open Space				
Recreation	Open Space				
	Rural Production				
	Rural Living				
	Rural Village Residential				
	Rural (Urban Expansion)				
Port	Residential Zones	55	45	75	
Rural Village Industrial	Neighbourhood Centre				
Heavy Industrial	Natural Open Space				
	Open Space				
	Rural Production				
	Rural Living				
	Rural Village Residential				
	Rural (Urban Expansion)				
All Zones other than:	Residential Zones	50	40	70	1, 2, 3
Heavy Industrial	Neighbourhood Centre				
Light Industrial	Rural Production				
Commercial	Rural Living				
Sport and Active	Rural Village Residential				
Recreation	Rural (Urban Expansion)				
Rural Village Industrial	Open Space	55	40	70	1, 2, 3
Strategic Rural Industries [All SIRZ]	Natural Open Space				
	Rural Production				
	City Centre				
	Waterfront				
All Zongs other than	City Centre	60	55	80	4, 5
All Zones other than:	Waterfront				1,0
- Strategic Rural Industries [All SIRZ]	Light Industrial	65	60	80	
	Commercial				
	Sport and Active Recreation				
	Shopping Centre				
	Ghopping Gentie				

Noise and Vibration



Airport 60 50 75 Mixed Use Local Centre Rural Village Centre 75 75 Heavy Industrial Rural Village Industrial Strategic Rural Industrial [All SIRZ] Marsden Primary Centre -65 65 70 3 Noise Zone 1 Port Nikau Development Area 3 70 60 55 Marsden Primary Centre -55 45 70 3 Noise Zone 2 and Noise Zone Marsden Primary Centre -55 45 70 3 Tow n Centre Kauri Strategic Rural At the Kauri Outer 9 Industries Processing <u>Site</u> – Noise Control 75 **Boundary** 55 45 Mineral Extraction Any noise sensitive activity not Low noise **Environment** 6, 7 Areas ow ned or controlled by the quarry ow ner or operator High noise Environment 75 55 45

The above noise rules shall apply within the relevant boundary assessment location as set out below:

<u>Site</u> boundary	Notional Boundary
 Open Space Airport Port Port Nikau Development Area Marsden Primary Centre - Noise Zone 1 and 2 Marsden Primary Centre - Town Centre City Centre Mixed Use Commercial Local Centre Shopping Centre Light Industrial Heavy Industrial Sport and Active Recreation Waterfront 	 Any noise sensitive activity not owned or controlled by the quarry owner or operator in a Quarrying Resource area Rural Production Rural Living Rural (Urban Expansion) Low Density Residential Large Lot Residential Natural Open Space

Noise and Vibration



- Medium Density Residential
- General Residential
- Neighbourhood Centre
- Hospita

Note: Except that where noise is generated from the Kauri Milk Processing <u>Site</u>, the noise rules shall apply at the Kauri Milk Processing <u>Site</u> – Noise Control <u>Boundary</u> as shown on the Planning Maps.

- 1. Normal <u>residential activity</u> occurring in any zone such as children's play, spontaneous social activities, lawnmowing and home maintenance work undertaken by/for the occupier is excluded from compliance with the noise rules during the daytime provided such activity is reasonable in terms of duration and noise level and in the case of home maintenance does not exceed the rules for construction noise. This exclusion does not apply to non-residential <u>land</u> use within the <u>Residential Zones</u> (such as childcare centres).
- 2. NAV. 6.1 shall not apply to mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Production, Rural Living, Rural (Urban Expansion) or Large Lot <u>Residential Zones</u>. Limited duration events are those activities normally associated with industry practice, of relatively short duration, and where no reasonable alternative is available. Any such activity shall be subject to Section 16 of the Resource Management <u>Act</u>.

"Limited duration activities" in this context include, but are not limited to:

- Spraying and harvesting of crops and/or weeds for horticultural or agricultural purposes e.g. topdressing or aerial spraying
- Primary forestry activities (not including milling or processing)

This exclusion does not apply to:

- static irrigation pumps;
- motorbikes that are being used for recreational purposes;
- NAV.6.1 shall not apply if the activity under consideration is a mineral extraction activity included in the QRA Chapter Appendix 1. Where this occurs the limits and stated timeframes in Appendix 1 shall apply.
- 4. Noise generated by <u>temporary activities</u> in the Waterfront Zone may exceed the noise rules in any Zone for 12 <u>days</u> every calendar year provided that noise does not exceed a level of 65 dB <u>Laeq</u> between 0900 and 2300 hours at the <u>boundary</u> of any Residential Zone.
- 5. In the City Centre Zone the "daytime" noise standard shall apply between 0700 and 0000 hours (midnight) on Fridays and Saturdays. The "night-time" noise standard shall apply between 0000 and 0700 hours on Saturday and Sunday mornings.
- 6. In Mineral Extraction Areas the "daytime" noise standard shall apply between 0630 and 2130 hours. The "night-time" noise standard shall apply between 2130 and 0630 hours.
- 7. Except where an alternative noise limit is provided for the activity within the District Plan [See Appendix 14 Schedule of Existing Mineral Extraction Areas] then the activity shall comply with the noise limit stated within the notional boundary of a noise sensitive activity not owned or controlled by the quarry owner or operator.
- 8. NAV.6.1 shall not apply to the following specific activities which are provided for elsewhere:
 - Construction activities. Refer to Section [NAV.6.2] for specific rule.
 - Wind turbines and wind farms. Refer to Section [NAV.6.3] for specific rule.
 - Shooting ranges. Refer to Section [NAV.6.4] for specific rule.
 - Helicopter and aircraft landing areas. Refer to Section [NAV.6.7] for specific rule.

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- Engine testing at the airport. Refer to Section [NAV.6.8] for specific rule.
- Noise from explosives. Refer to Section [NAV.6.9] for specific rule.
- Temporary military training activities. Refer to Section [NAV.6.10] for specific rule.
- <u>Bird Scaring devices</u>. Refer to Section [NAV.6.11] for specific rule.
- Road traffic noise. Refer to Section [NAV.6.12] for specific rule.
- Frost fans. Refer to Section [NAV.6.13] for specific rule.
- Emergency Generator Testing. Refer to Section [NAV.6.14] for specific rule.
- 9. The noise rules shall not apply to the following activities:
 - Level crossing warning devices.
 - The operation of emergency callout sirens.
 - Noise from aircraft and helicopters when in flight.
 - Unamplified noise from sporting events in Open Space and Sport and Active Recreation Zone where these occur for up to 20 hours per week between 0700 and 2100 hours.
 - Unamplified noise from standard school outdoor activities where this occurs between 0700 and 1800 hours Monday to Sunday.
 - Rail movements within Fonterra's Kauri Milk Processing <u>site</u> (the area encompassed within Scheduled Activity 15); excluding the loading and unloading of goods from trains within the <u>site</u>.
 - Emergency generators used to ensure the continued operation of network utilities. This
 exemption shall not include emergency generator testing which are required to comply with
 NAV.6.14.
 - The noise limits do not apply to noise generated within the Marsden Point Energy Precinct when measured within a Conservation or Open Space zone.

NAV.6.2 Construction Noise

Noise from <u>demolition</u> and construction, including that undertaken as part of temporary military training activities, shall comply with the guidelines and recommendations of NZS 6803: 1999 "Acoustics - Construction Noise". Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise". NAV.6.2 shall not apply to permitted maintenance or utility works undertaken within the <u>road</u> carriageway of a <u>road</u> where:

- a. It has been demonstrated to Council that these works cannot reasonably comply with the referenced noise guidelines at the time when they must be carried out; and
- b. A construction noise and vibration management plan, as prepared by a <u>c</u>, has been provided to Council.

NAV.6.3 Wind Turbines

Noise from <u>wind turbines</u> and wind farms shall comply with NZS6808:2010 "Acoustics – Wind farm noise".

NAV.6.4 Shooting Ranges

Where any new shooting range is established, or an existing shooting range or its use is altered or extended:

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- Between 0900 and 1800 sound levels from the shooting range activity shall not exceed 50 dB
 LAFmax from the notional boundary of any noise sensitive activity or visitor accommodation and;
- b. Between 1800 and 2200 and 0730 and 0900 sound levels from the shooting range activity shall not exceed 40 dB <u>LaFmax</u> from the <u>notional boundary</u> of any <u>noise sensitive activity</u> or <u>visitor accommodation</u> and;
- c. No shooting shall occur between 2200 and 0730.

For the avoidance of doubt, in relation to <u>alterations</u> or extensions to an existing shooting range, compliance with items a, b and c is required for the altered or extended component of the activity.

NAV.6.5 Sound Insulation Requirements

 Any noise sensitive activity established within a City Centre, Mixed Use, Commercial, Waterfront, Local Centre, Active Sport and Recreation, Rural Village Centre Zones, Port Nikau Development Area, or Marsden Primary Centre Noise Zone 1 or 2, or within the [Kauri Milk Processing Site] – Noise Control Boundary shall be designed and constructed to ensure the following internal design noise levels:

Zones	Bedrooms and sleeping areas within dwellings or units 2200 – 0700 hours	Other habitable spaces within dwellings or units 0700 - 2200 hours	Teaching spaces, places of religious assembly, health and veterinary service buildings 0700 – 2200 hours
City Centre			
Sport and Active Recreation			
Mixed Use			
Local Centre			
Waterfront			
Rural Village Centre			
[Kauri Milk Processing Site, Crofts Timber, GBC] - Noise Control Boundary	30 dB <u>LAeq</u>	40 dB <u>LAeq</u>	35 dB <u>L</u> Aeq
Port Nikau Development Area	35 dB <u>L_{Aeq}</u>	45 dB <u>L_{Aeq}</u>	35 dB <u>L</u> Aeq
Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	35 dB <u>L_{Aeq}</u>	45 dB <u>L_{Aeq}</u>	35 dB LAcq

2. For design purposes, the following external L_{eq} noise levels shall be used. These noise levels shall be assumed to be incident on the façade.

Zone		Des	ign noi	se leve	el (dB L	. _{eq}) - in	cident	
		125	250	500	1k	2k	4k	dBA
Bedrooms and Sleeping Areas	Hz	Hz	Hz	Hz	Hz	Hz	Hz	
Waterfront	66	65	55	54	49	42	38	55

Noise and Vibration



							Distric	i Counci
City Centre								
Sport and Active Recreation								
Port Nikau Development Area								
Marsden Primary Centre Noise Zone 2A	67	64	61	58	55	52	49	60
Mixed Use								
Local Centre	57	54	51	48	45	42	39	50
Marsden Primary Centre Noise Zone 1	72	69	66	63	60	57	54	65
Kauri Milk Processing Sire – Noise Control								
Boundary	65	6-	53	45	40	38	35	50
Other <u>Habitable Rooms</u>								
City Centre								
Waterfront								
Mixed Use								
Local Centre	71	70	60	59	54	47	43	60
Sport and Active Recreation								
Port Nikau Development Area								
Marsden Primary Centre Noise Zone 1 and								
Noise Zone 2A	72	69	66	63	60	57	54	65
Kauri Milk Processing Site - Noise Control								
Boundary	65	60	54	45	40	38	35	50

- 3. Where windows are required to be closed to achieve the sound levels in NAV.6.5.1 -2, the room or space shall be designed, constructed and maintained to:
 - a. Provide mechanical ventilation that satisfies clause G4 of the New Zealand <u>Building</u> Code and is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
 - b. Provide relief for equivalent volumes of spill air; and
 - c. Provide cooling and heating that is controllable by the occupant and that can maintain the inside temperature of the room or space between 18°C and 25°C.

Ensure that where a ventilation or colling system is used that it does not generate more than 35dB L_{ACC} when measured 1m away from any grille or diffuser at the minimum level required to achieve the temperatures in NAV.6.5.3(c).

Note: A certificate from a <u>Recognised Acoustician</u>, confirming that the <u>building</u> accommodating the <u>noise sensitive activity</u> will achieve the minimum sound insulation requirements, is required to confirm compliance with NAV.6.5.

NAV.6.6 Activities Establishing near the Airport Zone

- 1. Within the Air Noise Margin:
 - a. A minor addition or <u>alteration</u> to an existing <u>building</u>, which is not to be used as a <u>habitable</u> <u>room</u>, is a permitted activity.
 - b. The following are **controlled** activities within the **Outer Control Boundary**:
 - i. The addition of a habitable room;
 - ii. The construction of a new residential unit if:
 - The <u>net site</u> area associated with each <u>residential unit</u> is at least 1000m².
 - The proposed construction is the first <u>residential unit</u> upon an <u>allotment</u> that is less than 1000m² and that <u>allotment</u> existed before 1 December 2005.
 - iii. Visitor's accommodation.
 - c. Control is reserved over:

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- i. The <u>effect</u> of aircraft noise on the living standard within <u>buildings</u> or <u>habitable rooms</u>. Whether the design and materials used in the construction achieves an internal design level of 40 dB <u>L_{dn}</u> for noise within any <u>habitable</u> room.
- d. Any activity that does not comply with the standard for a **permitted** or **controlled** activity is a **discretionary** activity. See NAV.7 for Discretionary activity criteria.
- 2. Within the Air Noise Boundary:
 - a. New noise sensitive activities are prohibited activities
 - b. <u>Visitor Accommodation</u> is a **discretionary** activity:

Note 1 - Conditions of consent: Any application for <u>land</u> use consent for a residential or other noise-sensitive activity in the <u>Outer Control Boundary</u>, will be required to have a notice registered against its title and included in the LIM report which alerts the owner that the property falls within a noise-sensitive area and can therefore expect noise levels higher than would normally be expected in that Zone.

Note 2 - Notification: Council has identified <u>reverse sensitivity</u> <u>effects</u> that new <u>noise-sensitive</u> <u>activities</u> may have on the safe and efficient operation of the Whangārei Airport. It has also identified potential adverse <u>effects</u> of the Airport on <u>noise-sensitive activities</u>. Therefore, applications for resource consent may require the written approval of the Whangārei Airport as an affected party if such applications are to be considered on a non notified basis.

NAV.6.7 Aircraft and Helicopter Landing Areas

Helicopter landing areas, including those used for military training activities, shall comply with and be measured and assessed in accordance with NZS 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Areas". NAV.6.7 shall not apply to emergency services helicopter movements. Noise from aircraft other than helicopters shall comply with NZS6805:1992 "Airport Noise Management and Land Use Planning."

The use of aircraft and helicopters undertaking <u>rural production activities</u> on an intermittent and infrequent basis are exempt from compliance with NAV.6.7.

NAV.6.8 Engine Testing

Aircraft engine testing in the Airport Zone is a permitted activity if:

- a. Between the hours of 0700 and 2300, the noise generated by aircraft engine testing, assessed at any point within the <u>boundary</u> of any Residential Zone, does not exceed 55 dB <u>Laeq (16 hours)</u> and 65 dB <u>Laeq (15 minutes)</u>;
- b. Between the hours of 2300 and 0700, noise generated by aircraft engine testing assessed at any point within the <u>boundary</u> of any Residential Zone, does not exceed 45dB <u>Laeq (8 hours)</u> and 65 dB <u>Laffmax</u>;
- c. Between the hours of 2300 and 0700, for the purposes of essential, unscheduled maintenance and engine testing on a maximum of 15 occasions within any calendar year, noise generated within the <u>boundary</u> of any Residential Zone does not exceed 55 dB <u>Laeq</u> (8 hours) and 70 dB <u>Lafmax</u>. In these circumstances the noise limits set out in b. above shall not apply;
- d. The time, duration and other essential details of any testing undertaken in accordance with the requirements of c. above shall be recorded and advised to the Whangārei District Council within two weeks of any such event.

NAV.6.9 Explosives Use

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Peak noise levels from explosives, excluding those from Temporary Military Training Activities, use shall not exceed the following limits when measured within the <u>notional boundary</u> of any <u>building</u> set out in the following table:

Affected <u>building</u> type	Permitted	Number of	Max peak sound level
	blasting time	blasts per	applying to all blasts
	window	year	dB L _{peak}
Occupied noise sensitive activity and visitor accommodation	0700 to 1900	≤ 20	120
	hours	>20	115
Occupied commercial and industrial buildings	All hours of occupation	All	125
Unoccupied <u>buildings</u>	All times	All	140

NAV.6.10 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

- 1. Weapons firing and/or the use of explosives
 - a. Weapons firing and explosives use on any <u>site</u> shall not exceed a total of 31 <u>days</u> in any 365 <u>day</u> period.
 - b. Weapons firing and/or use of explosives shall comply with the following:

Table 1:

Activity	Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the <u>notional boundary</u> to any <u>building</u> housing a <u>noise sensitive activity</u>
i. Live firing of weapons	0700 to 1900 hours	At least 1500m
and single or multiple explosive events	1900 to 0700 hours	At least 4500m
ii. Firing of blank	0700 to 1900 hours	At least 750m
ammunition	1900 to 0700 hours	At least 2250m

Table 2:

Rules	Rules to be complied with if minimum separation distances for sources NAV.6.10.1(i) and (ii) cannot be met:					
Rule	Time (Monday to Sunday)	Noise level at the <u>notional boundary</u> to an individual <u>building</u> housing a <u>noise sensitive activity</u>				
(a)	0700-1900hrs	For the use of explosives: 120 dB <u>Lpeak</u> For the use of small arms and pyrotechnics: 90 dB <u>Lpeak</u> with one period in any 365 <u>day</u> period of up to five <u>days</u> consecutive use up to 120 dB <u>Lpeak</u>				
(b)	1900-0700hrs	For the use of explosives: 90 dB Lpeak For the use of small arms and pyrotechnics: 60 dB Lpeak with one period in any 365 day period of up to five days consecutive use up to 90 dB Lpeak				

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- (c) A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:
 - A description of the <u>site</u> and activity including times, dates, and nature and location of the proposed training activities.
 - Methods to minimise the noise disturbance at noise sensitive receiver <u>sites</u> such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver <u>sites</u>.
 - A map showing potentially affected noise sensitive <u>sites</u> and predicted peak sound pressure levels for each of these locations.
 - A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.
 - A method for following up any complaints received during or after the event, and any proposed debriefing meetings with Council.

Note: "Small arms" include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.

Note: "Explosives" include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

- 2. Mobile noise sources, excluding sources NAV.6.10.1(i) and (ii)
 - a. Activities shall comply with the "typical duration" noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics Construction Noise (with reference to 'construction noise' taken to refer to other, mobile noise sources) provided that no <u>building</u> housing a <u>noise sensitive activity</u> is exposed to noise above 35 dB <u>LAFmax</u> from a <u>Temporary Military Activity</u> mobile source for more than a total of 31 <u>days</u> in any 365 <u>day</u> period.
 - b. Activities that do not comply with the duration limit in NAV.6.10.2(a) shall comply with the noise limits in NAV.6.10.3. Fixed (stationary noise sources).

Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and <u>heaw vehicles</u>, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources, excluding sources NAV.6.10.1(i) and (ii)

Time (Monday to Sunday)	Noise level at the <u>notional boundary</u> to any <u>building</u> housing a <u>noise</u> <u>sensitive activity</u> *				
0700 to 1900 hours	55 dB <u>LAeq</u> (15 min)				
1900 to 2200 hours	50 dB <u>L_{Aeq} (15 min)</u>	n.a.			
2200 to 0700 hours the next day	45 dB <u>L_{Aeq} (15 min)</u>	75 dB <u>L_{AFmax}</u>			

Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or <u>wastewater</u> pumping/treatment systems.

4. Helicopter landing areas

Helicopter landing areas shall comply with noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

5. Restricted Discretionary Activities

Any activity that does not comply with rules NAV.6.10.1 – NAV.6.10.4 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV.7.1(a) – (m).

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NAV.6.11 Bird Scaring Devices

The use of bird scaring devices is a permitted activity in the Rural Production Zone if:

- a. <u>Bird scaring devices</u> do not operate between half an hour after sunset and half an hour before sunrise.
- b. Each device operates at not more than 6 "events" per hour where an "event" includes clusters of up to three shots from gas operated devices or three individual shots from a firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB LAE within the notional boundary of any not owned by the operator of the device).
- c. The sound level from any event does not exceed 65 dB LAE within the <u>notional boundary</u> of any <u>noise sensitive activity</u> not owned by the operator of the device.
- d. The bird scaring device is only operated when a crop is at risk from bird damage.

The use of bird scaring devices in other Zones is a discretionary activity.

Advice Note: Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

NAV.6.12 Road Traffic

- a. Noise from any new or altered <u>road</u> shall be assessed in accordance with and meet the provisions of New Zealand Standard NZS 6806:2010 "Acoustics - Road-traffic noise - New and altered roads."
- b. The installation and operation of Audio-Tactile pedestrian call buttons at traffic signal controlled intersections and pedestrian crossings is a permitted activity. Installations shall comply with Australian Standard AS2353: 1999 Pedestrian Push- button Assemblies.

NA V.6.13 Frost Fans

The use of frost fans is a **permitted** activity in the Rural Production Zone if:

- a. Noise generated by single or multiple frost fans on a <u>site</u> does not exceed 55 dB <u>Laeq (10 minute)</u> at any time when assessed at the <u>notional boundary</u> of any <u>noise sensitive activity</u> on a separate <u>site</u> under different ownership.
 - **Note:** The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels.
- Operation of frost fans during the <u>night</u> period shall be for protection of crops from frost only.
 Any other operation, such as for the purposes of maintenance, shall be undertaken during the <u>day</u> period.
- c. A legible notice shall be fixed to the <u>road frontage</u> of the property on which the frost fan is being used giving the name, address and telephone number of the person responsible for its operation.

The use of frost fans in any other Zone is a discretionary activity.

Advice Note: Existing use rights may apply where a frost fan has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

NAV.6.14 Emergency Generator Testing

The testing of emergency generators is a permitted activity in all Zones if:

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- The duration of testing does not exceed 12 hours total per annum;
- b. Testing occurs between 0900 and 1700 hours only;
- c. Noise levels do not exceed the following:
 - i. 60 dB <u>L_Aeq(15 min)</u> within the relevant <u>boundary</u> assessment location of any Marsden Primary Centre Town Centre Living, Open Space, Natural Open Space Rural Production, Rural Village Residential or <u>Residential Zones</u>.
 - ii. 65 dB L_{Aeq(15 min)} within the <u>site boundary</u> of any Business 1, 3, Rural Village Centre, City Centre, <u>Mixed Use</u>, Local Centre, Neighbourhood Centre or Waterfront Zones or Port Nikau Development Area, or Marsden Primary Centre Noise Zone 2.
 - iii. 70 dB LAeq(15 min) within the <u>site boundary</u> of any Light Industrial, Commercial, Sport and Active Recreation, Hospital or Airport Zone, or Marsden Primary Centre Noise Zone 1 Zone.
 - iv. 85 dB <u>L_{Aeq(15 min)}</u> within the <u>site boundary</u> of any Heavy Industrial, <u>Strategic Rural Industries</u>, Rural Village Industry or Port Zone.

NA V.6.15 Vibration

1. Continuous Vibration from Stationary Machinery

Vibration from <u>building</u> services is a permitted activity if vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery is installed and maintained so that any resulting vibration does not exceed the levels in the following table when measured in adjacent <u>buildings</u> or areas of <u>buildings</u> under different ownership from the source of vibration:

Affected occupied building type	Time	Maximum vibration level in mm/s rms between 8 and 80 Hz
Industrial	All	0.8
Commercial	All	0.4
Noise sensitive activity	0700 to 2200 hours	0.2
	2200 to 0700 hours	0.14
Surgery rooms of healthcare facilities	All	0.1

2. Construction Vibration

Vibration from construction and <u>demolition</u> activity is a permitted activity if it does not exceed the following levels when measured at the point of <u>effect</u>.

- a. For human annoyance, vibration should be assessed at the location of the affected person inside the <u>building</u>, typically on the appropriate floor. Vibration should be measured in three orthogonal directions orientated to the axes of the <u>building</u> and assessed in the single axis in which vibration is greatest.
- b. For <u>building</u> damage, vibration should be assessed at the horizontal plane of the highest floor of the <u>building</u>. Vibration should be measured in two horizontal orthogonal directions orientated to the axes of the <u>building</u> and assessed in the single axis in which vibration is greatest. Note that for the <u>building</u> damage criteria in NAV 6.15.2 Note 2 an alternative measurement location is defined.

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Effect	Affected occupied <u>building</u>	Activity	Time	Maximum vibration level mm/s ppv	Notes
Annoyance	Occupied <u>noise sensitive</u>	General	2200 to 0700	0.3	1
	activity or visitor construction accommodation in any Zone Occupied commercial or industrial activity in any Zone General construction activity		0700 to 2200	1	1
		General	2200 to 0700	5	
		0700 to 2200	1		
Building damage	Unclassified structures of great intrinsic value such as historic buildings	All activity	All times	2.5	
	Non-occupied dwellings and buildings of similar design	All activity	All times	5	
	Non-occupied commercial and industrial buildings	All activity	All times	10	

¹ Except that in surgery rooms of <u>hospital</u> facilities, maximum vibration levels from construction and <u>demolition</u> activities shall not exceed 0.1mm/s <u>rms</u> between 8 and 80Hz.

Table 1

Effect	Receiver	Location	Details	Maximum vibration level (mm/s PPV)
Annoyance and <u>building</u> damage	Occupied noise sensitive activity or visitor accommodation building in any Zone	As set out in NAV.6.15.2 above	2000 to 0630 hours	1
			0630to 2000 hours	5
	Occupied commercial or industrial activity building in any Zone	Inside the building	0630 to 2000 hours	5
Building damage	Unoccupied buildings	Base of building on side of building facing vibration source or, w here this is not practicable, on the ground outside the building	Vibration – transient (including blasting)	Refer to table 2 below
			Vibration – continuous	Refer to table 2 below - 50% of Table 2 Values

Table 2

NAV.6.15.2 shall not apply to permitted maintenance or utility works undertaken within the <u>road</u> carriageway where the following levels are achieved:

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	Peak component velocity (PPV) in frequency range of predominant pulse		
Type of <u>building</u>	4 to 15 Hz	15 Hz and above	
Reinforced or framed structures Industrial and heavy commercial buildings	50 mm/s	50 mm/s	
Unreinforced or light framed structures Residential and light commercial buildings	15 mm/s at 4Hz increasing to 2 0mm/s at 15 Hz	20 mm/s at 15Hz increasing to 50 mm/s at 40 Hz	

Notes:

- All values referred to in table 2 are at the base of the building
- For unreinforced or light framed <u>structures</u> and residential and light commercial <u>buildings</u> at frequencies below 4 Hz a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.
- 3. Vibration from Explosives Use and Blasting

Vibration from explosive use and blasting from activity other than provided for in NAV.6.15.2 is a permitted activity if it does not exceed the levels set out in the following table, when measured in general accordance with the provisions of Australian Standard AS2187.2: 2006 Explosives – Storage and use – Use of explosives.

Category	Type of blasting operations	Peak component particle velocity (mm/s)
Occupied noise sensitive activities and visitor accommodation	Operations lasting longer than 12 months or more than 20 blasts per year	5 mm/s for 95% blasts per year 10 mm/s maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied noise sensitive activities and visitor accommodation	Operations lasting less than 12 months or less than 20 blasts per year	10 mm/s unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive site, such as factories and commercial premises	All blasting	25 mm/s unless agreement is reached with the occupier that a higher limit may apply

NAV.7 Discretionary Activties

1. Assessment of Discretionary Activities for NAV.6.1 – NAV.6.15

Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV.6.1 – NAV.1.6.15. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):

- a. The level of sound likely to be received
- b. The existing ambient sound levels
- c. The nature and frequency of the noise including the presence of any special audible characteristics
- d. The effect on noise sensitive activities within the environment

Noise and Vibration



- e. The likely time when noise will be audible and the extent of the exceedance of the noise rule at that time
- f. Whether the level and character of the noise is below recognised guidelines or standards for the preservation of amenity
- g. The potential for cumulative effects to result in an adverse outcome for receivers of noise
- h. The effects of noise on recreation or conservation areas within the Natural Open Space Zone.
- i. The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of noise intrusion and the practicality of mitigating noise or using alternative <u>sites</u>.
- j. Any proposed measures to avoid, remedy or mitigate noise received off-site
- k. The potential for any reverse sensitivity effects
- I. The level of involvement of a <u>Recognised Acoustician</u> in the assessment of potential noise <u>effects</u> and/or mitigation options to reduce noise.
- m. The ability of <u>noise sensitive activities</u> to unduly compromise the continuing operation or future development of other lawful activities
- 2. Assessment of Discretionary Activities for NAV.6.6 Activities Establishing Near the Airport Zone When assessing discretionary applications pursuant to section NAV.6.6, the assessment shall include (but is not limited to):
 - a. Consideration of the proposed location of the noise-sensitive activity in relation to airport activities;
 - <u>Effects</u>, or potential <u>effects</u> arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of <u>buildings</u> or <u>structures</u> to create glare, electromagnetic interference, smoke, mechanical turbulence or other adverse <u>effects</u>;
 - c. The <u>effect</u>, or potential <u>effect</u> of the noise-sensitive activity on the operation of Whangārei Airport; particularly having regard to helicopter TLOF and hover points and the runway centreline alignments, requirements for aircraft on approach, and aircraft utilising navigational aids/lighting.
 - d. The <u>effect</u>, or potential <u>effect</u> of airport operations, in particular noise, and health/safety <u>effects</u> from low flying aircraft, on the noise-sensitive activity, given low ground clearances for aircraft on approach/takeoff over this area, and high single event noise levels and average daily noise levels;
 - e. The <u>effect</u> of topographical characteristics of the <u>land</u> in relation to shielding of airport noise;
 - f. Relevant objectives and policies, as they relate to the protection of a regionally significant transportation resource;
 - g. Any remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the airport;
 - h. Whether there has been adequate and meaningful consultation with the Airport Authority with respect to the current or potential <u>effects</u> associated with the operation of the airport resource, whether any issues have been resolved and any mitigation measures that have been proposed.

Noise and Vibration





Genetically Modified Organisms

Index GM 0.1 Genetically Modified Organisms Description & Expectations GMO.1.2 Eligibility Rules Notifications GMO.1.3 GMO.2 GMO Land Use Controls GMO.2.1 **Objectives** GMO.2.2 **Policies** GMO.2.3 Information Requirements GMO.2.4 General Development & Performance Standards GMO.2.5 GMO.1.1 Description and Expectations

The purpose of this chapter is to manage the outdoor use of <u>Genetically Modified Organisms</u> (<u>GMOs</u>). The outdoor use of <u>GMOs</u> can have adverse <u>effects</u> on people, communities, <u>tangata whenua</u>, social and cultural wellbeing, the <u>environment</u> and the economy.

Sources of risk from the outdoor use of **GMOs** include:

- Socio-cultural risk concerns of Māori, such as mauri, whakapapa, tikanga, including the integrity of nature, the mixing of genes from unrelated species, and effects on indigenous flora and fauna.
- Environmental risk including adverse <u>effects</u> on non-target species (e.g. birds and insects), genetically modified (GM) plants becoming invasive and disrupting ecosystems, and altered genes transferring to other organisms.
- Economic risk the risk that <u>cultivation</u> of GM crops will cause economic damage, in particular through accidental or unintentional migrations of <u>GMOs</u> resulting in GM contamination appearing in non-GM crops and associated market rejection and loss of income, negative <u>effects</u> on marketing and branding opportunities, and costs associated with environmental damage.

There is a lack of information, including scientific uncertainty, concerning the effects of GMOs in the environment and risks of irreversible, adverse effects which could be substantial. In order to manage the effects of outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs, an adaptive precautionary approach to risk management is adopted for the Whangārei District.

The application of a precautionary approach shall mean that the <u>Release</u> of a <u>GMO</u> is prohibited and that <u>Field Trials</u> of a <u>GMO</u> (where the proponents of such activities have prior approval from the <u>Environmental Protection Authority (EPA)</u> shall be a discretionary activity so as to avoid the risks of potential adverse <u>effects</u>. Some activities, such as research within contained facilities, some <u>veterinary vaccines</u> and certain medical applications are permitted activities. The classification is based upon a hierarchy of risks, from negligible for permitted activities to high risk for prohibited activities. Discretionary activities (<u>Field Trials</u>) are subject to development and performance standards, including a requisite for bonds to cover possible environmental or economic damage and monitoring requirements.

The application of an adaptive risk management approach is to avoid foreclosure of potential opportunities associated with a GMO development that could benefit the district. There is the ability to review a particular GMO activity if it were to become evident during the field trial stage, or in light of other new information, that the particular GMO activity would be of net benefit to the district and that potential risks can be managed to the satisfaction of Council. Council or a GMO developer can initiate a plan change to change the status of an activity.



Genetically Modified Organisms

It is anticipated that the objectives, policies, eligibility rules and general development and performance standards in this chapter will achieve the following results:

- Adoption of a precautionary approach to manage potential risks (social, cultural, environmental and economic) associated with the outdoor use of <u>GMOs</u>.
- 2. Ensuring users of <u>GMOs</u> are financially accountable in the long-term through bonding and financial fitness provisions for the full costs associated with the <u>GMO</u> activity. This includes accidental or unintentional contamination, clean-up, monitoring and remediation.
- 3. Protection of local/regional marketing advantages through reducing risks of adverse effects associated with market rejection and loss of income from GM contamination of non-GM crops, and negative effects on marketing, branding and tourism opportunities.
- 4. Addressing cultural concerns of Māori, particularly given that Māori make up a considerably greater proportion of the population in Northland than is represented nationally.

GMO.1.2 Eligibility Rules

- 1. Research within contained laboratories involving GMOs is a permitted activity.
- 2. Medical applications involving the manufacture and use of non-viable GM products are permitted activities.
- 3. The use of non-viable <u>genetically modified veterinary vaccines</u> and <u>viable genetically modified veterinary vaccines</u> with a specific delivery dose supervised by a veterinarian are permitted activities.
- 4. The use of <u>viable genetically modified veterinary vaccines</u> not supervised by a veterinarian are discretionary activities.
- 5. Other <u>GMO</u> activities not requiring consent as a discretionary activity or listed as a prohibited activity are permitted activities.
- 6. <u>Field Trials</u> of <u>GMOs</u> (where the proponents of such activities have prior approval of the EPA) are discretionary activities.
- 7. Food-related and non food-related **GMO** Releases are prohibited activities.

Note: permitted activities may require consents and / or permits under other legislation / plans.

GMO.1.3 Notification

All applications for resource consent must be publicly notified.

GMO Land Use Controls



GMO.2.1 Objectives

- The <u>environment</u>, including people and communities and their social, economic and cultural
 wellbeing and health and safety, is protected from potential adverse <u>effects</u> associated with the
 outdoor use, <u>storage</u>, <u>cultivation</u>, harvesting, processing or transportation of <u>GMOs</u> through the
 adoption of a precautionary approach, including adaptive responses, to manage uncertainty and
 lack of information.
- 2. The sustainable management of the <u>natural and physical resources</u> of the district with respect to the outdoor use of <u>GMOs</u>, a significant resource management issue identified by the community.

GMO.2.2 Policies

1. Precautionary Principle

To adopt a precautionary approach by prohibiting <u>Release</u> of a <u>GMO</u>, and by making <u>Field Trials</u> of a <u>GMO</u> and the use of <u>viable GM veterinarian vaccines</u> not supervised by a veterinarian a discretionary activity.

2. Financial Accountability

To ensure that a resource consent granted for the <u>Field Trials</u> of a <u>GMO</u> is subject to conditions that ensures that the consent holder is financially accountable (to the extent possible) for any adverse <u>effects</u> associated with the activity, including clean-up costs and remediation, including via the use of bonds.

3. Risk Avoidance

To ensure that a resource consent granted for the <u>Field Trials</u> of a <u>GMO</u> is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the <u>environment</u>, the mauri of flora and fauna, and the relationship of <u>mana whenua</u> with flora and fauna from the use, <u>storage</u>, <u>cultivation</u>, harvesting, processing or transportation of a <u>GMO</u>.

4. Monitoring Costs

To ensure that a resource consent granted for the <u>Field Trials</u> of a <u>GMO</u> is subject to a condition requiring that monitoring costs are met by the consent holder.

Liability

To require consent holders for a <u>GMO</u> activity to be liable (to the extent possible) for any adverse <u>effects</u> caused beyond the <u>site</u> for which consent has been granted for the activity.

6. Adaptive Approach

To adopt an adaptive approach to the management of the outdoor use, <u>storage</u>, <u>cultivation</u>, harvesting, processing or transportation of a <u>GMO</u> in the district through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse <u>effects</u> of a <u>GMO</u> activity becomes available.

GMO.2.3 Information Requirements

Applications for **GMO** Field Trials are to provide:

- Evidence of approval from the EPA for the specific GMO for which consent is sought. The duration of any consent granted will be aligned with EPA approval terms.
- Details of proposed containment measures for the commencement, duration and completion of the proposed activity.

GMO Land Use Controls



- Details of the species, its characteristics and lifecycle, to which the <u>GMO</u> activities will relate.
- Research on adverse <u>effects</u> to the <u>environment</u>, <u>cultural values</u> and economy associated with the activity should <u>GMOs</u> escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such <u>effects</u>.
- Evidence of research undertaken that characterises and tests the <u>GMO</u>, and the certainty associated with the accuracy of that information.
- A management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent.
- Details of areas in which the activity is to be confined.
- Description of contingency and risk management plans and measures.

GMO.2.4 General Development & Performance Standards

Without limiting the discretion reserved to Council on any application for consent, discretionary activities are to comply with the following minimum controls in order to establish in the district. The general development and performance standards are in addition to any controls/conditions that are imposed and monitored by the EPA under the Hazardous Substances and New Organisms (HSNO) Act.

1. Bond

Council requires the applicant for the resource consent to provide a performance bond, with an approved trading bank guarantee, in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity). This bond is to be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent. The form of, time and manner of implementing and discharging the bond shall be decided by, and be executed to the satisfaction of Council.

2. Monitoring Costs

All costs associated with monitoring required for discretionary activities will be borne by the consent holder. This includes any monitoring that is required to be undertaken beyond the consent duration, as required by a resource consent condition.

3. Assessment of Applications and Conditions

Where necessary, more stringent measures than those required under the provisions of the HSNO Act may be imposed to manage potential risks. A review clause (pursuant to Section 128 RMA) may be included in the conditions, where deemed necessary, to address any future changes in technology, and the scope of environmental, economic and cultural effects. An application for a discretionary activity may be granted with or without conditions, or be declined by the Council having regard to the relevance of the following matters:

Site Design, Construction and Management

<u>Site</u> design conditions should ensure <u>GMO</u> <u>sites</u> are designed and managed in a manner that avoids or minimises risks of adverse <u>effects</u> from activities carried out on the <u>site</u>. This shall include provisions to prevent the migration of <u>GMOs</u> beyond the area designated for the activity.

GMO Land Use Controls



Transport

Ensure the transportation of <u>GMOs</u> is carried out in a manner that minimises the risk of adverse <u>effects</u> by preventing the escape of <u>GMOs</u> from the transporting vehicles. Appropriate procedures must be in place to ensure that any vehicle visiting the <u>site</u> is thoroughly cleaned and checked prior to leaving the <u>site</u> to avoid unintentional <u>GMO</u> distribution.

Monitoring

A <u>GMO</u> discretionary activity may require monitoring during, and beyond the duration of consent. Monitoring is to be carried out by either the Council or consent holder with appropriate reporting procedures to the relevant regulatory authority.

Reporting

Reporting requirements by the consent holder will be stipulated in the consent conditions.

GMO.2.5 Particular Matters

Matters that will be considered when determining the amount of bond required are:

- What adverse <u>effects</u> could occur and the potential significance, scale and nature of those <u>effects</u>, notwithstanding any measures taken to avoid those <u>effects</u>.
- The degree to which the operator of the activity has sought to avoid those adverse <u>effects</u>, and the certainty associated with whether the measures taken will avoid those <u>effects</u>.
- The level of risk associated with any unexpected adverse effects from the activity.
- The likely scale of costs associated with remediating any adverse <u>effects</u> that may occur.
- The timescale over which <u>effects</u> are likely to occur or arise.
- The extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied.

A monitoring strategy for a GMO discretionary activity can include the following matters:

- Inspection schedules for the <u>site</u>, <u>storage</u> areas and equipment (daily, weekly, monthly, events based).
- Testing of procedures (e.g. accidental <u>release</u> response).
- Training programmes for new staff, updates for existing staff.
- Audits of <u>sites</u> and <u>site</u> management systems.
- Sample testing of plants, soils and <u>water</u> in neighbouring properties or localities for the presence of migrated <u>GMOs</u>.

GMO Land Use Controls





56.1 Introduction

This Chapter contains rules relating to <u>land</u> uses in areas mapped as hazard areas. These areas are shown on the Planning Maps by shading on the Resource Area Maps. These rules apply in addition to any other rules in this Plan applicable to the same areas or <u>sites</u>. In addition, Council's "*Policy for Application of Section 36(2) of the Building Act 1991*1" will apply to all areas mapped as hazard areas, particularly to <u>Coastal Hazard Areas</u>.

The Planning Maps identify <u>land</u> which, on the information currently available, is susceptible to flooding; either due to <u>rivers</u> or <u>streams</u> overflowing their banks, inundation from the sea during high tides or storm surges, or to <u>water</u> ponding during extended periods of wet weather. Due to the scale of the mapping, there will be some areas within the identified <u>land</u> that are less prone, or not prone, to flooding, just as outside the identified flood-prone <u>land</u> there will be <u>land</u> which is subject to flooding.

Coastal hazard reports prepared for Northland Regional Council and Whangārei District Council from 1988 onwards have been used as information sources to assess Coastal Hazard Areas. A list of these information sources is contained in Schedule 56.1 of the Plan. Copies of these references are available from the Council.

The Council is conscious of the need to improve the quality of the <u>natural hazards</u> information and will be carrying out the appropriate research and analysis as resources permit. For example there is a programme to prepare Catchment Drainage Plans for all significant areas of development in the District. People who wish to carry out development in an area identified on the Resource Maps as being subject to <u>natural hazard</u>, should check with the Council to see whether there is any more detailed or up-to-date information relating to the property in question.

Schedule 56.1

The coastal hazard information included on the Resource Maps of this Plan is derived from the following Coastal hazard information sources:

NRC 1988: Coastal Hazard Identification. Whangārei County. Technical Publication No.1988/1, March 1988, held by Northland Regional Council.

Gibb, J.G. 1998a: Review of Coastal Hazard Zones for Eleven Selected Beaches in Whangārei District, Northland Region. Consultancy Report C.R. 98/4 prepared for and held by Northland Regional Council. July 1998.

Gibb, J.G. 1998b: Coastal Hazard Zone Assessment for the One Tree Point-Marsden Bay Area, Whangārei Harbour, Whangārei District. Consultancy Report C.R. 98/3 prepared for and held by Whangārei District Council.

Gibb, J.G. 1999: Coastal Hazard Risk Zone Assessment for Pataua and Matapouri Bay, Whangārei District. Consultancy Report C.R. 99/7 prepared for and held by Whangārei District Council. December 1999.

IPCC 1996: Climate Change 1995. The Science of Climate Change. Summary for Policy Makers and Technical Summary of the Working Group 1. Report.

¹ Now superceded by Section 72 of the Building Act 2004



Intergovernmental Panel on Climate Change. Cambridge. Held by Northland Regional Council.

Cambridge University Press,

56.2 Natural Hazards Rule Table

56.2.1 Coastal Hazards

Construction or <u>alteration</u> of a <u>building</u> or <u>structure</u> in a <u>Coastal Hazard Area</u> is **permitted** if:

- a) It does not occur in <u>Coastal Hazard</u> <u>Area 1</u>; and
- b) All <u>buildings</u> and <u>major structures</u> (excluding minor structures) within <u>Coastal Hazard Areas</u> have a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.

The construction or <u>alteration</u> of a <u>building</u> or <u>structure</u> that does not comply with a condition for a permitted activity is a **discretionary** activity.

56.2.2 Earthworks

<u>Earthworks</u>, gardening or <u>cultivation</u> upon sand dune complexes are a **permitted** activity if:

- Such <u>earthworks</u>, gardening or <u>cultivation</u> do not occur in <u>Coastal</u> <u>Hazard Area 1</u>; and
- b) In Coastal Hazard Area 2, the earthworks do not exceed a volume of 25.0m³ or an area of 150.0m², and all sand displaced by such works is returned to the dune complex immediately; and
- c) The <u>site</u> of the <u>earthworks</u>, gardening or <u>cultivation</u> which will not be covered by <u>buildings</u> or <u>structures</u> is immediately stabilised by appropriate dune binding vegetation within 10 working <u>days</u> of such <u>earthworks</u> being completed.

Any <u>earthworks</u>, gardening or <u>cultivation</u> upon dunes that does not comply with a condition for a permitted activity is a **discretionary** activity.



56.2.3 Flooding

Construction or <u>alteration</u> (excluding internal modifications) of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>), construction of vehicular <u>access</u> to a <u>building</u> or <u>allotment</u>, or <u>earthworks</u>, gardening or <u>cultivation</u> in a <u>Flood Susceptible</u> Area, is a <u>permitted</u> activity if:

- a) A report or certificate from a suitably qualified and experienced professional is provided to the Whangārei District Council w hich indicates that the activity is designed to accommodate the flood hazard and will not create any adverse effects upstream or downstream nor endanger human life; or
- b) The work involved is maintenance of an existing building.

Note: Reference may be made to previous reports relating to the flood susceptibility of the area.

Construction or <u>alteration</u> of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) or <u>earthworks</u>, gardening or <u>cultivation</u> that does not comply with a condition for a permitted activity is a <u>restricted</u> **discretionary** activity.

Discretion is restricted to:

- i. Construction or <u>alteration</u> of a <u>building</u> in relation to its location;
- ii. The avoidance, remediation or mitigation of coastal hazards.

56.2.4 Mining Subsidence

Construction or <u>alteration</u> (excluding internal modifications) of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) <u>earthworks</u>, gardening or <u>cultivation</u> within a <u>Mining Hazard Area</u> is a **permitted** activity if:

- A geotechnical survey of the ground under, and in the immediate vicinity of the <u>site</u>, is undertaken, and
- A report or certificate, which has been prepared by a suitable qualified and experienced professional, is provided to the Council which indicates that:
 - i) Where the <u>site</u> is to accommodate a <u>residential unit</u>, there is an identified <u>building area</u> of at least 100m2 where a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the rules in this plan; and
 - ii) The <u>site</u> is suitable for the activity or <u>structure</u>, and
 - iii) The <u>structure</u> is of an appropriate design and the <u>building</u> materials are appropriate in the circumstances; and
- The risk of subsidence is not increased by the construction, <u>alteration</u> or excavation.

Construction or <u>alteration</u> of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) or <u>earthworks</u>, gardening or <u>cultivation</u> that does not comply with a condition for a permitted activity is a <u>restricted</u> **discretionary** activity.

Discretion is restricted to:

- i. Construction standards;
- ii. Effects on health and safety.



56.3 Reasons for Rules / Explanations

Coastal Hazards

Short-term coastal erosion occurs because of storm events such as high winds, waves and increased <u>water</u> levels along the coastal foreshore. Coastal flooding is an associated <u>natural hazard</u>. <u>Coastal Hazard Areas</u> prone to coastal erosion and flooding are shown on the Planning Maps. These coastal hazards can present a serious risk to human life and physical <u>structures</u>. A potential rise in sea level will exacerbate these hazards. By ensuring that the floor levels of <u>structures</u> and <u>buildings</u> are at least 2.5m above One Tree Point Datum Mean Sea Level 1964, this risk will be significantly reduced. Natural processes and features such as coastal dunes and mangroves can provide some defence against coastal hazards and this protection should be maintained and enhanced where possible.

Earthworks

<u>Earthworks</u> in coastal dunes can reduce the protection these natural systems provide against coastal hazards. <u>Earthworks</u> also make the dunes very unstable, thus causing a new hazard to emerge. Re-vegetation will help protect the dunes and thus protect the properties behind them.

Flooding

The Flood Susceptible Areas identified on the Planning Maps identify flooding from river systems, potential overland flow and low-lying areas which have experienced, or could be subject to, flooding under conditions such as poor drainage. The controls in the Plan are intended to reduce the risk from flooding by requiring the flood risk to be assessed when undertaking any activity such as <u>building</u> or forming an <u>access</u> to an <u>allotment</u> or <u>building</u>. There is also a perceived risk to human safety to those traversing such an <u>access</u> during peak flood periods.

The assessment of flood susceptibility in <u>plantation forestry</u> areas may be included as part of the Annual Harvesting Plans, prepared as a requirement of resource consents granted by the Northland Regional Council.

Mining Subsidence

The areas subject to possible mining subsidence are identified on the Planning Maps. A network of tunnels exists in the residential areas of Kamo and Hikurangi. The risk to properties situated above these old coal mining tunnels, and to human life, can be minimised by ensuring that any <u>earthworks</u> or <u>structure</u> is suitable and does not increase the likelihood of subsidence. This can be achieved by controlling the design and <u>building</u> materials of <u>structures</u> that are built in these areas.

60 Sites of Significance to Māori



This Chapter contains rules relating to land uses on Sites of Significance to Māori.

It should also be noted that not all heritage areas of significance to Māori are identified on the Planning Maps. <u>Tangata whenua</u> are developing lwi/<u>Hapū</u> <u>Environmental Management Plans</u> which may identify further areas. In the case of discretionary activities, Council shall take such Plans into account and shall encourage consultation with <u>tangata whenua</u>.

<u>Sites</u> of Significance to Māori are identified on the Planning Maps, indicated by a symbol and number. The details of a <u>site</u> are in Appendix 4. The Council holds a separate record (not in the Plan) of the names and addresses of the <u>kaitiaki</u> (traditional custodians) for each <u>site</u>. The name and address of the <u>kaitiaki</u> will be made available to applicants for resource consents for relevant <u>sites</u> on request, so that the correct people can be contacted in relation to the application.

<u>Subdivision</u> Rules control <u>subdivision</u> involving <u>Sites</u> of Significance to Māori.

60.1 Sites of Significance to Māori - Rule Table

60.1.1 Works on Specifically Identified Sites

Within a <u>Site</u> of Significance to Maori, identified on the Planning Maps and Appendix 4, activities are **permitted** if:

- The activity does not result in any physical disturbance or modification of the site.
- b) The works (excluding modification of any part of the <u>site</u>) will protect or enhance the cultural and spiritual values of the <u>site</u>.

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

Discretion is restricted to:

- i. Effects on Sites of Significance to Māori;
- ii. Where an entire <u>site</u> is identified as a <u>Site</u> of Significance to Māori, the extent to w hich individual elements are affected;
- iii. Measures to protect the <u>Sites</u> of Significance to Māori, having regard to the customs and values of <u>tangata</u> <u>w henua</u> and the advice of the <u>Kaitiaki</u>;
- iv. Measures to restore any <u>Site</u> of Significance to Maori to its former state following completion of the work; having regard to <u>tikanga Māori</u> and the advice of the <u>Kaitiaki</u>.

Note:

Any destruction, damage or modification of any <u>archaeological site</u> whether recorded or unrecorded requires the consent of Heritage New Zealand Pouhere <u>Taonga</u> under the Heritage New Zealand Pouhere <u>Taonga</u> Act 2014.

60.1.2 Aerial and Aerial Support Structures

The construction or <u>alteration</u> of an <u>aerial</u> or aerial support structure is **permitted** if:

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

60 Sites of Significance to Māori



- a) The <u>aerial</u> or <u>aerial support structure</u> is not within the <u>notional boundary</u> of the <u>site</u>, or the <u>aerial support structure</u> is <u>setback</u> its <u>height</u> from a <u>Site</u> of Significance to Māori, whichever is the greater distance.
- b) The <u>aerial</u> and <u>aerial</u> support complies with all other relevant permitted activity standards for <u>aerials</u> and <u>aerial support</u> <u>structures</u> for the underlying Zone in which the <u>site</u> is located.

For the purpose of this rule the following shall apply:

- The <u>notional boundary</u> shall mean a line 20 metres from the <u>Site</u> of Significance to Māori to the closest part of any <u>aerial</u> or <u>aerial support</u> <u>structure.</u>
- The height of the aerial or aerial or aerial or aerial or by measuring the distance between ground level and the highest point of any aerial or component attached to the aerial support structure, or the highest part of the aerial support structure.

Discretion is restricted to:

- i. Effects on Sites of Significance to Māori.
- When an entire <u>site</u> is identified as a <u>Site</u> of Significance to Māori the extent to which individual elements are affected.
- iii. Measures to protect the <u>Sites</u> of significance to Māori, having regard to the customs and values of <u>tangata</u> <u>w henua</u> and the advice of <u>Kaitiaki</u>.
- iv. Measures to restore any <u>Site</u> of Significance to Māori to its former state following completion of the work, having regard to <u>tikanga Māori</u> and the advice of the <u>Kaitiaki</u>.
- v. Where the <u>structure</u> is a network utility, the need for the selected <u>site</u> to provide the intended service.

Any activity that does not comply with a permitted or a restricted discretionary activity is a **non-complying** activity.

60.2 Principal Reasons for Rules / Explanations

Activities

These rules implement the policies in Chapter 7 to avoid, remedy or mitigate adverse <u>effects</u> on <u>Sites</u> of Significance to Māori. Activities which result in the physical disturbance of <u>sites</u> are likely to have potential adverse <u>effects</u> and, therefore, will require a resource consent.

Kaitiaki

The <u>kaitiaki</u> (the Māori people who are the traditional custodians) are listed in records held by the Council. These records were created in the course of consultation between the Council and <u>tangata whenua</u> when this Plan was drafted. The names of the <u>kaitiaki</u> from this list will be given to applicants, whenever necessary, to allow them to contact the <u>kaitiaki</u> for the relevant <u>site</u> and obtain their comments on the <u>effects</u> of a proposed activity.

61 Esplanade Area Rules



61.1 Introduction

This Chapter contains rules relating to <u>subdivision</u> of <u>land</u> adjacent to the coastal <u>environment</u> or a <u>river</u>, and includes areas identified as an Esplanade Priority Area. These rules apply in addition to any other rules in this Plan applicable to the same areas or <u>sites</u>. See Appendix 5 for a list of Esplanade Priority Areas.

61.2 Esplanade Reserves Created Upon Stopping of Roads

Where a <u>road</u> is stopped adjacent to the coast or a <u>river</u>, under the Tenth Schedule of the Local Government Act 1974, or section 116 of the Public Works Act 1981, an <u>esplanade reserve</u> shall be created.

61.3 Esplanade Area - Rule Table

61.3.1 Esplanade Requirements – Sites Less than 4 ha

Subdivision is a controlled activity if:

- a) Where any <u>allotment</u> of less than 4.0 ha in area is created, an <u>esplanade reserve</u> or <u>esplanade strip</u> of a minimum of 20.0 m in width is set aside along the landward side of the line of Mean high <u>Water Springs</u> of the sea, and along the bank of any <u>river</u> whose <u>bed</u> has a width of 3.0 m or more, except in the areas specified in Appendix 5; and
- b) Esplanade reserves or esplanade strips are vested in the Council, or registered, in accordance with Sections 231 and 232 of the Resource Management Act 1991.

Control is reserved over:

- Whether an <u>esplanade strip</u> should be created instead of an <u>esplanade reserve</u>;
- ii. The width of an <u>esplanade reserve</u> or <u>esplanade</u> <u>strip;</u>
- iii. The need for an <u>access</u> strip joining an <u>esplanade</u> <u>reserve</u> or <u>esplanade strip</u>;
- iv. The matters to be provided for in an instrument creating an <u>esplanade strip</u> (Schedule 10 of the Resource Management <u>Act</u> 1991);
- v. Whether or not any works might be required prior to vesting;
- vi. The additional matters listed in Chapter 53.3.

Any activity that does not comply with a standard for a controlled activity is a **discretionary** activity.

Note

Where a proposed <u>subdivision</u> has lots which have areas greater than four hectares, and where these lots are located in an Esplanade Priority Area identified in Appendix 5 and on the Planning Maps, the Council may be interested to discuss with the subdivider whether an <u>esplanade</u> reserve or strip should be provided.

It should be noted that Esplanade Priority Areas include the whole of the coastal <u>environment</u>, excluding the three port areas identified in Appendix 5.

Any discussion about the provision of <u>esplanade reserves</u> or strips in respect of <u>subdivisions</u> of four hectares or greater, will be on the basis of the subdivider being willing to offer the <u>land</u> for sale, and the Council being willing to pay the purchase price. The Council is under no obligation to purchase <u>land</u> for an <u>esplanade reserve</u> or strip where these conditions apply, and the subdivider is under no obligation to offer the <u>land</u> for sale.

61 Esplanade Area Rules



61.4 Principal Reasons for Rules / Explanations

Esplanade reserves and strips are used to protect significant ecological areas, riparian habitats and outstanding natural features, and to provide public access alongside the coast and rivers. Public access can be limited in areas that would be particularly vulnerable to human activity. A number of cultural sites are located along the coast and riparian margins. These are protected by setting aside esplanade reserves and esplanade strips in appropriate circumstances. Public access provided to, and along the coast, and those rivers identified as Esplanade Priority Areas in Appendix 5, will help to meet the diverse recreation needs of the District. Port areas specified in Appendix 5 are not included in the Esplanade Priority Areas.

<u>Esplanade reserves</u> will normally be required to be vested when <u>land</u> adjoining the sea coast or <u>rivers</u> and <u>streams</u>, with an average width of at least 3.0m is subdivided, or where the lots adjacent to the <u>water</u> area have an area less than four hectares. <u>Esplanade strips</u> may be required as an alternative.

Where lots in areas identified as Esplanade Priority Areas in Appendix 5 have an area greater than four hectares, an <u>esplanade reserve</u> or strip may be desirable where the public benefit of such a reserve or strip would be significant. However, the Council wishes to proceed on the basis of a willing seller and a willing buyer. Also, the Council wishes to retain the ability to decide whether the <u>land</u> in question has sufficient priority to be taken as a reserve or strip, and whether funds are available. For these reasons the Plan does not contain a rule requiring the setting aside of an <u>esplanade reserve</u> or strip in respect of <u>subdivisions</u> of lots exceeding four hectares.

The width of an <u>esplanade reserve</u> or <u>esplanade strip</u> will normally be 20.0m. In determining the appropriate width in any particular case, the Council will take into account the amount of <u>land</u> necessary to enable the reserve or strip to provide, long term for the values to be secured. It may be appropriate for a lesser width at one point to be offset by a compensating increase in width elsewhere. The Council may agree not to require an <u>esplanade reserve</u> or strip. Where the reserve or strip is to be purchased, the Council may also consider a lesser width, where this is appropriate in terms of the Council's <u>land</u> acquisition priorities.

The Council will normally require an <u>esplanade reserve</u> to be vested although it is recognised that an <u>esplanade strip</u> may be preferable in some cases.

63 Contaminated SitesRules



63 Contaminated Sites Rules

63.1 Introduction

This Chapter contains rules relating to <u>land</u> uses in areas containing contaminated and potentially <u>contaminated sites</u> as defined under the relevant National Environmental Standard (NES). These rules apply in addition to any other rules in this Plan applicable to the same areas or <u>sites</u>.

63.2 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the 'NES')

No rule in any chapter of this Plan that duplicates or conflicts with the NES shall apply. The NES applies in addition to all other rules in any chapter of this Plan.

63.3 Reasons for Rules / Explanations

The rules restrict activities prior to decontamination, in order to preserve the health and safety of the people. The rules ensure that decontamination programmes are appropriate to the requirements of specific Contaminated Sites, and are environmentally acceptable. Existing uses are permitted to continue, in terms of section 10 of the Resource Management Act 1991.



Minerals



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MIN.2 Minerals

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MIN.1.1 Description and Expectations

The management of mineral resources is addressed in several pieces of legislation; the main Acts being the Crown Minerals Act 1991 (CMA) and the Resource Management Act 1991 (RMA). Access to Crownowned mineral is addressed in the CMA, while the mining activity itself, and its effects, is managed under the RMA.

Minerals are expressly excluded from 'sustainability' in section 5(2)(a) of the RMA in terms of sustaining the potential of <u>natural and physical resources</u> to meet the needs of future generations. However, mineral are included in 'sustainability' as it applies (in section (2)(c)) to avoiding, remedying or mitigating any adverse effects of activities on the environment. To this extent, the activity of exploration, quarrying, mining and any other disturbance of land is covered by the RMA and addressed and regulated in district plans.

The Whangarei District contains mineral deposits that are of considerable social and economic importance to the district, region and the nation, but in some cases can be constrained by conflicting land uses. Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape, and has done so in the past. However, the development of mineral resources has the potential to have significant adverse effects upon soil, water and air resources, and landscape and historic heritage values if not appropriately controlled.

The five iwi/hapu management plans for the Whangarei District identify as significant issues the following: the management of minerals within their rohe, the adverse effects from mining and the rehabilitation of sites. For example, Maunga are a particularly important feature of the historic and cultural landscape yet also a source of mineral deposits.

Significant mineral resources that are being extracted are identified on the district plan Resource Area Maps and provided for through district wide provisions (refer following section - Quarrying Resource Areas (QRA). This recognises the need for mineral (including aggregate) resources to be available for infrastructure and development. It also allows for the management of reverse sensitivity effects.

Mineral resources that are not currently being extracted are not identified on the district plan Resource Area Maps due to a lack of information on their significance. Smaller scale mineral extraction activities which are directly associated with rural production activities (farm quarries) are provided for and assessed in accordance with the relevant Zone provisions.

All other mineral extraction activities which involve exploration, extraction or processing of minerals are either managed under MIN.2 or where located in a QRA's they are managed under QRA provisions. District wide provisions may apply more restrictive rules to the consideration of both farm quarries and mineral extraction due to the presence of significant or sensitive features.

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MIN.1.2 Objectives

- 1. Whangārei's <u>mineral</u> resources are efficiently and effectively managed recognising the social and economic benefits of such resources, while ensuring adverse <u>effects</u> are associated with mineral extraction are avoided, remedied or mitigated.
- 2. <u>Mineral extraction</u> activities are enabled within identified Quarrying Resource Areas
- 3. <u>Exploration</u>, extraction and processing of <u>minerals</u> avoids, remedies or mitigates any adverse <u>effects</u> on the <u>environment</u> and community.
- 4. <u>Exploration</u>, extraction and processing of <u>minerals</u> avoids, remedies or mitigates any adverse <u>effects</u> on the relationship of <u>tangata whenua</u> with their ancestral <u>lands</u>, <u>sites</u>, <u>water</u>, <u>wāhi tapu</u> and other taonga.
- 5. New <u>subdivision</u>, use and development of <u>land</u> does not compromise existing <u>mineral extraction</u> activities (including within QRA), including <u>access</u> to and development of these identified regionally significant <u>mineral</u> resources.
- 6. New <u>subdivision</u>, use and development does not constrain the potential to <u>access</u> and develop identified regionally significant <u>mineral</u> resources.

MIN.1.3 Policies

- 1. To identify and provide for nationally and regionally significant <u>mineral</u> resources (where extraction rates are known) by mapping Quarrying Resource Areas and applying provisions to facilitate <u>mineral</u> extraction activities.
- To avoid, remedy or mitigate the adverse effects of exploration, extraction and processing of minerals on the ecological, landscape, historic heritage and amenity values of surrounding areas and on the amenity values of existing residential areas by applying Zone and district wide provisions.
- 3. To avoid, remedy or mitigate adverse <u>effects</u> of <u>exploration</u>, extraction and processing of <u>minerals</u> on the relationship of <u>tangata whenua</u> with their ancestral <u>lands</u>, <u>sites</u>, <u>water</u>, <u>wāhi tapu</u> and other <u>taonga</u> by requiring a cultural impact assessment for all resource consent applications for <u>mineral</u> extraction.
- 4. To avoid adverse <u>effects</u> on significant areas by avoiding <u>mineral extraction</u> within identified Sites of Significance to Māori.
- 5. To manage conflicts between <u>mineral extraction</u> activities and other <u>land</u> uses by ensuring that activities that are incompatible with the <u>effects</u> of <u>mineral</u> extraction activities are not established close to existing quarry or mining activities.
- 6. To rehabilitate <u>sites</u> used for <u>mineral exploration</u> and extraction to enable the <u>land</u> to be used for other activities.
- 7. To enable <u>rural production activities</u> to utilise aggregate resources by providing for farm quarries where they are limited in scale and operation and are not located within areas with significant or sensitive features, or in Zones intended to accommodate <u>sensitive activities</u>.
- 8. To require proposals for new <u>mineral extraction</u> activities outside of a QRA to provide adequate information on the establishment, operation and rehabilitation of the <u>mineral</u> extraction activity.

MIN.1.4 Guidance Note

1. The following shall form the basis for resource consent applications for <u>mineral extraction</u> activities (including <u>exploration</u>, extraction and processing):

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- The objectives, policies and provisions for MIN and other Resource Areas in the District Plan.
- b. The objectives, policies and provisions for Zones in the District Plan.
- c. The Strategic Direction objectives and policies.
- d. The district wide objectives, policies and provisions in the District Plan.
- 2. Rules for 'farm quarries' are located in the Zone sections of the District Plan.

MIN.1.5 Land Use Application Information Requirements

- 1. All applications for resource consent for <u>mineral extraction</u> activities, including applications for <u>farm quarrying</u> where resource consent is required for the extraction of more than the permitted volume of material in any 12 month period, shall include:
 - a. The size and scale of <u>exploration</u>, extraction or processing activities and the expected length of operations of the extraction <u>site</u>;
 - b. The design and layout of the site, access roads and supporting facilities;
 - c. The proposed measures to manage noise, vibration, dust and lighting to maintain amenity values of the surrounding land use;
 - d. The proposed measures to manage <u>effects</u> on the surrounding <u>road</u> network and maintain safety to all <u>road</u> users, particularly measures relating to <u>heavy vehicles</u> entering or exiting the <u>site</u>;
 - e. The proposed measures to avoid, remedy or mitigate adverse effects on the natural environment including watercourses within the extraction site and the effects from the site into the neighbouring environment;
 - f. As relevant how <u>land</u> stability will be impacted and the measures in place to prevent the exacerbation of existing <u>natural hazards</u>;
 - g. The proposed measures to mitigate adverse <u>effects</u> on visual and landscape values; and identified <u>historic heritage</u>; and maintain the relationship of <u>tangata whenua</u> with their ancestral <u>lands</u>, <u>sites</u>, <u>water</u>, <u>wāhi tapu</u> and other <u>taonga</u>;
 - h. Options anticipated for the rehabilitation of the <u>site</u>, either by a staged process or at the end of the economic life of the <u>mineral extraction</u> activity, having regard to the expected life of the <u>mineral extraction</u> site.
- 2. All applications for resource consent for <u>mineral extraction</u> activities, including applications for farm quarrying where resource consent is required for the extraction of more than the permitted volume of material in any 12 month period, shall include a cultural impact assessment.
- 3. Where no Sites of Significance to Māori (SSM) are shown on the district plan maps applicants should check with Council to determine if further information on areas or SSM is held in relation to their proposed mineral extraction activity.
 - a. If Council holds information indicating that there are areas or SSM within the proposed mineral extraction area a CIA is required to address these areas/ sites; and
 - b. The CIA shall address if there are adverse <u>effects</u> on <u>natural and physical resources</u> having historical, spiritual or cultural value

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MIN.2.1 Eligibility Rules

- 1. <u>Mineral extraction</u> activities within specified resource areas may be subject to more stringent controls.
- 2. <u>Mineral extraction</u> activities not provided for as a permitted, controlled, discretionary, non-complying or prohibited activity will be considered as a discretionary activity.
- 3. <u>Mineral</u> prospecting as defined in the Crown Minerals Act 1991 is a permitted activity where no disturbance of land occurs.

MIN.2.2 Discretionary Activities

1. <u>Mineral extraction</u> activities in the Rural Production Environment (RPZ), Light Industrial and Heavy Industrial Zones.

MIN.2.2.1 Assessment of Discretionary Activities

- When assessing resource consent applications for discretionary activities the assessment shall include (but is not limited to) the following matters (where relevant):
 - a. The size and scale of extraction activities and the expected length of operation of the extraction site;
 - b. The design and layout of the site, access roads and supporting facilities;
 - c. The measures proposed to manage:
 - i. Noise, vibration, dust and illumination to maintain <u>amenity values</u> of the surrounding <u>land</u> uses, particularly at night-time;
 - ii. Adverse <u>effects</u> of traffic generation and maintain safety to all <u>road</u> users, particularly measures to manage <u>heavy vehicles</u> entering or exiting the <u>site</u>;
 - iii. Adverse effects on soil and water, watercourses and fauna and flora;
 - iv. Effects on or exacerbation of <u>natural hazards</u> including <u>land</u> stability;
 - v. Significant adverse <u>effects</u> on visual and landscape values;
 - vi. The values of identified <u>historic heritage</u> or archaeological <u>sites</u>, <u>building</u>s, places or areas:
 - d. <u>Effects</u> on the relationship of <u>tangata whenua</u> with their ancestral <u>lands</u>, <u>sites</u>, <u>water</u>, <u>wāhi</u> tapu and other taonga;
 - e. Options anticipated for the rehabilitation of the <u>site</u>, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the <u>mineral</u> <u>extraction site</u>;
 - f. The benefits likely to be derived from the mineral extraction activities;
 - g. Any positive transport <u>effects</u> from having a <u>mineral extraction</u> <u>site</u> closer to the area of demand:
 - h. Having regard to a. g. above, the extent to which significant adverse <u>effects</u> can be avoided; and the extent to which adverse <u>effects</u> can be remedied, mitigated or, where not mitigated, can be offset.

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MIN.2.3 Non-Complying Activities

1. Mineral extraction activities in the Rural Living Zone.

MIN.2.4 Prohibited Actitivities

1. <u>Mineral extraction</u> activities in the Rural Village, Rural Urban Expansion, Urban, and <u>Open Space and Recreation Zones</u>, excluding the Light Industrial and Heavy Industrial Zones.





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Nine Quarrying Resource Areas (QRAs) are shown on the district plan Resource Area Maps. The purpose of identifying QRAs is to facilitate the operation of commercial extraction activities.

The QRAs identify established mineral extraction activities primarily aggregates, which are, at a volume, among other factors, that qualify these as nationally and/or regionally significant mineral resources (refer QRA Appendix 1). Currently the mapped QRAs contain quarrying activities involving extraction and processing mineral resources.

The extent of the QRA shows the area of <u>mineral extraction</u> where the <u>effects</u> of the activities will generally be contained. However, some <u>effects</u> such as noise, vibration and visual <u>effects</u> may be evident beyond the <u>boundary</u> of the QRA.

Within each QRA there is a Mining Area where the full range of mineral extraction activities may be undertaken. In some cases, the QRA also contains a Buffer Area beyond the Mining Area where effects such as noise and vibration cannot reasonably and economically be contained within the Mining Area.

Beyond the mapped QRA area, a Setback Area is also identified. This Setback Area has rules associated with it and are contained within the underlying <u>Environment</u> adjacent to the mapped QRA.

It is important to note that there are rules applying to the underlying Zone and other district wide rules that must also be taken into account.

Specific exemptions from rules within the underlying Zone are provided for some components of <u>mineral extraction</u> activities. For example, stockpiles for <u>mineral extraction</u> purposes in QRAs are excluded from the rules applying to outdoor storage in the <u>Rural Zones</u>. In some instances where the underlying Zone allows for a greater level of development, the activity will be exempt from the QRA provisions and assessed in accordance with the provisions in the underlying Zone.

Quarrying Resource Areas



QRA.1.2 Objectives

- 1. <u>Mineral extraction</u> activities including the processing in the QRAs are enabled.
- 2. The adverse <u>effects</u> of <u>mineral extraction</u> activities in the QRAs are avoided, remedied or mitigated.

QRA.1.3 Policies

- 1. To provide for the continued mineral extraction in the QRA Mining Area and Buffer Area.
- To avoid conflicts between the <u>effects</u> of <u>mineral extraction</u> activities and other <u>land</u> uses by ensuring that <u>sensitive activities</u> are not established close to QRA through the identification of QRA Setback Areas.
- 3. To identify a **Buffer Area** within a QRA to:
 - a. Ensure that reverse sensitivity effects are avoided on the Mining Area.
 - b. Ensure that adverse <u>effects</u>, including those from noise, vibration and dust, associated with the <u>Mining Area</u> of the QRA are appropriately managed within the QRA.
 - c. Maintain an effective separation between incompatible <u>land</u> uses by limiting <u>mineral extraction</u> activities in the <u>Buffer Area</u> to ensure that adverse <u>effects</u> on adjoining <u>land</u> uses, particularly existing sensitive <u>land</u> uses, are first avoided and otherwise remedied or mitigated.
- 4. To identify <u>Mining Area</u> within the QRA to enable <u>mineral extraction</u> activities within this area having particular regard to policies QRA.1.3.5-9.
- 5. To avoid, remedy or mitigate the adverse <u>effects</u> of <u>mineral extraction</u> within QRAs, on the ecological, landscape, <u>historic heritage</u> and <u>amenity values</u> of surrounding areas.
- 6. To avoid, remedy or mitigate adverse visual impacts from QRAs on significant landscapes, significant natural areas and significant natural features by applying the district wide provisions.
- 7. To provide for the height requirements of mineral extraction activities, such as overburden placement and buildings such as silos, while mitigating the potential adverse effects by requiring setbacks and considering screening and topography in site design.
- 8. To avoid compromising the safety and efficiency of the roading network by limiting <u>traffic</u> <u>movements</u> on minor <u>roads</u> associated with QRAs and by providing for traffic controls and forming or upgrading <u>roads</u> in the vicinity of the QRA where necessary.

QRA.1.4 Guidance Note

- 1. The following shall form the basis for resource consent applications for landuse and <u>subdivision</u> in QRAs:
 - a. The objectives, policies and provisions for QRAs and other Resource Areas in the District Plan.
 - b. The objectives, policies and provisions for Zones in the District Plan.
 - c. The district wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as QRA.

Note: Rules requiring a 500 metre setback from a <u>Mining Area</u>, for <u>sensitive activities</u>, are found in the relevant Zone chapters: RUEZ.2.3.1, RPZ.2.3.1, RLZ.2.3.1 and LLRZ.R11.

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QRA.2.1 Eligibility Rules

- 1. <u>Mineral extraction</u> activities within the <u>Strategic Rural Industries</u> Zone are exempt from QRA.2.5.1, QRA.2.5.3, QRA.2.5.4 and QRA.2.5.7 and will be assessed by applying the Strategic Rural Industries Zone provisions.
- 2. Establishment of <u>sensitive activities</u> or the construction of or <u>alteration</u> to any <u>building</u> containing a sensitive activity within the <u>Mining Area</u> of a QRA is a non-complying activity.
- 3. <u>Mineral extraction</u> Activities that are not controlled activities or discretionary activities are permitted activities.
- 4. All activities and development (except <u>mineral extraction</u> activities) proposed within a QRA will be subject to the controls in the underlying Zone.
- 5. Proposals for extensions or changes to existing QRAs, or for new QRAs will require a plan change.
- 6. The QRA rules do not apply to <u>earthworks</u> which are not associated with <u>mineral extraction</u> activities as defined in Chapter 4.
- Outdoor areas of storage or stockpiles are permitted activities within a QRA and may exceed the
 <u>building</u> and <u>major structure height</u>, setbacks and <u>height</u> in relation to <u>boundary</u> rules within the
 underlying zone they are located in.

QRA.2.2 Notification Rules

1. All mineral extraction activities are subject to the notification tests of the RMA.

QRA.2.3 Controlled Activities

1. The disturbance or removal of more than 5,000m³ of material within the Mining Area of the QRA in any 12 month period where a Mineral Extraction Management Plan is submitted to Council and which addresses the relevant matters identified in QRA.2.6.

QRA.2.4 Control is Reserved Over:

When assessing controlled activity landuse control is reserved over the following matters:

- 1. The extent to which off-site <u>effects</u> (such as dust, odour and glare) adversely affect the <u>amenity</u> <u>values</u> of <u>sites</u> in the vicinity.
- 2. The extent of any adverse <u>effects</u> on <u>land</u> stability.
- 3. The extent of any adverse effects on ecological values or water quality.
- 4. The extent to which landscape proposals (including the height, shape and form of topography and screening) and the provision of setbacks mitigate potential adverse effects on the amenity of land adjoining the QRA.
- 5. The extent to which any rehabilitation programme will enable the <u>land</u> to be returned to a state suitable for use for other activities.

QRA.2.5 Discretionary Activities

1. Traffic generation from the QRA which exceeds:

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- a. 100 <u>traffic movements</u> in any 24-hour period; where the <u>site</u> does not directly connect to a public <u>road</u> with a sealed carriageway of at least 6 metres wide or where all vehicle manoeuvring associated with the activity does not occur within the <u>site</u>; or
- b. Exceeds the limit allowed by the <u>traffic movements</u> rules in the underlying Zone where that limit is greater than 100 movements in any 24-hour period.
- 2. Establishment of any <u>access</u>, <u>road</u> or parking space or associated facility which does not comply with the Transport Chapter.
- 3. Construction or <u>alteration</u> of any <u>building</u> or <u>major structure</u> (excluding <u>minor building</u>s) used for <u>mineral extraction</u> purposes which is located within the <u>Mining Area</u> and:
 - a. Exceeds 15 metres in height above ground level.
 - b. Is located less than 10 metres from the <u>boundary</u> of the <u>Mining Area</u>.
 - c. Is located more than 10 meters and less than 20 metres from the <u>boundary</u> of the <u>Mining</u>

 <u>Area</u> and is greater than 10 meters in <u>height</u> above <u>ground level</u>.
- 4. Construction or <u>alteration</u> of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) used for <u>mineral extraction</u> purposes which is located within the <u>Buffer Area</u> and:
 - Exceeds 15 meters in <u>height</u> above <u>ground level</u> or the limit allowed by the <u>building height</u> rules in the underlying Zone, whichever is the greater.
- 5. Any stockpile set back less than 10 metres from the <u>boundary</u> of the <u>Mining Area</u>.
- 6. Excavation of a quarry face setback less than 20 metres from the boundary of the Mining Area.
- 7. Establishment of <u>sensitive activities</u> or the construction of or <u>alteration</u> to any <u>building</u> containing a sensitive activity within the <u>Buffer Area</u> of a QRA.
- 8. <u>Mineral extraction</u> activities within the <u>Mining Area</u> of the QRA which do not meet the requirements for a controlled activity under QRA.2.3.
- 9. Mineral extraction activities within the Buffer Area of QRA.

QRA.2.6 Landuse Application Information Requirements

- 1. All applications for <u>mineral</u> extraction activities shall include a Mineral Extraction Management Plan.
- 2. A Mineral Extraction Management Plan shall include a description of the extent of the mineral extraction to be undertaken, and the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent. In particular it shall include:
 - a. A plan showing the boundaries of the QRA including the Mining Area and any Buffer Area.
 - b. A plan showing topography, drainage, natural watercourses, existing <u>vegetation cover</u> and any other significant landforms or features.
 - c. The design and location of <u>buildings</u> and <u>major structures</u> (excluding <u>minor building</u>) and any plant or machinery to be used in a fixed position.
 - d. The anticipated life span of operation, the estimated volume of material to be excavated and any staging of works.
 - e. The proposed location and dimensions of <u>overburden</u> storage and deposition areas and stockpiles of <u>mineral</u> material.

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- f. The proposed location and dimension of areas of excavation, including pits and faces.
- g. Any proposed setbacks, <u>landscaping</u> or screening measures.
- h. Assessment of slope stability including, where applicable, a slope stability analysis allowing for an appropriate surcharge.
- i. Proposed <u>access</u> to the QRA and internal circulation within it.
- j. The anticipated average daily number of vehicle movements to and from the QRA.
- k. The number of people proposed to be employed, and parking spaces provided onsite.
- I. A description of the proposed methods of <u>overburden</u> stripping and <u>mineral extraction</u>.
- m. A description of the proposed excavation and blasting programme.
- n. A description of the methods by which the environmental <u>effects</u> of the operation will be managed and controlled to comply with all relevant rules of the Plan and the conditions of consent and to avoid, remedy or mitigate any adverse <u>effects</u> in regard to those matters which are relevant to the Council's assessment.
- o. A description of the methods for protecting and maintaining areas of significant landforms or features.
- p. A description of any future objectives for the <u>Mining Area</u> of the QRA and any proposed rehabilitation programme.

QRA.2.7 Assessment Criteria for Discretionary Activities

When assessing resource consent applications for discretionary activities the assessment shall include (but is not limited to) the matters in QRA.2.4 and the following matters (where relevant):

- 1. Reverse sensitivity effects from new sensitive activities establishing in close proximity to existing mineral extraction activities.
- 2. Hours of operation of the activity.
- 3. The outlook, privacy, health, safety and amenity of adjoining and adjacent neighbours.
- 4. <u>Effects</u> on <u>river</u> maintenance and hazards.
- 5. <u>Effects</u> on the natural functioning of ecosystems.
- 6. Type, frequency and timing of traffic.
- 7. <u>Effects</u> of increased traffic on <u>road</u> safety, maintenance and efficiency.
- 8. Need for forming or upgrading <u>roads</u> in the vicinity of the <u>site</u>.
- 9. Need for traffic control, including signs, signals and traffic islands.
- 10. The scale and bulk of any <u>building</u> or <u>major structure</u> (excluding <u>minor building</u>s) in relation to the <u>site</u>.
- 11. The extent to which the <u>effects</u> of <u>height</u> can be mitigated by setbacks, planting, design or the topography of the <u>site</u>.

Subdivision



QRA.3.1 Eligibility Rules

1. All <u>subdivision</u> within a QRA is a discretionary activity.

QRA.3.2 Notification Rules

1. All <u>subdivision</u> activities are subject to the notification tests of the RMA.

QRA.3.3 Assessment of Discretionary Activities

When considering <u>subdivision</u> within QRAs, the potential for <u>subdivision</u> to compromise <u>mineral</u>
 <u>extraction</u> activities needs to be recognised. Any <u>subdivision</u> should only occur if it avoids,
 remedies or mitigates adverse <u>effects</u> on <u>mineral extraction</u> activities.

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.



QRA8 (Dickson's Quarry) Urban Expansion Setback Area

QRA.4.1 Discretionary Activities

- 1. The establishment of any sensitive activity in the General Residential, Medium Density Residential or Low Density Residential Zone within 500m of the Mining Area of the QRA8 is a discretionary activity.
- 2. All <u>subdivision</u> in the General Residential, Medium Density Residential or Low Density Residential Zone within 500 of the <u>Mining Area</u> of QRA8 is a discretionary activity.



Minerals



Quarry Name	Mineral Extraction Area	Planning Map Number	Noise Limit
GBC Winstone – Portland Quarry	MEA1	15, 50	Daily, between the hours of 0630 and 2130 - 55dB L_{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dB L_{Aeq} ; and 70dB L_{AFmax} .
GBC Winstone - Wilsonville Quarry	MEA2	7, 28	The noise limit imposed by Land Use Consent LU 00/573
GBC Winstone – Otaika Quarry and access way	MEA3	12, 45	Daily, between the hours of 0630 and 2130 - 55dB L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dB L _{Aeq} ; and 70dB L _{AFmax} ; and Subject to any restrictions on night time operation of the access way contained in LUC RC38907, as may be amended from time to time.
McBreen Jenkins – Takahiwai Quarry	MEA4	15	Daily, between the hours of 0630 and 2130 - 50dB L _{Aeq} ;
United Carriers – Woods Road Quarry	MEA5	11	and Daily, between the hours of
Balance Agriculture – Mata Quarry	MEA6	15	2130 and 0630 - 40dB $L_{\text{Aeq}};$ and 65dB L_{AFmax}
Mountfield Rd Quarry	MEA7	18	
Dicksons Transport – Dicksons Road Quarry	MEA8	12, 36	The noise limit imposed by Land Use Consent RC 37434
J Pullman – Robsons Quarry, Otaika	MEA9	45	The noise limit imposed by Land Use Consent LU 98/904

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CA.	1.1 Description and Expectations		

Whangārei boasts a long and varied coastline stretching from Bream Tail in the south to Ngaiotonga in the north. The coastline is made up of rugged cliffs and rocky headlands, mangrove-lined harbours and estuaries, sandy beaches and sheltered bays interspersed with small rural villages.

Over the years, the coastal <u>environment</u> has been substantially modified, with coastal forests, dune vegetation and <u>indigenous wetlands</u> being largely replaced by productive <u>land</u>, residential development and industrial developments that rely on their proximity to the coast for their ongoing operations. Historically the coastal <u>environment</u> was extensively settled by Māori and early Europeans and contains many archaeological <u>sites</u> as well as other cultural and natural heritage features.

The coastal <u>environment</u> has high recreational, amenity, landscape, intrinsic, cultural and ecological value and as such is a highly desirable place to live. It is also a valuable resource to the District's economy, attracting holiday makers from within and outside the region to experience the many safe swimming and surf beaches, and the world renowned recreational opportunities based around the coast and offshore islands.

Due to pressure for residential development it is important that the coastal <u>environment</u> is managed to ensure that its use and development does not exceed the capacity of the <u>environment</u> to absorb any adverse <u>effects</u>, and that the amenity, landscape, ecological, <u>historic heritage</u> and natural character values that make it special are not compromised. This includes requirements to avoid adverse <u>effects</u> on the characteristics and qualities of outstanding natural character areas.

The preservation of the natural character of the coastal <u>environment</u> is a matter of national importance under Section 6(a) of the Resource Management <u>Act</u> 1991 (RMA). The RMA, the New Zealand Coastal Policy Statement and the Regional Policy Statement direct Council to preserve and protect the natural character of the coastal <u>environment</u> from inappropriate <u>subdivision</u>, use and development. Whether

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<u>subdivision</u>, use or development in the coastal <u>environment</u> is appropriate will be dependent on the natural character values of the location, and importantly the extent to which any <u>subdivision</u>, use or development will adversely affect those values.

Undeveloped parts of the coastal <u>environment</u> have largely been identified as High Natural Character Areas or Outstanding Natural Character Areas with rules and policies applying to them to protect their ecological, recreational, and landscape values. The remainder of the coastal <u>environment</u> has a higher degree of human modification, and while parts are still relatively undeveloped, it can accommodate low density rural residential development without generating unacceptable adverse <u>effects</u> provided that development is well designed and located. Development in these areas can also provide a catalyst for environmental enhancement and ecological restoration programs. It is however expected that most development in the coastal <u>environment</u> should be consolidated around existing coastal villages.

Land within the coastal environment requires some additional controls to manage the effects of land use and development on the coastal environment. The Coastal Area has been identified and is an 'overlay' that applies to land where the coast has a significant influence, and where land use activities can have effects on the coastal marine area. The objectives, policies and rules for the Coastal Area, as set out below, apply in addition to the rules for the underlying Zone unless otherwise stated (e.g. Rural Production, Rural Village and General Residential Zones).

CA.1.2 Objectives

- 1. Identify and protect the qualities and characteristics that contribute to the natural character of the Coastal Area from inappropriate <u>subdivision</u>, use and development.
- 2. Avoid adverse <u>effects</u> on the characteristics and qualities of identified Outstanding Natural Character Areas.
- 3. Avoid significant adverse <u>effects</u>, and avoid remedy or mitigate other adverse <u>effects</u> on the natural character, natural features and natural landscapes of the Coastal Area including identified High Natural Character Areas.
- 4. Manage the cumulative <u>effects</u> of <u>subdivision</u>, use and development on the amenity, landscape, and ecological values of the Coastal Area.
- 5. Direct development to established coastal villages and areas with existing development while retaining the values of undeveloped parts of the coast.
- 6. Maintain and enhance public access to and along the coast where appropriate.
- 7. Avoid increasing the risk of social, environmental, and economic harm from coastal hazards.
- 8. Protect and enhance natural defences against coastal hazards.
- 9. Encourage the enhancement and rehabilitation of the Coastal Area.
- 10. Recognise and provide for:
 - a. existing development;
 - b. activities located within the Portland Strategic Rural Industries Zone; and
 - c. <u>regionally significant infrastructure</u> and regionally significant <u>mineral</u> resources; which have a functional or operational need to be located in the Coastal Area.
- 11. To recognise that the Coastal Area contains undeveloped Māori <u>Land</u> and provide for the special relationship of Māori to this ancestral <u>land</u>.
- 12. Identify and protect the values and attributes of indigenous biodiversity within the Coastal Area

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in accordance with Policy 4.4.1(1) of the Northland Regional Policy Statement 2016 ("Significant Natural Areas").

13. Avoid significant adverse <u>effects</u> and avoid, remedy, or mitigate other adverse <u>effects</u> of <u>subdivision</u> use and development on indigenous biodiversity in the Coastal Area that is not a Significant Natural Area.

CA.1.3 Policies

- 1. To protect natural character, natural features and natural landscapes in the Coastal Area:
 - a. avoid adverse <u>effects</u> on the qualities and characteristics of areas identified as Outstanding Natural Character Areas:
 - b. avoid significant adverse <u>effects</u> and avoid, remedy, or mitigate other adverse <u>effects</u> on the qualities and characteristics of natural character, natural features and natural landscapes outside Outstanding Natural Character Areas;
 - by controlling <u>subdivision</u> and restricting <u>earthworks</u>, <u>mineral extraction</u> activities and farm quarries, the extent of <u>indigenous vegetation clearance</u>, and the location and design of <u>buildings</u> and <u>structures</u> including in relation to ridgelines, skylines and prominent headlands.
- 2. To design development to avoid, remedy or mitigate adverse effects on the natural character, natural features and natural landscapes of the Coastal Area outside Outstanding Natural Character Areas, by controlling subdivision, managing the visual effects of buildings and structures, and minimising indigenous vegetation clearance and earthworks.
- 3. To assess the scale and significance of <u>effects</u> of <u>subdivision</u>, use and development on the characteristics and qualities of natural character, natural features and natural landscapes in the Coastal Area by having particular regard to:
 - a. The extent of the natural character, natural feature or natural landscape affected:
 - b. The sensitivity of the natural character, natural feature or natural landscape to change, recognising the <u>effects</u> of existing <u>land</u> use:
 - c. The degree of modification, damage, loss or <u>destruction</u> that will result from the activity;
 - d. The duration and frequency of adverse effects;
 - e. Whether adverse <u>effects</u> are reversible or irreversible;
 - f. Whether adverse effects are minor or transitory;
 - g. The potential for spatial or temporal cumulative adverse <u>effects</u> of the proposed activity on its own or in combination with other authorised activities, including permitted activities; and
 - h. Any restoration, rehabilitation or enhancement of the specific characteristics and qualities of the particular natural character, natural feature or natural landscape affected by the activity.
- 4. Avoid adverse <u>effects</u> of <u>subdivision</u> use and development on:
 - a. Indigenous taxa that are listed as threatened or at risk in the NZ Threat classification system lists;
 - b. the ecological values and attributes of areas of <u>indigenous vegetation</u> and habitats of indigenous fauna that are significant using the assessment criteria in Appendix 5 of the Northland Regional Policy Statement 2016; and

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- the ecological values and attributes of areas set aside for full or partial protection of indigenous biodiversity under other legislation;
 - by controlling <u>subdivision</u> (including weed and pest management) and restricting <u>indigenous vegetation clearance</u>.
- 5. Avoid significant adverse <u>effects</u> and avoid, remedy, or mitigate other adverse <u>effects</u> of <u>subdivision</u> use and development on:
 - a. Areas of predominantly indigenous vegetation;
 - b. Habitats of indigenous species that are important for recreational, commercial, traditional, or cultural purposes; and
 - Indigenous ecosystems and habitats that are particularly vulnerable to modification;
 by controlling <u>subdivision</u> (including weed and pest management) and restricting <u>indigenous vegetation clearance</u>.
- 6. To assess the scale and significance of <u>effects</u> of <u>subdivision</u>, use and development on the values and attributes of Significant Natural Areas and other indigenous biodiversity in the Coastal Area by having particular regard to:
 - a. The extent of the ecological site affected;
 - b. The sensitivity of the ecological <u>site</u> to change, recognising the <u>effects</u> of existing <u>land</u> uses:
 - c. The degree of modification, damage, loss or <u>destruction</u> that will result from the activity;
 - d. The duration and frequency of adverse effects;
 - e. Whether adverse <u>effects</u> are reversible or irreversible;
 - f. Whether adverse <u>effects</u> are minor or transitory;
 - g. The potential for spatial or temporal cumulative adverse <u>effects</u> of the proposed activity on its own or in combination with other authorised activities, including permitted activities;
- 7. To provide for low density residential development in the Coastal Area by identifying areas outside High and Outstanding Natural Character Areas appropriate for carefully designed development.
- 8. To manage the visual impacts of <u>buildings</u> and <u>major structures</u> in the Coastal Area outside coastal villages by limiting <u>building</u> and <u>major structure</u> <u>height</u> and ensuring exterior colour schemes are of low reflectivity value.
- 9. To avoid sprawling, sporadic and ribbon development in the Coastal Area through the location and design of subdivision.
- 10. To consolidate residential development in areas where landscape values and natural character have already been compromised.
- 11. To use natural features and contours to define <u>boundary</u> lines and to guide fencing, planting and access ways.
- 12. To design new <u>allotments</u> and <u>building</u> platforms that avoid impacts on natural features or areas with high biodiversity, landscape, conservation, cultural or <u>historic heritage</u> values.
- 13. To ensure provision of public <u>acess</u> to the coast and riparian margins at the <u>subdivision</u> design stage by creating <u>esplanade reserves</u> or strips, <u>access strips</u> or easements.

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- 14. To recognise opportunities for environmental enhancement and improvements in natural character at <u>subdivision</u> stage by:
 - a. Protecting habitats of <u>indigenous vegetation</u> and species such as wetlands, duneland and riparian margins.
 - b. Excluding stock from remnants of native vegetation, the coastal marine area and riparian margins.
 - c. Replanting land to provide habitat for indigenous species.
 - d. Implementing weed and pest management programs.
 - e. Providing public <u>access</u> to the coast through the creation of walkways, easements, and <u>esplanade reserves</u> and strips.
- 15. To promote enhancement and rehabilitation in natural character by encouraging landscape planting that follows landform patterns, and softens or screens the appearance of built development.
- 16. To ensure that adverse visual <u>effects</u> of <u>earthworks</u> scarps the characteristics and qualities of Outstanding Natural Character Areas are avoided and that significant adverse visual <u>effects</u> on High Natural Character Areas and coastal landscapes are avoided, remedied or mitigated, by encouraging re-vegetation of <u>earthworks</u> scarps.
- 17. To protect coastal and fresh <u>water</u> quality by using best practice methods to reduce the sedimentation <u>effects</u> of <u>earthworks</u> and by re-vegetating exposed scarps.
- 18. To avoid <u>earthworks</u> in sand dunes where this will diminish their ability to protect development from coastal hazards.
- 19. To protect <u>indigenous vegetation</u> which contributes to either the character and visual quality of the Coastal Area or protects against <u>natural hazards</u>.
- 20. To reduce the risk of property damage by ensuring that <u>building</u> platforms meet minimum floor levels, and are identified outside coastal hazard areas in <u>subdivision</u> plans.
- 21. To utilise low impact stormwater design to protect coastal water quality and marine ecosystems.
- 22. To protect and enhance coastal <u>water</u> quality and ecosystems by including riparian planting, <u>indigenous vegetation</u> protection and wetland enhancement in <u>subdivision</u> plans.
- 23. To enable the continuation of <u>rural production activities</u> in the Coastal Area by allowing the construction of non-habitable <u>buildings</u> ancillary to rural production activities subject to standards being applied on <u>building</u> scale and reflectivity.
- 24. To recognise that the Coastal Area may contain undeveloped ancestral Māori <u>land</u> and provide for <u>tangata whenua</u> needs for papakāinga development on that <u>land</u> as far as is consistent with the overall protection of the natural character of the Coastal Area.
- 25. To recognise that there can be a functional need to locate, operate and maintain and upgrade infrastructure, commercial and industrial activities in certain locations in the Coastal Area proximate to existing infrastructure, commercial and industrial activities.
- 26. To recognise that the following <u>sites</u> within the Coastal Area have limited indigenous biodiversity, landscape and natural character values and to provide for the operation, <u>maintenance</u> and upgrading of:
 - a. <u>mineral extraction</u> activities within QRA1;
 - b. activities within Portland SRIE Area; and

Coastal Area



by specifying that Coastal Area rules do not apply to those sites.

- 27. To recognise and provide for the operation, <u>maintenance</u> and upgrading of existing <u>National Grid</u> Electricity <u>Infrastructure</u> in the Coastal Area.
- 28. To recognise and provide for major upgrades of existing and the development of new <u>National</u> <u>Grid</u> Electricity <u>Infrastructure</u> in the Coastal Area by managing adverse <u>effects</u>:

On:

- a. The qualities and characteristics of Outstanding Natural Character Areas;
- b. The qualities and characteristics of natural character, natural features and natural landscapes in other parts of the Coastal Area (including High Natural Character Areas);
- c. The ecological values and attributes of Significant Natural Areas and other indigenous biodiversity in the Coastal Area.

By:

- a. Ensuring route, <u>site</u> and method selection demonstrates that, to the extent practicable having regard to the functional operational and technical needs of the <u>National Grid</u>, in order of preference:
 - i. <u>Infrastructure</u> will be located:
 - a) Outside of the Coastal Area in its entirety, or if not then;
 - b) Outside of Significant Natural Areas and outside of Outstanding and High Natural Character Areas (ie within other parts of the Coastal Area), or if not then;
 - c) Outside of Significant Natural Areas and outside of Outstanding Natural Character Areas (ie within High Natural Character Areas).
 - ii. <u>Infrastructure</u> will be located in the more compromised parts of the areas in (i).
 - iii. Techniques (such as <u>structure</u> selection) will be used to avoid adverse <u>effects</u>.
 - iv. Adverse effects that cannot be avoided, will be remedied or mitigated.

While

- b. Recognising that:
 - In some circumstances adverse <u>effects</u> on the identified qualities and characteristics of Outstanding Natural Character Areas will need to be avoided.
 - In some circumstances adverse <u>effects</u> on the ecological values and attributes of Significant Natural Areas will need to be avoided
 - iii. a minor or transitory effect may not be an adverse effect.
 - iv. there may be more than minor cumulative effects from minor or transitory effects.
 - v. For Significant Natural Areas, where <u>effects</u> are or may be irreversible then they are likely to be more than minor.

Coastal Area



vi. many areas contain ongoing use and development that was present when the area was identified as Significant, High or Outstanding or have subsequently been lawfully established.

CA.1.4 Guidance Note

- 1. The following shall form the basis for resource consent applications in the Coastal Area:
 - a. The objectives, policies and provisions for the Coastal Area.
 - b. The objectives, policies and provisions for LAN Landscapes and Features, for Outstanding Natural Landscapes and Outstanding Natural Features in the Coastal Area.
 - c. The Strategic Direction objectives and policies.
 - d. The objectives policies and provisions for the underlying Zone in the District Plan.
 - e. The objectives, policies and provisions for Resource Areas in the District Plan.
 - f. The District Wide objectives, policies and provisions in the District Plan.
- 2. The CA.2 rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Coastal Area (except <u>sites</u> specified in CA.2.1.2 to CA.2.1.4) but not mapped as High Natural Character Area or Outstanding Natural Character Area.
- 3. The CA.3 rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as High Natural Character Area.
- 4. The CA.4 rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Outstanding Natural Character Area.
- 5. The CA.5 rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Coastal Area, High Natural Character Area or Outstanding Natural Character Area.



Coastal Area Landscape

CA.2.1 Eligibility Rules

- 1. The rules below apply in addition to the rules of the underlying Zone, unless otherwise stated. Where the standards are different between the underlying Zone and the Coastal Area the most restrictive rule shall apply.
- 2. Any mineral extraction activity that is located within QRA1 shall not be subject to the Coastal Area Landuse rules.
- 3. Any activity within the Portland <u>Strategic Rural Industries</u> Zone Area shall not be subject to the Coastal Area Landuse rules.
- 4. Any activity related to the primary function of and within the Marsden Point Energy Precinct shall not be subject to the Coastal Area landuse rules.

CA.2.2 Permitted Activities

- 1. <u>Maintenance</u> and minor upgrading of <u>buildings</u> and <u>structures</u> including those associated with public parks and reserves, network utilities, or community <u>infrastructure</u> is a permitted activity.
- 2. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.
- 3. Construction, <u>alteration</u> or <u>maintenance</u> of <u>buildings</u> or <u>structures</u> in the Heavy Industry Zone outside a High or Outstanding Natural Character Area.

CA.2.3 Discretionary Activities

- Construction or external <u>alteration</u> of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) within both the Coastal Area and the Rural Production Zone but outside a High or Outstanding Natural Character Area:
 - a. That exceeds a height of 8.5m above ground level.
 - b. Where exteriors:
 - i. are coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
 - ii. Utilise mirror glazing.
 - c. With a roof colour with a light reflectance value greater than 30%.
- 2. <u>Earthworks</u> within the Coastal Area but outside a Business 4 Zone or a <u>Strategic Rural Industries</u> Zone:
 - a. Where the maximum volume of material disturbed or removed exceeds 500m³ within each 10 year period from 21 February 2019.
 - b. Where the maximum face <u>height</u> of any cut and/or batter faces exceeds 2m.
 - c. With the exception of earthworks associated with:
 - i. The <u>repair</u> and <u>maintenance</u> of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and forestry tracks.
 - ii. Garden amenities, gardening or the planting of any vegetation.
 - iii. The provision and maintenance of walking or cycling tracks.
 - iv. The burial of marine mammals.



Coastal Area Landscape

- v. Any lawfully established mineral extraction activity.
- 3. <u>Earthworks</u> within sand dunes, with the exception of <u>earthworks</u> associated with:
 - a. A dune restoration project.
 - b. A weed or pest management program.
 - c. The provision and maintenance of public accessways.
 - d. The burial of marine mammals.
 - e. A temporary military training activity.
 - f. The <u>maintenance</u>, minor upgrading or replacement of existing lawfully established pipeline <u>infrastructure</u>, provided that the dunes are returned to the same form to that which existed prior to the <u>earthworks</u> being undertaken.
- 4. The clearance of <u>indigenous vegetation</u> in the Coastal Area exceeding 500m² per <u>site</u> within each 10 year period from 21 February 2019 with the exception of <u>vegetation clearance</u> associated with:
 - a. Routine <u>maintenance</u> within 3m of the <u>eaves</u> of existing <u>buildings</u>:
 - i. Including the removal of any tree where any part of the trunk is within the 3m distance.
 - ii. Excluding damage to the roots or removal of any tree where the trunk is outside the 3m distance.
 - b. <u>Maintenance</u> and <u>repair</u> of existing tracks, lawns, gardens, fences, and drains.
 - c. Pest plant removal and biosecurity works.
 - d. Vegetation removal for customary rights.
 - e. Conservation planting, including planting for ecological restoration purposes.
 - f. Routine <u>maintenance</u> for the safe operation of the transport network.
 - g. Understorey clearance permitted in accordance with REG93(1) and (2)(a) of the National Environmental Standard for Plantation Forestry 2017.
- 5. Farm quarry within the Coastal Area which:
 - a. Disturb or move more than 500m³ of material in any 12 month period; or
 - b. Have any cut and/or batter faces which exceeds 2m; or
 - c. Involve blasting; or
 - d. Where excavations and processing are undertaken within 200m of a <u>road boundary</u>; or existing residential unit.
- 6. All other mineral extraction activities within the Coastal Area.
- 7. National Grid Electricity Infrastructure.

High Natural Character Area Landuse



CA.3.1 Eligibility Rules

1. The rules below apply in addition to the rules of the underlying Zone, unless otherwise stated. Where the standards are different between the underlying Zone and the High Natural Character Area the most restrictive rule shall apply.

CA.3.2 Permitted Activities

 Any activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

CA.3.3 Discretionary Activities

- Construction or external <u>alteration</u> of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) within a High Natural Character Area:
 - a. That exceeds a height of 5.5m above ground level.
 - b. Where exteriors:
 - i. are coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
 - c. With a roof colour with a light reflectance value greater than 30%; and/or
 - d. That exceeds 50m² gross floor area in the Rural Production Zone.
- 2. <u>Earthworks</u> within a High Natural Character Area:
 - a. Where the maximum volume of material disturbed or removed exceeds 250m³ within each 10 year period from 21 February 2019.
 - b. Where the maximum face <u>height</u> of any cut and/or batter faces exceeds 2m.
 - c. With the exception of <u>earthworks</u> associated with:
 - i. The <u>repair</u> and <u>maintenance</u> of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and forestry tracks.
 - ii. Garden amenities, gardening or the planting of any vegetation.
 - iii. The provision and $\underline{\text{maintenance}}$ of walking or cycling tracks.
 - iv. The burial of marine mammals.
 - v. Any lawfully established mineral extraction activity.
- 3. Earthworks within sand dunes, with the exception of earthworks associated with:
 - a. A dune restoration project.
 - b. A weed or pest management program.
 - c. The provision and maintenance of public accessways.
 - d. The burial of marine mammals.
 - e. A temporary military training activity.
 - f. The <u>maintenance</u>, minor upgrading or replacement of existing lawfully established pipeline <u>infrastructure</u>, provided that the dunes are returned to the same form to that which existed

High Natural Character Area Landuse



prior to the earthworks being undertaken.

- 4. The clearance of <u>indigenous vegetation</u> within a High Natural Character Area exceeding 250m² per <u>site</u> within each 10 year period from 21 February 2019, with the exception of <u>vegetation</u> <u>clearance</u> associated with:
 - a. Routine <u>maintenance</u> within 3m of the eaves of existing <u>buildings</u>:
 - i. Including the removal of any tree where any part of the trunk is within the 3m distance.
 - ii. Excluding damage to the roots or removal of any tree where the trunk is outside the 3m distance.
 - b. <u>Maintenance</u> and <u>repair</u> of existing tracks, lawns, gardens, fences, and drains.
 - c. Pest plant removal and biosecurity works.
 - d. Vegetation removal for customary rights.
 - e. Conservation planting, including planting for ecological restoration purposes.
- 5. Papakāinga development on ancestral Māori <u>land</u> within a High Natural Character Area.
- 6. Farm quarry within the High Natural Character Area which:
 - a. Disturb or move more than 250m³ of material; or
 - b. Have any cut and/or batter faces which exceeds 2m
 - c. Involve blasting; or
 - d. Where excavations and processing are undertaken within 200m of a <u>road boundary</u>; or existing residential unit.
- 7. All other mineral extraction activities within the High Natural Character Area.
- 8. <u>National Grid</u> Electricity <u>Infrastructure</u>.

Outstanding Natural Character Area Landuse



CA.4.1 Eligibility Rules

1. The rules below apply in addition to the rules of the underlying Zone, unless otherwise stated. Where the standards are different between the underlying Zone and the Outstanding Natural Character Area the most restrictive rule shall apply.

CA.4.2 Permitted Activity

1. Any activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

CA.4.3 Discretionary Activities

- 1. External <u>alterations</u> or extensions greater than 50m² <u>gross floor area</u> of an existing <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) within an Outstanding Natural Character Area.
- 2. Papakāinga development on ancestral Māori land within an Outstanding Natural Character Area.
- 3. Earthworks within an Outstanding Natural Character Area:
 - a. Where the <u>earthworks</u> are to provide for a <u>building</u> platform or <u>access</u> and:
 - i. The maximum volume of material disturbed or removed does not exceed 150m3 within each 10 year period from 21 February 2019.
 - ii. The maximum face height of any cut and/or batter faces does not exceed 2m.
 - b. With the exception of earthworks directly associated with:
 - i. The <u>repair</u> and <u>maintenance</u> of fences, utility connections, driveways, parking areas, effluent disposal systems. swimming pools, or farm and forestry tracks.
 - ii. Garden amenities, gardening or the planting of any vegetation.
 - iii. The provision and maintenance of public walking or cycling tracks.
 - iv. <u>Earthworks</u> within sand dunes associated with a dune restoration project, weed or pest management program, or the provision and <u>maintenance</u> of public accessways.
 - v. The burial of marine mammals (within sand dunes or otherwise).
 - vi. The <u>maintenance</u>, minor upgrading or replacement of existing lawfully established pipeline <u>infrastructure</u>, provided that the dunes are returned to the same form to that which existed prior to the <u>earthworks</u> being undertaken.
- 4. The clearance of <u>indigenous vegetation</u> within an Outstanding Natural Character Area up to 150m² per <u>site</u> within each 10 year period from 21 February 2019, with the exception of <u>vegetation</u> <u>clearance</u> for the <u>repair</u> and <u>maintenance</u> of existing <u>buildings</u> and <u>structures</u>, tracks, fences, and other lawfully established activities.
- 5. <u>National Grid</u> Electricity <u>Infrastructure</u>.

CA.4.4 Non-Complying Activities

 Construction of a <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) within an Outstanding Natural Character Area

Outstanding Natural Character Area Landuse



- a. That exceeds a height of 5.5m above ground level.
- b. Where exteriors:
 - i. are coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
 - ii. Utilise mirror glazing.
- c. With a roof colour with a light reflectance value greater than 30%.
- d. That exceeds 25m² gross floor area.
- 2. <u>Earthworks</u> within an Outstanding Natural Character Area that does not meet the criteria for a discretionary activity under rule CA.4.3.3.
- 3. The clearance of <u>indigenous vegetation</u> within an Outstanding Natural Character Area exceeding 150m2 per <u>site</u> within each 10 year period from 21 February 2019.
- 4. Farm quarry within the Outstanding Natural Character Area which:
 - a. Disturb or move more than 150m³ or material.
 - b. Have any cut and/or batter faces which exceeds 2m.
 - c. Involve blasting.
 - d. Where excavation and processing are undertaken within 200m of a <u>road boundary</u> or existing residential unit.
- 5. All other mineral extraction activities within the Outstanding Natural Character Area.

Subdivision



CA.5.1 Eligibility Rules

- 1. <u>Subdivision</u> where a proposed <u>boundary</u> is within a High Natural Character Area is a discretionary activity.
- 2. <u>Subdivision</u> where a proposed <u>boundary</u> is with an Outstanding Natural Character Area is a non-complying activity.
- 3. All <u>subdivision</u> proposals will also be assessed against the policies and provisions of the underlying Zone.

CA.5.2 Guidance Note

1. For the purposes of CA.5.1 a proposed <u>boundary</u> does not include the <u>boundary</u> of the parent <u>allotment</u>.



Critical Electricity Lines (CELs) and Substations

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- CEL.1.1 Description & Expectations
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- CEL.1.3 Restricted Discretionary Activities Land Use
- CEL.1.4 Restricted Discretionary Activities Subdivision
- CEL.1.5 Assessment Criteria
- CEL.1.6 Notification

CEL.1.1 Descriptions and Expectations

NOTE: The following provisions apply district wide in addition to any other provisions in this Plan applicable to the same areas or <u>site</u>.

Critical Electricity Lines (CEL's) and substations are the key components of the electricity network in the Whangārei District. To provide a resilient electricity network the use and development of CEL's and substations must be sustainable, secure and efficient. CEL's and substations can be vulnerable to inappropriate <u>subdivision</u> or <u>building</u> or <u>major structure</u> location to the extent that they can restrict <u>access</u> and affect the ability to maintain the CEL's (lines, cables and support <u>structures</u>). Trees planted too close to lines or cables can disrupt supply.

CEL's are, or have the potential to be, critical to the quality, reliability and security of electricity supply throughout the district or region. These lines contribute to the social and economic wellbeing and health and safety of the district or region and are lines that:

- Supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or
- Supply large (1MW or more) industrial or commercial electricity consumers; or
- Supply 1000 or more consumers; or
- Are difficult to replace with an alternative electricity supply if they are compromised.

The locations of CEL's and designated substations are identified in the planning maps of the District Plan.

CEL.1.2 Permitted Activity Land Use

The following activities are permitted activities:

- 1. Within 10m of a CEL or the designation boundary of a substation:
 - i. Any building or structure that does not require building consent; or
 - Alteration of any <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) that does not exceed outside the envelope or footprint of the existing <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>); or
 - iii. Earthworks, gardening or cultivation that:
 - a. Are not directly above an underground cable(s); and
 - Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and



Critical Electricity Lines (CELs) and Substations

- Are in accordance with NZECP 34:2001.
- 2. Within 20m of a CEL or the designated boundary of a substation:
 - i. Planting of trees other than shelterbelts, <u>plantation forestry</u> or commercial horticultural operations.
- 3. Activities described in CEL.1.2.1 and CEL.1.2.2 that do not meet the requirements for permitted activities under CEL.1.2.1 and CEL.1.2.2 provided that:

EITHER

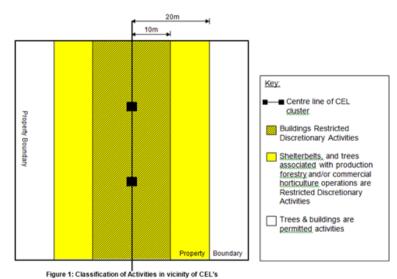
- 3.1 Prior to the commencement of any works:
 - i. Written notification has been provided to the Council; and
 - The proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010);

OR

3.2 The proposed activity is being carried out by a <u>network utility operator</u> or territorial authority in accordance with NZECP 34:2001.

Note:

1. Specified distances from CEL's are to be measured from a point directly below the centreline of the line or cluster of lines, as shown in Fig 1.



2. While only critical electricity lines are identified on the planning maps, works in close proximity to all electric lines can be dangerous. Compliance with NZECP 34:2001 as amended from time to time is mandatory for <u>buildings</u>, <u>major structures</u> (excluding <u>minor buildings</u>), <u>earthworks</u>, gardening or <u>cultivation</u> and when using machinery or equipment within close proximity to any electric lines.



Critical Electricity Lines (CELs) and Substations

CEL.1.3 Restricted Discretionary Activities - Land Use

 Activities described in CEL.1.2 that do not meet the requirements for permitted activities are restricted discretionary activities.

CEL.1.4 Restricted Discretionary Activities - Subdivision

1. <u>Subdivision</u> within 32m of the centre line of a CEL, or within 32m from the designation <u>boundary</u> of a substation shall be a restricted discretionary activity.

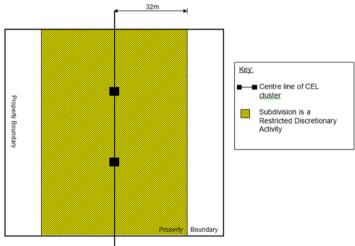


Figure 2: Classification of Subdivision in vicinity of CEL's

CEL.1.5 Assessment Criteria

- When considering any restricted discretionary activity under CEL.1.3 and CEL.1.4, discretion will be restricted to:
 - i. the safe and efficient operation and maintenance of the electricity supply network, including:
 - a. The use, design and location of <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>); and
 - b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and
 - c. Compliance with NZECP 34:2001; and
 - d. Effects on public health and safety; and
 - Effects on access to CEL's, designated substations and associated infrastructure for maintenance purposes.

CEL.1.6 Notification

For restricted discretionary activities under CEL.1.3 and CEL.1.4 the relevant <u>network utility operator</u> will be considered an affected party under s 95E of the Resource Management <u>Act</u>, 1991.



Critical Electricity Lines (CELs) and Substations

Historic Heritage



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HH.1.1 Description and Expectations

Our <u>historical and cultural heritage</u> not only represents our legacy from the past but also forms an essential part of our existing <u>environment</u>, identity and <u>sense of place</u>. It has different connotations for different people and different sectors of the community, with heritage values derived from a range of places, features, customs, traditions and changes over time.

(Historic heritage) is broadly defined in the Resource Management Act (RMA) as 'natural and physical resources that contribute to an understanding and appreciation of New Zealand's social history and cultures'. Historic heritage values are diverse, and may result from a range of qualities, including archaeological, cultural, historic, and natural factors. Included are historic sites, structures, places and areas, archaeological sites, sites of significance to Māori (including wāhi tapu), and associated surroundings.

<u>Historic heritage</u> is required to be identified and protected from <u>inappropriate subdivision</u>, <u>use and development</u> as a matter of national importance under the RMA, with statutory protection the responsibility of Regional and District Plans. In addition, <u>Heritage NewZealand Pouhere Taonga</u> has an important advocacy role in promoting the <u>conservation</u> of New Zealand's national heritage and administering the <u>Heritage NewZealand Pouhere Taonga</u> Act 2014, including overarching statutory responsibility for <u>archaeological sites</u> (places generally associated with pre-1900 human activity).

Collectively, <u>historic heritage resources</u> provide:

- A <u>sense of place</u>, identity and continuity, contributing to the overall amenity or character of an area.
- A pleasant, interesting and meaningful <u>environment</u> for people's activities.
- A basis for community well-being and understanding.
- Connections between past, present and future as an area progresses, so that recognised heritage values can 'live on'.
- Reminders of the past (including persons of note and significant events).
- A source of information on styles and technologies of the past.

Historic Heritage



Interest for visitors, including associated economic opportunities.

Safeguarding <u>historic heritage</u> for future generations requires an appreciation of <u>historic heritage</u> values. The degree of relevance and significance of particular places, features, customs or traditions to local and wider community sectors determines their appropriate level of protection. Ensuring that <u>historic heritage</u> remains well-maintained, structurally sound, and protected against <u>natural hazards</u> assists in sustainably managing the on-going needs of the District's present and future generations.

Issues or challenges currently facing the District's historic heritage include:

- The susceptibility of <u>historic heritage</u> (particularly built heritage of wooden construction) to physical damage or decay, unsympathetic <u>additions</u> or <u>alterations</u>, and impacts on original surroundings, identity and values.
- Physical <u>effects</u> of development and coastal hazards on <u>archaeological sites</u> adjacent to the District's extensive coastline.
- Enhancing public awareness and appreciation of historic heritage, while also limiting access to information where unrestricted release of sensitive information on location or significance could be prejudicial to their protection.
- Costs associated with statutory identification and protection procedures and on-going maintenance of built heritage (both public and private).
- Balancing regulatory and non-regulatory approaches to celebrating heritage.

Whangārei District possesses a range of natural and built heritage resources of varying scale, levels of significance and forms of ownership or management (private and public) that help define the District's identity, as well as providing scientific, tourism, recreational and ecological benefits. These resources may comprise individual items or combinations of features including landscapes, harbours, landforms, indigenous ecosystems, and evidence of early settlement and development of both Māori and European origins.

A prime example of historic heritage evident on a large scale is the entrance to Whangārei Harbour prominently defined by the iconic Bream Head, Taurikura Ridge and Mt Manaia landforms, with the area's visual landscape (including many hills and islands) having been modified over time as pa <a href="https://example.com/sites/

At a more local level, reminders of the District's pioneers, past events and early rural farming, residential, social and industrial activities are still evident in street signs, local museums, literary and photographic collections and war memorials. One example is the settlement of Waipū which thrives on its Scottish heritage, with the early Nova Scotian settlers' influence also extending to other areas including Whangārei Heads. In addition to maintaining a number of scheduled buildings and monuments, the Waipū community also actively celebrates its past through a range of events and facilities including a museum, an early cemetery, a heritage walk, artworks and signage, pageants and the annual Caledonian Games.

In identifying historic heritage for protection within the District, Council's emphasis is on historic heritage already listed by Heritage New Zealand; sites and areas of significance to Māori identified by iwi/hapū; and locally, regionally and potentially nationally significant items identified by Council as part of a staged programme in conjunction with the Northland Regional Council. However, Council also envisages this formal process being off-set by additional, more modern approaches to recording, relating and celebrating the stories and events of the past, including non-statutory methods such as heritage trails and information plaques that have proved successful in Whangārei's Town Basin.

Historic Heritage



Note: Chapter HH (<u>Historic Heritage</u>) is designed to serve as a framework/overview for <u>historic heritage</u> issues generally, with subsection Built Heritage (BH) addressing specific provisions associated with built heritage (<u>buildings</u>, <u>sites</u>, objects and related surroundings). It is intended that a further subsection (<u>Archaeological Sites</u> and <u>Sites</u> and Areas of Significance to Māori) will be integrated into the chapter as the rolling review of the District Plan (including PC100) progresses.

Most trees classed as 'Heritage Trees' in the District Plan are regarded as notable more for their amenity or botanical values than heritage significance. Any review of those provisions (beyond those specifically assessed as being integral to the surrounds of a scheduled heritage <u>building</u>) are likely to concentrate on their contribution to the District's amenity, biodiversity and open space values and will not form part of the <u>Historic Heritage</u> chapter.

It is expected that this advisory note will be deleted from the District Plan once all sub-sections of this chapter are operative.

HH.1.2 Historic Heritage Objectives

- 1. The diverse <u>historic heritage resources</u> that reflect <u>historical and cultural heritage</u> values at a local, regional and national level are identified, assessed, and protected for the well-being of existing communities and future generations.
- 2. The relationships of <u>tangata whenua</u> with <u>sites</u> and areas of spiritual, cultural or historical significance are recognised and provided for.
- 3. Identification and protection of historic heritage is undertaken in consultation with statutory organisations with heritage interests, affected landowners, local communities and tangata whenua, while recognising:
 - a. Heritage New Zealand's advisory functions and overarching responsibility for the protection of <u>archaeological sites</u> within New Zealand and for identifying <u>historic heritage</u> for entry on the New Zealand Heritage List / Rārangi Kōrero.
 - b. Northland Regional Council policies and procedures relating to historic heritage in the coastal environment.
 - c. The role, obligations and contributions of owners of historic heritage.
 - d. <u>Tangata whenua</u>, as guardians (or <u>kaitiaki</u>) of the past, and relevant iwi planning documents.
- 4. The District's <u>historic heritage resources</u> are protected from adverse <u>effects</u> of <u>subdivision</u>, use and development including damage, <u>destruction</u>, decay, neglect, and unsympathetic <u>additions</u> or <u>alterations</u>, and (where possible) from <u>natural hazards</u>.
- 5. <u>Historic heritage</u> information held by Council is regularly maintained, reviewed, updated, and accessible to the public except where disclosure could be prejudicial to privacy or the protection of the <u>historic heritage</u> resource.
- Community awareness, appreciation and celebration of <u>historic heritage</u> and <u>sense of place</u> within the District is fostered and enhanced through a combination of regulatory and nonstatutory initiatives.

HH.1.3 Historic Heritage Policies

Identification/assessment/scheduling of built heritage items

1. To adopt a consistent, transparent and balanced approach to the identification, assessment and scheduling of historic heritage in the District Plan by:

Historic Heritage



- a. Identifying <u>sites</u> and areas of significance to Māori in accordance with procedures and criteria established in conjunction with iwi/hapū.
- b. Giving priority to historic heritage resources and historic areas listed by Heritage New Zealand and locally, regionally and nationally significant items identified by Council as part of a targeted and progressively-staged approach in collaboration with the Northland Regional Council when scheduling built heritage items.
- c. Enabling informed public input into District Plan <u>Historic Heritage</u> Schedules through the statutory plan change process where recommendations from individuals or community groups are supported by:
 - i. <u>Statements of significance</u> prepared by a recognised heritage expert or archaeologist, as appropriate.
 - ii. Approval of the property owner.
 - iii. Evidence of any consultation with Heritage New Zealand.
 - iv. Any additional RMA information requirements.
 - v. Any required plan change fees/deposits.

Protection of <u>historic heritage</u> from internal and external influences

- 2. To protect the context and <u>integrity</u> of <u>historic heritage resources</u> scheduled in the District Plan by:
 - a. Requiring careful design and location of <u>subdivision</u>, use and development in order to retain physical elements of <u>historic heritage</u>, and where practical enhance public use, visibility and <u>access</u>.
 - b. Restricting the <u>demolition</u> and relocation of built heritage resources and inappropriate modifications, <u>additions</u> or <u>alterations</u>.
 - c. Recognising the collective value of groups of heritage <u>buildings</u>, <u>structures</u> and/or places, (including <u>scheduled historic areas</u> and landscapes) particularly where these are representative of the district, region's or nation's historic settlements, architecture, periods in history, or District-wide heritage themes.
 - d. Discouraging activities that compromise important spiritual or cultural values held by Māori/Mana Whenua and /or the wider community associated with particular historic heritage places or features.
- 3. To protect <u>historic heritage</u> from adverse physical and visual <u>effects</u> of internal and adjacent <u>subdivision</u>, land use and <u>earthworks</u> particularly where:
 - a. Proposals are in proximity to <u>scheduled built heritage</u> resources, known <u>archaeological</u> <u>sites</u>, or <u>sites</u> of significance to Māori.
 - b. The presence of <u>archaeological sites</u> is likely, particularly adjacent to the coast, <u>rivers</u> and <u>streams</u>.
 - c. <u>Subdivision</u> or development would result in the loss, damage, fragmentation or separation of <u>historic heritage resources</u>.
 - d. Public views of the <u>historic heritage</u> resource, or public <u>access</u> would be lost or obstructed.

Historic Heritage



- 4. To acknowledge the relationships between different forms of historic heritage within scheduled historic areas by requiring that future subdivision and development within such areas consider:
 - a. Individual and cumulative <u>effects</u> on <u>historic heritage</u> values.
 - b. Themes or connections linking <u>historic heritage resources</u>.
 - c. The character, scale, form and intensity of existing and proposed built development.
 - d. <u>Effects</u> on the surrounding <u>environment</u> including landscapes and streetscapes.
- 5. To increase public awareness of the nature and location of historic heritage resources by ensuring regularly updated information maintained by Council is accessible to the public, including through means such as:
 - a. District Plan Heritage Schedules and Resource Area maps.
 - b. <u>Access</u> to Heritage New Zealand Lists.
 - c. GIS mapping information based on data provided by Heritage New Zealand and the NZ Archaeological Association to satisfy statutory requirements associated with the issuing of <u>Land</u> Use Information Memoranda (LIMs) and Project Information Memoranda (PIMs), and in the assessment and monitoring of resource consent applications.
 - Conditions of resource consent.
 - e. Use of alert files, where disclosure of sensitive information could prejudice privacy or protection of the heritage resource.
 - f. Assistance in interpreting requirements for <u>seismic upgrading</u> of earthquake-prone heritage <u>buildings</u> in terms of Building Act 2004, related earthquake legislation and Council Policies.
 - g. Interpretation through an on-going programme of public education, e.g signage information.

Note: In giving <u>effect</u> to the above objectives and policies the additional regulatory and non regulatory provisions (specified in the following Built Heritage and/or <u>Archaeological Sites/Sites</u> of Significance to Māori sections of Chapter HH) shall also apply.

Built Heritage



BH.1.1 Description and Expectations

Built heritage comprises physical or built forms of historic heritage of significance to the District, with examples having been formally recognised by Council since the mid 1980s. The majority of Built heritage items currently protected under the District Plan relate primarily to European settlement and are largely residential in nature, although a number of churches and commercial or municipal buildings are also protected, some having been successfully adapted to alternative uses such as offices, restaurants or art galleries. A number of scheduled built heritage items occupy land or reserves in Council ownership, although the majority of these are used, owned, leased and/or managed by community groups. Dry stone walls of historic and amenity value located within volcanic areas on the fringe of Whangārei's urban area are not individually scheduled but are subject to blanket protection under the District Plan.

<u>Built heritage</u> (particularly <u>buildings</u> of wooden construction) can be susceptible to damage, decay, neglect, <u>natural hazards</u>, and unsympathetic <u>additions</u> or <u>alterations</u>. More intensive <u>subdivision</u> of heritage <u>sites</u> or in close proximity to them can also adversely impact on original heritage values, features, and surroundings. However, due to lower urban growth rates than much of New Zealand, the District's <u>built heritage</u> is less at risk from <u>demolition</u> or relocation for development purposes.

In addition to District Plan restrictions on demolishing or relocating <u>scheduled built heritage</u> items, controls apply to on-site works to interiors, exteriors and additional <u>buildings</u>, as well as focusing on managing potential <u>effects</u> from adjacent <u>subdivision</u> or development.

Issues that can affect owners of <u>scheduled built heritage</u> include on-going <u>maintenance</u> costs, limited recognition or financial support for their role as custodians of the past, and the foregoing of development potential in some cases. On the other hand, the sustainable management of heritage resources can result in economic benefits, particularly where heritage <u>buildings</u> are sympathetically adapted to alternative uses. Increased emphasis on maintaining the commercial viability of <u>built heritage</u> is therefore promoted in the District Plan.

Overall, it is anticipated that pending the adoption of an overarching Heritage Strategy for the District, a staged approach to statutory identification and protection of <u>built heritage</u> will continue to be undertaken, supported by non statutory means of celebrating our heritage.

Note: The following Chapter HH provisions form the basis of assessment for resource consent applications relating to <u>scheduled built heritage</u> throughout the District:

- a. The overarching <u>Historic Heritage</u> objectives (HH.1.2.)
- b. The overarching <u>Historic Heritage</u> policies (HH.1.3.)
- c. The <u>Built Heritage</u> objectives and policies listed in BH.1.4 and BH.1.5
- d. Activity status listed in BH.1.6 to BH.1.8
- e. Assessment criteria for discretionary activities specified in BH.1.8
- f. Implementation methods detailed in BH.1.9

BH.1.2 Eligibility Rules

Activities not requiring consent as a non-complying activity or a discretionary activity shall be a
permitted activity.

BH.1.3 Notification Rules

1. All <u>land</u> use and <u>subdivision</u> proposals requiring resource consent shall be subject to the notification tests of the RMA.

Built Heritage



- 2. For the purposes of section 95E of the RMA, Heritage New Zealand shall be considered an affected person in relation to resource consent applications affecting:
 - a. <u>Built heritage</u> items scheduled in the District Plan where these are also listed by Heritage New Zealand.
 - b. Pre-1900 recorded and unrecorded archaeological sites.

BH.1.4 Objectives

- Examples of <u>built heritage</u> items or areas that individually or collectively represent the district's significant <u>historic heritage</u> values or themes, are identified, assessed and scheduled for protection in the District Plan.
- 2. The vulnerability of <u>scheduled built heritage</u> resources to physical damage, unsympathetic <u>additions</u> or <u>alterations</u> and on-going <u>maintenance</u> costs is recognised and appropriately managed.
- 3. <u>Dry stone walls</u> of historic, cultural, amenity and landscape value to the community are maintained and protected throughout the district.
- 4. <u>Adaptive re-use</u> and alternative management of <u>built heritage</u> resources are encouraged where these do not detract from their heritage values or significantly affect the adjacent <u>environment</u>.
- 5. Formal protection of <u>built heritage</u> is complemented by non-regulatory measures such as local 'sense of place' initiatives.

BH.1.5 Policies

Identification/ assessment/ scheduling of built heritage items and historic areas

- 1. To identify and schedule in the District Plan <u>built heritage</u> items and historic areas of significance to the district in terms of listed criteria, while distinguishing between two levels of significance:
 - a. **Group A**: Comprising items of special or outstanding significance, including the most significant examples of their type in the District.
 - b. **Group B**: Comprising items of historical or cultural significance in the District.
- 2. To adopt a consistent and informed approach to sustainably managing <u>built heritage</u> within the district by satisfying at least one of the following criteria when identifying, assessing, and scheduling <u>built heritage</u>:
 - a. **Archaeology:** The resource has the potential to contribute significantly to our understanding of human history or archaeological research through investigation using archaeological methods.
 - b. **Architecture:** The resource is significant due to design, form, scale, materials, style, ornamentation, period, craftsmanship or other architectural elements.
 - c. **Technology:** The resource demonstrates innovative or important methods of design, construction materials or techniques, or has potential to contribute information on technical history.
 - d. **Scientific:** The resource has the potential to provide significant scientific information about the history of the district, region or nation.
 - e. Rarity: The resource is unique, uncommon or rare at a district, regional or national level.

Built Heritage



- f. **Representativeness:** The resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic.
- g. **Integrity:** The resource retains a high proportion of its original characteristics and integrity compared with other examples in the District.
- h. **Context:** The resource forms part of an association of heritage <u>sites</u> or <u>buildings</u> which, when considered as a whole, become important at a district, regional or national scale.
- i. **Vulnerability:** The resource is vulnerable to deterioration or <u>destruction</u> or is threatened by <u>land</u> use activities.
- j. **People:** The resource is directly associated with the life or work of a well-known or important individual, group or organisation.
- k. **Events:** The resource is associated with locally, regionally or nationally significant historic event or events.
- I. **Patterns:** The resource is associated with important aspects, processes, themes or patterns of local, regional or national history.
- m. **Identity:** The resource provides, or significantly contributes to, a <u>sense of place</u>, community identity or cultural or historical continuity.
- n. **Public esteem:** The resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment.
- o. **Commemorative:** The resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal.
- p. **Education:** The resource contributes, through public education, to peoples awareness, understanding and appreciation of New Zealand's history and cultures.
- q. **Tangata whenua:** The resource place or feature is important to <u>tangata whenua</u> for traditional, spiritual, cultural or historic reasons (with criteria for <u>Sites</u> of Significance to Māori to be determined by hapū).
- r. **Statutory:** The resource is recognised nationally or internationally, including:
 - i. World Heritage Site status under the World Heritage Convention 1972.
 - ii. Listing under the Heritage New Zealand Pouhere Taonga Act 2014.
 - iii. Recognition as having significant heritage value under a statutory acknowledgement (statement in Treaty of Waitangi settlements recognising the mana of tangata whenua groups in relation to identified sites and areas) or other legislation.

Protection of scheduled built heritage items from internal and/or external influences

- 3. To avoid, remedy or mitigate potential adverse <u>effects</u> on <u>built heritage</u> resources and associated heritage values arising from:
 - a. Incompatible physical works to <u>scheduled built heritage</u> items.
 - b. <u>Inappropriate subdivision, use or development</u> within the surrounds of a <u>scheduled built</u> heritage item or scheduled historic area.
 - c. <u>Inappropriate subdivision or development</u> on adjacent <u>sites</u> in proximity to <u>scheduled</u> <u>built heritage</u>.

Built Heritage



<u>Demolition</u>, <u>destruction</u> or significant change to <u>scheduled built heritage</u> items

- 4. To restrict activities within <u>sites</u> containing <u>scheduled built heritage</u> items that would result in the <u>demolition</u>, <u>destruction</u> or significant change to:
 - a. The interiors of:
 - i. Scheduled Group A built heritage items.
 - ii. Scheduled Group B <u>built heritage</u> items (where interiors are scheduled in BH.1.11).
 - b. The exteriors of scheduled Group A and B built heritage items.
 - c. The surroundings of scheduled Group A and B <u>built heritage</u> items, particularly where surroundings are specifically scheduled in the District Plan.

Repairs and maintenance

- 5. To enhance the sustainability of <u>scheduled built heritage</u> items and recognise 'living heritage' by encouraging and enabling <u>repairs</u> and <u>maintenance</u> where:
 - a. Repairs retain historic fabric as far as possible, and make good deteriorated or damaged material using the same or similar materials, detail, finish, texture, form and design.
 - b. <u>Maintenance</u> and <u>repairs</u> do not result in a change to the form, detailing or scale of the <u>building</u> or <u>structure</u>.
 - c. Painting is not applied to previously unpainted surfaces or render applied to previously unplastered surfaces.
 - d. Cleaning does not use abrasive or high pressure cleaning such as sand or <u>water</u> blasting.

Additions and alterations

- 6. To preserve the <u>integrity</u> of scheduled heritage items and values when undertaking <u>additions</u> and <u>alterations</u>, particularly external works, by:
 - a. Retaining the predominant style, design and character features.
 - b. Recognising age, scale, character and locational context.
 - c. Maintaining compatibility in terms of form, materials and colour.
 - d. Minimising the loss of <u>fabric</u>, structural modifications or increases in <u>building</u> and <u>major</u> <u>structure</u> coverage.
 - e. Focusing on the repair of features rather than replacement.
 - f. Avoiding alterations to street frontage façades.
 - g. Avoiding constructing and locating <u>buildings</u> or <u>major structures</u> between the listed heritage item and the street/<u>road</u> or other <u>public place</u>.
 - h. Limiting the size, location and visibility of dish antenna and <u>aerial structures</u>.

Seismic upgrading

7. To encourage and enable <u>seismic upgrading</u> of earthquake-prone <u>built heritage</u> items that assists in <u>building</u> survival and enhances <u>building</u> and public safety, while not detracting from recognised heritage values.

Built Heritage



Dish antenna and aerial structures

8. To minimize the visual impact of dish antenna and <u>aerial structures</u> on heritage <u>fabric</u> and values by limiting such features to those of a scale, function and appearance common to Residential and Rural Village Zones. Where possible, such features should be positioned to avoid visibility from the <u>road</u>/street or other <u>public place</u>.

Adaptive re-use and alternative ownership/management of built heritage

- 9. To encourage and facilitate on-going use or <u>adaptive re-use</u> of <u>built heritage</u> items (including through possible relaxation of underlying development controls such as parking requirements) where this will secure their long-term viability, <u>conservation</u> or protection without leading to significant adverse <u>effects</u> on the surrounding <u>environment</u>.
- 10. To encourage alternative methods of management, ownership, guardianship, or sponsorship of built heritage resources, including public buildings and major structures, where:
 - a. Heritage values will not be compromised.
 - b. The long-term viability, protection or <u>conservation</u> of the heritage resource will be secured or enhanced.
 - c. Benefits such as improved access to funding can be achieved.
- 11. To acknowledge the role of owners of <u>scheduled built heritage</u> resources as guardians of the past, and to support their efforts to conserve, maintain and enhance their heritage assets, including through possible use of financial instruments such as rates relief, grants, and waiver of resource consent fees.

Dry stone walls

- 12. To protect dry stone walls of historical, cultural and amenity value to the community through:
 - a. Blanket protection of <u>dry stone walls</u> throughout the District.
 - b. Providing information and advice to the public, including GIS information on the location of protected dry stone walls.
 - c. Discouraging planting close to dry stone walls.
 - d. Encouraging proactive <u>maintenance</u>, for example <u>repair</u> of capping stones.
 - e. Recommending consultation with Heritage New Zealand where <u>dry stone walls</u> are estimated to have been constructed prior to 1900 or their age is in doubt.
 - f. Limiting works affecting existing dry stone walls, other than:
 - i. Repairs or maintenance in situ using traditional methods, design and materials.
 - ii. Removal of up to 6m length of wall for <u>access</u> purposes only, where no alternative <u>access</u> exists.

BH.1.6 Non Complying Activities (Land Use)

<u>Demolition</u>, <u>destruction</u>, or relocation (on-site or off-site) of a scheduled Group A <u>built heritage</u> item.

BH.1.7 Discretionary Activities (Land Use)

Works to scheduled built heritage items

Built Heritage



- 1. <u>Demolition</u>, <u>destruction</u>, or relocation (on-site or off-site) of a scheduled Group B <u>built heritage</u> item.
- 2. Internal or external <u>additions</u> or <u>alterations</u> (other than <u>repairs</u> or <u>maintenance</u>) to a scheduled Group A <u>built heritage</u> item.
- 3. Internal <u>alterations</u> (where interiors are scheduled in BH.1.11) or external <u>additions</u> or <u>alterations</u> (other than <u>repairs</u> or <u>maintenance</u>) to a scheduled Group B <u>built heritage</u> item.
- 4. Structural upgrading of a scheduled Group A <u>built heritage</u> item for seismic reasons where works involve internal or external <u>alterations</u>.
- 5. Structural upgrading of a scheduled Group B <u>built heritage</u> item for seismic reasons where works involve external <u>alterations</u> visible from a street/<u>road</u> or other <u>public place</u>.

Construction or <u>alterations</u> to <u>buildings</u> and <u>major structures</u> within a <u>site</u> or <u>scheduled historic area</u> in which a <u>scheduled built heritage</u> item is located

- 6. Construction or alteration of any <u>building</u> or <u>major structure</u> within a <u>site</u> or <u>scheduled historic</u> <u>area</u> in which a <u>scheduled built heritage</u> item is located where:
 - a. The <u>site</u> or <u>scheduled historic area</u> is a Living, Rural Village or Business Zone.
 - b. The proposed works are within 20m of a <u>built heritage</u> item in any Zone (excluding a Living, Rural Village or Business Zone).
 - c. The proposed <u>buildings</u> and <u>major structures</u> are located between a <u>scheduled built</u> heritage item and the street/road or other public place.

Construction or <u>alterations</u> of <u>buildings</u> and <u>major structures</u> on <u>sites</u> adjoining the <u>site</u> of a <u>scheduled built heritage item</u>

- 7. Construction or alteration of any <u>building</u> or <u>major structure</u> on a <u>site</u> immediately adjoining the <u>site</u> on which a <u>scheduled built heritage</u> item is located, where:
 - a. The proposed works exceed bulk and location controls of the underlying Zone relating to <u>height</u>, <u>height in relation to boundary</u>, maximum coverage or density.
 - b. The proposed works (in a Residential, Rural Village or Business Zone) are set back less than 5m from the common <u>boundary</u> except where a minimum separation of 20m is maintained between the proposed works and the <u>scheduled built heritage</u> item.
 - c. The proposed works are set back less than 20m from the <u>built heritage</u> item in any Zone (excluding a Residential, Rural Village or Business Zone).

Utilities

8. Any dish antenna exceeding a diameter of 0.9m on a <u>scheduled built heritage</u> item or within its surrounds that is visible from a street or other <u>public place</u>.

Adaptive re-use of scheduled built heritage items

9. Adaptive re-use of built heritage items infringing underlying Zone development controls.

Dry stone walls

- 10. Works to existing dry stone walls in any Zone except for:
 - a. Repairs or maintenance in situ using traditional methods, design and materials.

Built Heritage



 Removal of up to a total 6m length of wall per <u>site</u> for <u>access</u> purposes only, where no alternative <u>access</u> exists.

BH.1.8 Discretionary Activities (Subdivision)

- 1. <u>Subdivision</u> of any <u>site</u> containing a <u>scheduled built heritage</u> item.
- 2. <u>Subdivision</u> within a <u>scheduled historic area</u>.
- 3. <u>Subdivision</u> of a <u>site</u> adjoining a <u>site</u> containing a <u>scheduled built heritage</u> item where proposed <u>building</u> platforms are:
 - a. Set back less than 5m from the common <u>boundary</u> (in Residential, Rural Village or <u>Business Zones</u>) other than where a minimum separation distance of 20m is maintained between the <u>building</u> platforms and the <u>scheduled built heritage</u> item.
 - b. Set back less than 20m from the scheduled built heritage item (in all other Zones).
- 4. <u>Subdivision</u> of any <u>site</u> (including <u>allotments</u> used for utility, <u>road</u>, reserve, or <u>access</u> purposes) where removal of <u>dry stone walls</u> is proposed.

BH.1.9 Built Heritage Discretionary Activity Assessment Criteria

When assessing discretionary activities the assessment should address (but is not limited to) the following criteria, where relevant:

- a. The significance of heritage values associated with the built heritage item and surroundings.
- b. The extent to which the activity may adversely affect heritage values.
- c. The <u>effects</u> of the activity on the locality and streetscape, including any loss or obstruction of visibility from the street or other public space.
- d. The degree to which (i) the donor <u>site</u> contributes to the value of the <u>built heritage</u> item where relocation is sought, and (ii) the recipient <u>site</u> contains any heritage values of relevance.
- e. The extent to which relocation is the only (or most sustainable) means of saving the <u>built</u> <u>heritage</u> item.
- f. The extent to which all feasible options and alternatives to <u>demolition</u> or <u>destruction</u> have been explored.
- g. The degree to which the heritage item or <u>site</u> contributes to '<u>sense of place</u>' initiatives or district-wide heritage themes.
- h. The importance attributed to the heritage item by the wider community, including <u>tangata</u> <u>whenua</u>.
- i. Whether the <u>scheduled built heritage</u> item is included on the *Heritage New Zealand Pouhere* <u>Taonga</u> *List* and if so, the reasons for listing.
- j. The results of consultation with Heritage New Zealand and any other recognised party in heritage <u>conservation</u> issues, including any <u>statements of significance</u>, archaeological or cultural assessments, recommendations or approvals by suitably qualified and experienced heritage practitioners (particularly where an item is listed by Heritage New Zealand and/or is an <u>archaeological site</u> requiring an 'Authority to Modify').

Built Heritage



- Whether the activity meets the policies of any <u>conservation</u> plan and heritage inventory relating to the <u>built heritage</u> item.
- I. The extent to which the activity accords with the general principles of the *International Council on Monuments and Sites (ICOMOS) New Zealand Charter (revised 2010.)*
- m. The extent to which the activity contributes to, or encourages, the long term viability and/or ongoing functional use of the item or <u>site</u>.

BH.1.10 Built Heritage Implementation Methods

In addition to the preceding rules and assessment criteria, Council may also implement the following non-statutory methods in giving effect to the objectives and policies comprised in Chapter HH.

- 1. Non-statutory guidance to supplement statutory information requirements detailed in HH.1.3.5, such as:
 - a. An overarching, district-wide Heritage Strategy consolidating statutory and non-statutory heritage issues and actions, and Council heritage policies, priorities and timeframes.
 - b. A comprehensive non-statutory inventory of information on scheduled heritage items to supplement the details in the District Plan <u>Historic Heritage</u> Schedules.
 - c. Guidelines for the public on the location, significance and history of scheduled <u>historic</u> <u>heritage</u>, including historic areas.
 - d. Guidelines for owners of heritage properties on <u>repair</u>, <u>maintenance</u> and painting (including appropriate colour schemes) of <u>scheduled built heritage</u> items.
 - e. Guidelines on obtaining <u>access</u> to heritage funding (internal and external sources).
 - f. Advice on the sourcing of additional heritage information held by Council including library literary, photographic and genealogical services and collections, cemetery records, museums and art galleries.
- 2. Adoption of less formal, non-regulatory approaches to recounting the District's stories of the past, in conjunction with traditional heritage protection, including:
 - a. Design and funding of 'sense of place' initiatives (such as plaques, sign boards, heritage walks or trails, commemorative structures, and events).
 - b. Promoting the Waterfront as a cultural/heritage precinct.
 - c. Exploring and promoting the benefits of heritage tourism to the District.
 - d. Supporting community groups managing and/or maintaining <u>built heritage</u> items, including public <u>buildings</u> and <u>major structures</u>.
 - e. Encouraging sponsorship of <u>historic heritage</u> where this does not adversely impact on heritage or <u>amenity values</u>.
 - f. Identifying areas, items or themes of heritage interest through community engagement in structure plans.
- 3. Possible use of economic instruments reflecting the role and demands of owners of historic heritage for public benefit, such as:
 - a. Heritage funding (such as maintenance grants).
 - b. Resource consent fee reductions or waivers, particularly where consent is required solely for remedial or <u>maintenance</u> works to <u>historic heritage</u>.

Built Heritage



c. Rates relief.

Note: The adoption of non-statutory implementation methods may be dependent on the priorities and timeframes of the Whangārei District Growth Strategy 30/50 Implementation Plan and availability of funding under Council's Long Term and Annual Plans.

BH.1.11 Schedule of Built Heritage Items

The Schedule below contains details of <u>Built Heritage</u> Items (<u>buildings</u>, <u>major structures</u>, <u>sites</u> and objects) and historic areas indicated on the District Plan Resource Area maps. Works to items included in this Schedule as well as <u>subdivision</u> or development proposals in proximity to these items, (including adjacent <u>sites</u>), may be subject to the objectives, policies, rules and other provisions detailed in this Chapter.

Where individual <u>built heritage</u> items are also collectively scheduled as *historic areas*, these are recorded in (iii) <u>Scheduled Historic Areas</u> below.

The second column in the Schedule provides reference numbers of items also included in the New Zealand Heritage List (Rārangi Kōrero) administered by Heritage New Zealand. Applicants seeking to undertake works affecting items listed by both Heritage New Zealand and Whangārei District Council are encouraged to seek advice from Heritage New Zealand prior to seeking resource consent from Whangārei District Council (if required).

Scheduled Interiors

Where the interiors of Group B <u>built heritage</u> items are scheduled in BH.1.11 they are annotated by an asterisk (*) in Column 1 (District Plan number). Details of interiors of Group B <u>buildings</u>, where Scheduled, are included in **Section (iv) of this Schedule**.

Built Heritage



(i) GROUP A Scheduled Built Heritage items

District Plan No.	HNZPT List no.	Built heritage item	Address	Map No.	Legal Description
1	3921	Glanville House	25 Manse Street	10, 62	Pt Lot 5 DP 23531
2		Hanlon's House	46 Kamo Road Kamo	10, 63	Lot 4 DP 53575
3	3829	Kensington Park Grandstand	Park Ave	10, 62	Pt Lot 16 DEEDS 532 Lot 1 DP 174191
4	480	Reyburn House	Reyburn House Lane	10, 67, 68	Lot 2 DP 109637
5		Home Point Battery	Bream Head Scenic Reserve	14, 39	Lot 1 ALLOT 16 PSH OF Manaia

(ii) GROUP B Scheduled Built Heritage items

District Plan no.	HNZPT List no.	Built heritage item	Address	Map No.	Legal Description	
100	2588	Aubrey House	Norfolk Avenue McLeod Bay	14, 38	Lot 2 DP 75389 Blk IV Ruakaka SD	
101	3924	Barn-tw o storey, w ooden	Ngunguru Road Glenbervie	10, 56	Pt Huanui Blk V	
102		BNZ Building	7 King Street Hikurangi	7, 52	All DP 18252	
103		Carruth House	142 Puriri Park Road Maunu	10, 72	Lot 1 DP 351492	
104		Christ Church, Anglican	Ormandy_Road Mangapai	13, 83	Pt Lot 1 Section 3 Parish of Mangapai	
105	7	Church	Apotu Road Kaurihohore	10, 53	Lot 23B Whangārei Parish Blk V	
106	53	Church	Stuart Road McLeod Bay	14, 38	Pt Lot 6 DEEDS W 34 & <u>Allotment</u> 153 PSH OF Manaia	
107	41	Clarke Homestead	State Highway 14 Maunu	10, 71	Pt Lot 3 DP 13587	
108		Colonial House	4 Domain Road Onerahi	13, 76	Pt Allotment 34 TN OF Grahamtow n	
109		LU1500074 granted for demolition 6/07/15.				
110		Cubitt's House	11 Mill Road	10, 63	Lot 2 DP 43654	



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111		Dalhousie (house)	113 Hatea Drive	10, 63	Lots 59-60 Deeds W47/2
112		Dobbies Fruit Tunnel	Wairere Avenue	10, 63	Allotment 138 PSH OF Whangārei
113	3925	Douglas Stone Barn	264 Ngunguru Road, RD3	10, 56	Lot 2 DP 322533
114		Eureka (house)	12 Tanekaha Drive	10, 67	Lot 2 DP 50027
115	3929	Hutchinson Farmhouse (Former)	Ngunguru Road Glenbervie	10, 56	Pt Huanui Blk V
116	3919	Gorrie House	15 Cross Street	10, 63	Lot 1 DP 175905
117		Hatea (house)	52 Hatea Drive	10, 63	Lot 1 DP 470739
118		Hikurangi Courthouse / Lockup	18 George Street Hikurangi	7, 52	Lot 1 DP 152623
119		Hikurangi Hotel	16-18 King St Hikurangi	7, 52	Lot 22 DP 17558
120		Hikurangi Library	10 King Street Hikurangi	7, 52	Lot 1 DP 123685
121		House	1 View Road Hikurangi	7, 52	Lot 1DP 84534
122	3915	House	12 Aubrey Street	10, 67	Lot 1 DP 101542
123	3917	House	12 Cross Street	10, 63	Pt Allot 1 Whangārei Parish
124	3920	House	13 Manse Street	10, 63	Lot 1 DP 31204
125	3918	House	14 Cross Street	10, 63	Lot 1 DP 189914 Pt Allot 1 Whangārei Parish
126	3916	House	19 Aubrey Street	10, 67	Pt Lot 1 Whangārei Parish
127		House	16 Waro Drive Hikurangi	7, 52	Lot 2 DP 165305
128		House	45 George Street Hikurangi	7, 52	Lot 1 DP 97088
129		House	82 Valley Road Hikurangi	7, 52	Lot 3 DP 2104
130		House	85 George Street Hikurangi	7, 52	Lot 1 DP 156426
131		House	85 King Street Hikurangi	7, 52	Lot 32 DEEDS C 108
132		House	35 King Street Hikurangi	7, 52	Pt Lot 10 Deeds W 42/1



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133	3922	Keyte's Barn	19 Aubrey Street	10, 67	Pt Lot 1 Whangārei Parish
134		King Street Bakeries	45 King Street Hikurangi	7, 52	Lot 8 DP W 42 Sheet 1
135	7539	Library	7 Rust Avenue	10, 66, 68	Lot 1 DP 95384
136	3923	Lupton House	Ngunguru Road Kiripaka	10	Lot 2 DP 95907 Blk II Whangārei SD
137		Mair's Blacksmith's Shop	Mair Street	10, 63	Lot 3 DP 107859
138	7003	Marsden Place Number 2 House	2 Marsden Place	10, 63	Lot 21 DP 45979
139	3926	McDonald House	388 Maunu Road	10, 66	Lot 5 Pukenui Parish Blk XIII Purua SD
140	2588	Mitchell House	Vinegar Hill Road	10, 60	Lot 3 DP 172959
141		Moehau (house)	7 Tuatara Drive Kamo	10, 58, 59	Lot 5 Pt 4 DP 44343
142	479	Public Trust Office (former)	69 Bank Street	10, 66, 68	Pt Allot 1 Parish of Whangārei, Lot 3 DP 16453
143	143	National Bank (former)	2 Nova Scotia Drive Waipū	20, 48	Lot 1 DP 46683 Lot 2 DP 26498 Blk III Waipū SD
144	3928	Nova Scotian Settlers Memorial	The Centre Waipū	20, 48	The road beside DP 23072
145		Offices	140 Bank Street	10, 67	Lot 1 DP 89147
146		Offices	142 Bank Street	10, 67	Lot 6 DP 23815
147		Old Flour Mill & Brewery	Millers Lane	10, 63	Pt 2 DP 4903
148		Old Municipal Chambers	Bank Street	10, 66, 68	Lot 2 DP 16453
149		Old Onerahi Post Office	9 Domain Road	13, 76	Lot 1 DP 55292
150		Old School House	23 Station Road Kamo	10, 58, 59	Allotment 136 TN of Kamo
151		Ornate Villa	17 Mair Street	10, 63	Lot 3 DP 49981
152	3291	Oruaiti Chapel	Northland Regional Museum SH 14, Maunu	10, 71	Pt Lot 3 DP 13587
153	3930	Cell Block	The Centre, Waipū	20, 48	Lot 1 DP 42345 Lot 9 DP 17815



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154	3933	Fraser/McKenzie House	Glenmohr Road The Braigh Waipū	20	Lot 1 DP 125679
155		Springhead (House)	55 Russell Road	10, 62	Lot 1 DP 126790
156		Stone Bridge	Tuatara Drive Kamo	10, 58, 59	Lots 59, 60 DP 44008
157		Stone Stable & Implement Shed	Ngunguru Road Glenbervie	10, 56	Pt Huanui Blk V
158	3932	Stuart House	Stuart Road McLeods Bay	14, 38	Lot 3 DP 320872
159		Plunket Rooms (former)	Cafler Park	10, 66, 68	Lot 11 DP 10925
160	3934	World War One Memorial	The Centre Waipū	20, 48	Lot 10 DP 17815 Lot II DP 23072 Blk III Waipū SD
162	3930	Police Station (Former)	4-10 Cove Road, Waipū	20, 48	Lot 1 DP 172235
163	7473	Harding Army Hall	98-102 Walton Street, Whangārei	10, 67, 68	Lots 1 and 2 DP199490;Lot 5 Deeds W22 & Pt Allotment 1 Parish of Whangārei
164	7003	Marsden Place House Number 4	4 Marsden Place	10, 63	Lot 20 DP 38123
165	7003	Marsden Place House Number 6	6 Marsden Place	10, 63	Lot 19 DP 53676
166	7003	Marsden Place House Number 8	8 Marsden Place	10, 63	Lot 18 DP 53676
167	7646	Whangārei Railw ay Station (former)	Railw ay Road, Whangārei	10, 67, 68	Lot 1 DP 169438
168	7744	Railw ay House (former)	4 Railw ay Terrace, Morningside	10, 67	Lot 16 DP 135362 Refer note under key above
169	7745	Railw ay House (former)	6 Railw ay Terrace, Morningside	10, 67	Lot 17 DP 135362 Refer note under key
170	9671	Butter Factory (former)	84-88 Bank Street, Whangārei	10, 67, 68	Lot 3 DP 22980 and Pt Lot 2 DP22980
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Built Heritage



(iii) Scheduled Historic Areas

District Plan No.	HNZPT List no.	Historic Area	Address/Location	Map No.	Legal Description
HA/1	7003	Marsden Place Historic Area	2-8 Marsden Place, Mairtow n	10, 63	Refer below
138	7003	2 Marsden Place		10, 63	Lot 21 DP 45979
164	7003	4 Marsden Place		10, 63	Lot 20 DP 38123
165	7003	6 Marsden Place		10, 63	Lot 19 DP 53676
166	7003	8 Marsden Place		10, 63	Lot 18 DP 53676

(iv) Details of Scheduled Group B Interiors







Inde	X
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LAN.8	Schedule: Outstanding Natural Features
LAN.8.1	Information Source
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LAN.8.3	Categories of Outstanding Natural Features
LAN.8.4	
LAN	14.4 Description and Expectations

LAN.1.1 Description and Expectations

Landforms, the coast, <u>rivers</u> and wetlands, and vegetation, ranging from natural indigenous areas to cultivated pasture, combine to form a variety of landscapes within Whangārei District. These are further defined by the way <u>buildings</u>, <u>roads</u> and other <u>structures</u> are set amongst them. The varied combinations of natural and built elements provide a complexity that further characterises landscapes.

A diverse range of coastal landscapes is one of the strongest aspects of Whangārei District's identity. The expansive view of the Bream Bay shore with its Whangārei Heads backdrop that greets those entering the District over the Brynderwyn Hills, is a particularly striking visual

Landscapes and Features



introduction. Similarly, Pukenui Forest and Parihaka combine in creating a defining frame to Whangārei's central business area, while bush clad hill country, volcanic cones, extensive farmed flats, the fluent course of <u>rivers</u> and <u>streams</u>, and the influence of pockets of <u>indigenous vegetation</u>, create a varied and interesting rural landscape that is often distinctive to Whangārei.

Human activities such as <u>buildings</u>, <u>earthworks</u> and <u>vegetation clearance</u> can act to reduce the quality of landscapes. Special attention needs to be given to ensuring <u>subdivision</u>, use and development is sensitive to the particular landscape characteristics of the District, especially in areas where the collective characteristics and qualities are outstanding.

On the coast, the interaction between <u>land</u> and sea often provides a dynamic and scenic <u>environment</u>, and is also a popular place to live and visit. Pressures related to natural landscapes therefore tend to be more explicit in coastal areas than in rural or urban areas – though inland landscapes also face pressure. Catering for the needs of recreational users, and increasing demands for residential and lifestyle block <u>subdivisions</u>, places considerable strain upon areas of the coast that have significant landscape values.

The Resource Management Act 1991 (RMA) requires Councils to protect Outstanding Natural Features and Landscapes from inappropriate <u>subdivision</u>, use and development (section 6(b)). The New Zealand Coastal Policy Statement 2010 (NZCPS) reinforces this duty as it applies to the coastal <u>environment</u> (Coastal Area). It requires that district plans identify where protection of Outstanding Natural Features and landscapes is needed (NZCPS Policy 15). The NZCPS also expressly requires that adverse <u>effects</u> of activities on Outstanding Natural Features and Landscapes within the coastal <u>environment</u> be avoided.

Natural features are significant <u>land</u> (or <u>water</u>) features resulting from natural processes. Examples include mountain ranges, volcanic cones, coastal dunes, lakes, <u>rivers</u> and native forests. These features are an integral part of the District's landscape and on their own can significantly contribute to, or even define, the unique character and quality of an area.

Individual Outstanding Natural Features and Outstanding Natural Landscapes within the Whangārei District were identified and mapped as part of a regional mapping project undertaken in 2012.

Outstanding Natural Features were identified using an inventory of important geological <u>sites</u> and landforms in the Northland Region prepared by the Geological Society of New Zealand. The inventory identifies the best examples of the region's unique geology and landforms, including those in the Whangārei District, using the knowledge and advice of specialist New Zealand geological, geomorphological and soil science communities.

Outstanding Natural Landscapes were separately identified and mapped using best landscape assessment practice criteria which encompass natural science factors, aesthetic values and experiential values.

Some areas are identified as being outstanding as both a natural feature and as a natural landscape.

Some Outstanding Natural Landscapes contain ancestral Māori Land, as defined under Te Ture Whenua Act 1993. This land is ancestral land and, through Māori culture and traditions, is the central focus of papakāinga and other development opportunities for the iwi, hapū and/or whānau concerned. Protection of Outstanding Natural Landscapes containing such land therefore needs to be carefully balanced against the special requirements of RMA s6(e), s7(a) and s8.

The objectives, policies and rules for Outstanding Natural Features and Outstanding Natural Landscapes as set out below, apply in addition to the rules for the underlying Zones (e.g. Rural Production, Village and Residential Zones).

Landscapes and Features



LAN.1.2 Objectives

- 1. Identify Outstanding Natural Features and Outstanding Natural Landscapes within the Whangārei District.
- 2. Protect the characteristics and qualities of identified Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate <u>subdivision</u>, use and development.
- 3. Provide greater protection for identified Outstanding Natural Features and Outstanding Natural Landscapes within the coastal <u>environment</u> over other features and landscapes.
- 4. Promote the conservation, enhancement and rehabilitation of Outstanding Natural Features and Outstanding Natural Landscapes.
- 5. Recognise existing landuse and development, including <u>regionally significant infrastructure</u>, form part of the characteristics and qualities of the <u>environment</u> where they are located in or on Outstanding Natural Features and Outstanding Natural Landscapes.
- 6. Recognise that some Outstanding Natural Landscapes contain undeveloped Māori <u>Land</u> and provide for the special relationship of Māori to this ancestral <u>land</u>.
- 7. Recognise and provide for new and existing <u>National Grid Electricity Infrastructure</u> that has a functional or operational need to be located in an Outstanding Natural Landscape or on an Outstanding Natural Feature.

LAN.1.3 Policies

Identification

1. To identify the location and extent of the District's Outstanding Natural Features and Outstanding Natural Landscapes, on the District Plan Resource Maps and describe their characteristics and qualities in landscape assessment worksheets (Outstanding Natural Landscapes) and Schedule 8.4 (Outstanding Natural Features).

Protection

- 2. To protect Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate <u>subdivision</u>, use and development, with particular regard to their individual characteristics and qualities.
- 3. Within the Coastal Area, to avoid adverse effects of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes by controlling subdivision and restricting earthworks, mineral extraction, the extent of vegetation clearance, and rural production activities, and the location and design of buildings and structures including in relation to ridgelines, skylines and prominent headlands.
- 4. Outside of the Coastal Area, to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects) of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes.
- 5. <u>Subdivision</u>, use and development in or on an Outstanding Natural Landscape shall be located and designed to avoid, adverse <u>effects</u> on characteristics and qualities of the landscape and/or visual <u>effects</u> by:
 - a. Being integrated with identified characteristics and qualities of Outstanding Natural

Landscapes and Features



Landscapes;

- b. Avoiding sensitive landforms such as ridgelines, headlands and peninsulas;
- c. Being responsive to natural contours;
- d. Being visually unobtrusive;
- e. Maintaining established areas and patterns of indigenous vegetation cover; and
- f. Avoiding permanent earthworks scarring.
- 6. To assess the scale and significance of <u>effects</u> of <u>subdivision</u>, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes by having particular regard to:
 - a. The extent of the resource area affected;
 - b. The sensitivity of resource to change, recognising the <u>effects</u> of existing <u>land</u> use;
 - c. The degree of modification, damage, loss or destruction that will result from the activity;
 - d. The duration and frequency of adverse effects;
 - e. Whether adverse <u>effects</u> are reversible or irreversible;
 - f. Whether adverse <u>effects</u> are minor or transitory;
 - g. The potential for spatial or temporal cumulative adverse <u>effects</u> of the proposed activity on its own or in combination with other authorised activities, including permitted activities; and
 - h. Any restoration, rehabilitation or enhancement of the specific characteristics and qualities of the particular Outstanding Natural Feature or Outstanding Natural Landscape affected by the activity.
- 7. The location, scale and form of <u>earthworks</u>, <u>vegetation clearance</u> and built development in or on an Outstanding Natural Feature shall not reduce the overall form, integrity and extent of the feature and shall take into account the vulnerability of the feature to modification.
- 8. With respect to coastal hazard management within the Coastal Area, avoid the use of hard protection structures such as seawalls and rock armouring along with other visible artificial elements where these would adversely affect the characteristics and qualities of the Outstanding Natural Features and Outstanding Natural Landscapes, except where such structures are the only practical means to protect significant existing development or infrastructure.

Buildings and Structures

- 9. <u>buildings</u> and <u>structures</u>, excluding <u>land</u> zoned Residential and Rural Village Residential Zone, and <u>regionally significant infrastructure</u>, in Outstanding Natural Landscapes shall be located and designed so that they:
 - a. Are inconspicuous when viewed from public land;
 - b. Avoid locating upon, or intruding above, ridgelines, headlands and peninsulas where this results in adverse visual <u>effects</u> which cannot be remedied or mitigated;
 - c. Are visually recessive and blend with the surrounding vegetation and natural topography
 - d. Use recessive colours and materials with low light reflectivity;

Landscapes and Features



- e. Minimise artificial light spill
- To provide for <u>buildings</u> and <u>structures</u> on <u>land</u> zoned Residential and Rural Village Residential Zone within an identified Outstanding Natural Landscape where any building or <u>structures</u> located and designed to
 - a. Avoid locating upon, or intruding above, ridgelines, headlands and peninsulas where this results in adverse visual effects which cannot be remedied or mitigated.
 - b. Blend, as far as practicable, with the surrounding vegetation and natural topography accepting that there may be existing built development that affects or precludes this.
 - c. Use recessive colours and materials with low light reflectivity; and
 - d. Minimise artificial light spill.
- 11. To provide for adverse <u>effects</u> arising from the establishment and operation of <u>regionally</u> <u>significant infrastructure</u> and community facilities, excluding <u>National Grid Electricity</u> <u>Infrastructure</u>, in or on Outstanding Natural Features or Outstanding Natural Landscapes where:
 - a. It is demonstrated that there is no practical alternative location;
 - b. Regard has been had to Policies LAN.1.3.3 5, and taking into account the policies in Section 23 Network Utilities Operations.
 - c. Measures are in place to avoid adverse <u>effects</u>, and adverse <u>effects</u> that cannot be avoided are remedied or mitigated to the extent that they are no more than minor.

For the purposes of this policy:

<u>Regionally significant infrastructure</u> means those <u>structures</u> and facilities listed within Appendix 3 Regional Significant <u>Infrastructure</u> of the RPS for Northland; and community facilities include district parks, reserves and network <u>Infrastructure</u> including roading.

- 12. To recognise and provide for the operation, maintenance and upgrading of existing National Grid Electricity Infrastructure in an Outstanding Natural Landscape or on an Outstanding Natural Feature.
- 13. To recognise and provide for major upgrades of existing and the development of new <u>National Grid Electricity Infrastructure</u> in an Outstanding Natural Landscape or on an Outstanding Natural Feature by managing adverse <u>effects</u>:

On the qualities and characteristics of Outstanding Natural Landscapes and Outstanding Natural Features.

By:

- Ensuring route, <u>site</u> and method selection demonstrates that, to the extent practicable having regard to the functional, operational and technical needs of the <u>National Grid</u>, in order of preference:
 - i. <u>Infrastructure</u> will be located:
 - a) Outside of Outstanding Natural Landscapes and Outstanding Natural Features, or if not then:
 - b) Outside of any part of an Outstanding Natural Landscapes and Outstanding Natural Features within the Coastal Area.
 - ii. <u>Infrastructure</u> will be located in the more compromised parts of the areas in (i);

Landscapes and Features



- iii. Techniques (such as structure selection) will be used to avoid adverse effects;
- iv. Adverse effects that cannot be avoided will be remedied or mitigated.

While

- b. Recognising that:
 - In some circumstances, adverse <u>effects</u> on the identified qualities and characteristics of Outstanding Natural Landscapes and Outstanding Natural Features will need to be avoided.
 - ii. A minor or transitory effect may not be an adverse effect;
 - iii. There may be more than minor cumulative <u>effects</u> from minor or transitory <u>effects</u>; and
 - iv. Many areas contain ongoing use and development that was present when the area was identified as Outstanding or have subsequently been lawfully established

Earthworks

- 14. To avoid large scale <u>earthworks</u>, including <u>mineral extraction</u>, in or on Outstanding Natural Features and Outstanding Natural Landscapes and manage adverse <u>effects</u> of other <u>earthworks</u> through permitted activity standards and consent requirements.
- 15. To avoid the adverse <u>effects</u> of <u>earthworks</u>, including accessway and building platform creation, on the characteristics and qualities of the Outstanding Natural Features and Outstanding Natural Landscapes by:
 - a. Careful analysis of existing <u>site</u> conditions;
 - b. Consideration of alternative options and approaches; and
 - c. Applying measures to blend areas altered by <u>earthworks</u> with the existing <u>site</u> conditions.

Relevant <u>site</u> conditions include <u>site</u> elevation, slope and orientation drainage patterns, together with soil and slope stability.

16. To ensure that adverse visual <u>effects</u> of cut and fill batters in Outstanding Natural Landscapes are remedied or mitigated by requiring revegetation where this is consistent with local landscape character and is practicable.

Indigenous Vegetation

 To protect areas of <u>indigenous vegetation</u> which contribute to the slope or soil stability of Outstanding Natural Features or the character and visual quality of Outstanding Natural Landscapes.

Rehabilitation and Enhancement

- 18. To encourage the remediation of the adverse <u>effects</u> from past or existing inappropriate land use activities on Outstanding Natural Landscapes.
- 19. To recognise the positive <u>effects</u> of development proposals that provide for the enhancement and rehabilitation of previously compromised localised areas within Outstanding Natural Landscapes.
- 20. To promote the active management, enhancement, and voluntary protection of Outstanding Natural Features and Outstanding Natural Landscapes by utilising regulatory incentives and non-regulatory methods including:

Landscapes and Features



- a. Provision of guidelines for landowners and professional advisors on appropriate landscape assessment and effects management options within Outstanding Natural Landscapes;
- b. Provision of a Council contribution toward the cost of professional landscape assessments required under LAN.2.3;
- c. Provision, through assessment criteria, for additional <u>allotments</u> to be approved during the <u>subdivision</u> application process if formal protection of all or part of an Outstanding Natural Feature or Outstanding Natural Landscapes is proposed;
- d. Provision of rates relief for covenanted areas within Outstanding Natural Features and Outstanding Natural Landscapes; and
- e. In partnership with the Northland Regional Council, assisting with landowner costs of pest control and/or fencing for exclusion of stock from Outstanding Natural Features or Outstanding Natural Landscapes.

Existing Landuse

- 21. To recognise that identified Outstanding Natural Features and Outstanding Natural Landscapes may contain existing and/or authorised <u>subdivision</u>, use and development, including <u>infrastructure</u> and <u>Rural Production Activities</u>.
- 22. To provide for the <u>maintenance</u> and <u>minor upgrading</u> of existing authorised landuse and development in or on Outstanding Natural Features or Outstanding Natural Landscapes, wherever it is located, where:
 - a. The adverse <u>effects</u> generated during the period the <u>maintenance</u> or <u>minor upgrading</u> is being undertaken are not significant; and
 - b. The adverse <u>effects</u> of the landuse and development after the conclusion of the <u>maintenance</u> or <u>minor upgrading</u> are the same or similar to those that existed before the activity was undertaken.

Papakāinga Development

23. To recognise that Outstanding Natural Landscapes may contain undeveloped ancestral Māori <u>land</u> and provide for <u>tangata whenua</u> needs for papakāinga development on that <u>land</u> as far as is consistent with the overall protection of Outstanding Natural Landscapes.

LAN.1.4 Guidance Note

- 1. The following shall form the basis for resource consent applications in the LAN:
 - a. The objectives, policies and provisions for Landscapes and Features.
 - The objectives, policies and provisions for CA Coastal Area, for Outstanding Natural
 Landscapes and Outstanding Natural Features in the Coastal Area
 - c. The Strategic Direction objectives and policies.
 - d. The objectives policies and provisions for the underlying Zone in the District Plan.
 - e. The objectives, policies and provisions for Resource Areas in the District Plan.
 - f. The District Wide objectives, policies and provisions in the District Plan
- 2. The LAN.3 and LAN.4 rules of this chapter apply to any site or portion of a site mapped as

Landscapes and Features



ONL

3. The LAN.5 and LAN.6 rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as ONF.

Eligibility and Notification Rules

LAN.2.1 Eligibility Rules

 The rules below apply in addition to the rules of the underlying Zone. Where the standards are different between the underlying Zone and the Outstanding Natural Landscape or Outstanding Natural Feature area, the most restrictive rule shall apply.

LAN.2.2 Notification Rules

 All <u>land</u> use and <u>subdivision</u> proposals requiring consent shall be subject to the notification tests of the RMA.

LAN.2.3 Landscape Evaluation Requirement

- A <u>site</u> or property-specific landscape evaluation shall be submitted with all consent applications for <u>subdivision</u>, use or development within an Outstanding Natural Landscape. The landscape evaluation shall:
 - a. Address the requirements of the policies within this section;
 - b. Document how potential adverse <u>effects</u> on the are to be avoided on the characteristics and qualities of the Outstanding Natural Landscape;
 - c. Clearly identify where the avoidance of adverse <u>effects</u> is not considered practicable and record the nature and scale of those <u>effects</u>; and
 - d. Demonstrate how unavoidable adverse effects will be remedied or mitigated.
 - e. Demonstrate any ways in which the proposal may conserve or heighten the characteristics and qualities of the Outstanding Natural Landscape through a comprehensive approach to landscape analysis and project design.



Outstanding Natural Landscapes – Landuse Rules

LAN.3.1 Permitted Activities

LAN.3.1.1 General

1. Any activity not requiring consent as a controlled, restricted discretionary, discretionary or non-complying activity shall be a permitted activity.

LAN.3.1.2 Buildings and Structures

- Construction of non-habitable <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>)
 ancillary to rural production or network utility activities within an Outstanding Natural
 Landscape within the Coastal Area is permitted provided that:
 - a. Does not exceed a height of 5.5m above ground level.
 - b. The gross floor area of any new building or buildings does not exceed 50m².
 - c. The highest point of the building or <u>major structure</u> is no less than 15m lower in elevation than the most proximate portion of ridgeline closest to the building or <u>major structure</u>.
 - d. The exteriors do not utilize mirror glazing, and a re coloured or painted with a colour with a reflectance value no greater than 35% (provided that 2% of each exterior is exempt) and with a roof colour with a reflectance value no greater than 30%.
- 2. Construction of non-habitable <u>buildings</u> ancillary to rural production or network utility activities within an Outstanding Natural Landscape outside the Coastal Area is permitted where:
 - a. Does not exceed a height of 5.5m.
 - b. The gross floor area of any new building or buildings does not exceed 100m².
 - c. The highest point of the building is no less than 15m lower in elevation than the most proximate portion of ridgeline closest to the building.
 - d. The exteriors do not utilize mirror glazing, and are coloured or painted with a colour with a reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflectance value no greater than 30%.
- 3. External <u>alteration</u> or extension to an existing building or <u>major structure</u> (excluding <u>minor</u> <u>buildings</u>), including a <u>Residential Unit</u>, within an Outstanding Natural Landscape, either within or outside of the Coastal Area, is permitted provided that:
 - a. The <u>alteration</u> or extension does not exceed 50m² in area.
 - b. The <u>alteration</u> or extension does not exceed the <u>height</u> of the existing building or <u>major</u> <u>structure</u>.
 - c. The highest point of the <u>alteration</u> or extension is no less than 15m lower in elevation than the most proximate portion of ridgeline closest to the building or <u>major structure</u>.
 - d. The exteriors do not utilize mirror glazing and are coloured or painted with a colour with a reflective value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflective value no greater than 30%.
- 4. Maintenance and minor upgrading of buildings and structures associated with public parks,



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reserves, network utilities, or community infrastructure is permitted.

5. Installation of underground network utilities is permitted subject to compliance with <u>Earthworks</u> LAN Rule 3.1.3.1 and <u>Vegetation Clearance</u> Rule LAN.3.1.4.1.

LAN.3.1.3 Earthworks

- 1. Earthworks and farm quarries within an Outstanding Natural Landscape is permitted if:
 - a. The earthworks:
 - i. excavation and fill volume is less than 150m³ and the area is less than 150m² in any 12 month period within a <u>site</u>; and
 - ii. <u>height</u> or depth is less than 2m over a continuous distance of less than 50m within a site; or
 - b. The work is directly associated with:
 - The <u>repair</u> and <u>maintenance</u> of <u>roads</u>, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, walking or cycling tracks, or farm and forestry tracks; or
 - ii. Garden amenities, gardening, planting of any vegetation; or
 - iii. The burial of marine mammals; or
 - iv. A sand dune restoration project; or
 - v. The provision of walking or cycling tracks less than 3m wide.

Note: The <u>height</u> or depth of excavation will be based on an average <u>height</u> from existing <u>ground level</u> over the length of the excavation or fill or over 50m continuous length, whichever is the lesser length.

LAN.3.1.4 Indigenous Vegetation Clearance

- 1. <u>Indigenous vegetation clearance</u> within an Outstanding Natural Landscape is permitted if it is:
 - a. Of less than or equal to 150m² of <u>indigenous vegetation</u> in any 12 month period per <u>site</u>;
 - b. Directly associated with:
 - Removal or pruning of trees, live or dead, that are a danger to human life or <u>structures</u>.
 - ii. Routine maintenance and repair:
 - a) within 3m of the <u>eaves</u> of existing <u>buildings</u> and <u>structures</u> (including network utilities):
 - i) Including the removal of any tree where any part of the trunk is within the 3m distance.
 - ii) Excluding damage to the roots or removal of any tree where the trunk is outside the 3m distance.
 - b) of tracks, lawns, gardens, fences, drains and other lawfully established activities.
 - iii. Understorey clearance permitted in accordance with REG93(1) and (2)(a) of the National Environmental Standard for Plantation Forestry 2017.



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- iv. Vegetation removal for customary rights.
- v. Conservation planting, including planting for ecological restoration purposes.
- vi. Temporary military training activity.

LAN.3.2 Controlled Activities

- 1. <u>Earthworks</u> or <u>indigenous vegetation clearance</u> within an Outstanding Natural Landscape, either within or outside of the Coastal Area, necessary to create a defined building platform:
 - a. Identified through a professional landscape assessment; and
 - b. Approved as part of a <u>subdivision</u> consent.
- 2. Construction of a <u>residential unit</u>, oran extension to a <u>residential unit</u> where the activity does not comply with Rule 3.1.2.3 within an Outstanding Natural Landscape, either within or outside of the Coastal Area, on a defined building platform where it had been:
 - a. Identified through a professional landscape assessment; and
 - b. Approved as part of a <u>subdivision</u> consent.
- 3. Control is reserved over:
 - The appropriateness of the landscape assessment in relation to the identified characteristics and qualities of the Outstanding Natural Landscape.
 - b. The visual prominence of the proposed building or <u>major structure</u> (excluding <u>minor buildings</u>), and associated accessway(s), with reference to building <u>height</u>, materials, and exterior reflectivity.
 - c. The suitability of the defined platform for the proposed building.
 - d. <u>Effects</u> of platform <u>access</u> and onsite <u>infrastructure</u> arrangements.
 - e. Any mitigation measures proposed.

LAN.3.3 Restricted Discretionary Activities

- 1. Construction of a <u>residential unit</u> within an Outstanding Natural Landscape either within or outside of the Coastal Area where the activity does not comply with Rule 3.2.2; and
 - a. The underlying zoning is Residential or Rural Village Residential Zone; or
 - b. The entire property title is included within the Outstanding Natural <u>Land</u> Scape and does not include an existing dwelling.
- 2. Discretion is restricted to:
 - a. The visual dominance of the proposed building and associated accessway(s) and infrastructure with reference to building height, materials and exterior reflectivity.
 - b. The suitability of the defined platform for the proposed building in terms of mitigating the dominance of the proposed building and associated accessway(s) and <u>infrastructure</u>.
 - c. Any mitigation measures proposed including landscape treatment and screening.
- 3. Papakāinga development on ancestral Māori land within an Outstanding Natural Landscape



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outside of the Coastal Area.

- 4. Discretion is restricted to:
 - a. The proposed siting of the activity in relation to ridgelines or other important natural landscape elements.
 - b. The proposed location and design of the papakāinga development with respect to the concepts of tikanga Māori and kaitiakitanga.
 - c. The proposed location and design of <u>buildings</u>, <u>structures</u>, vehicle <u>access</u>, manoeuvring and parking spaces.
 - d. The extent of visible change to the Outstanding Natural Landscape which may result from the proposed activity.
 - e. The potential for more than minor adverse <u>effects</u> on the Outstanding Natural Landscape.
 - f. Any remediation or mitigation measures proposed to address adverse visual effects.

LAN.3.4 Discretionary Activities

- 1. Within an Outstanding Natural Landscape outside the Coastal Area:
 - a. Any activity, <u>Buildings</u> and <u>Structures</u>, <u>Earthworks</u> or <u>Indigenous Vegetation Clearance</u> that does not comply with the permitted activity standards in Rules 3.1.2, 3.1.3 or 3.1.4.
 - b. Any activity that does not comply with rules 3.2.1 and 3.2.2.
 - c. Construction of a building including a <u>Residential Unit</u> within an Outstanding Natural Landscape where the activity does not comply with Rule 3.2.2.
 - d. The establishment of new production forestry.
 - e. <u>Mineral extraction</u> activities and farm quarry activities.
- 2. Papakāinga development on ancestral Māori <u>land</u> within an Outstanding Natural Landscape within the Coastal Area.
- 3. External <u>alteration</u> or extension to an existing building or <u>major structure</u> (excluding <u>minor buildings</u>), including a <u>residential unit</u>, within an Outstanding Natural Landscape within the Coastal Area that does not comply with the permitted activity standards in Rule 3.1.2(3).
- 4. Any activities directly associated with <u>National Grid Electricity Infrastructure</u> that are not otherwise permitted.

LAN.3.5 Non-Complying Activities

- 1. The following activities are non-complying activities within an Outstanding Natural Landscape within the Coastal Area:
 - a. Any activity, <u>Buildings</u> and <u>Structures</u>, <u>Earthworks</u>, or <u>Indigenous Vegetation Clearance</u> that does not comply with Rules 3.1.2, 3.1.3 or 3.1.4.



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- b. Any activity that does not comply with Rules 3.2.1 and 3.2.2.
- c. Construction of a <u>building</u>, including a <u>Residential Unit</u> within an Outstanding Natural Landscape within the Coastal Area which does not comply with Rule 3.3.1.
- d. The establishment of new production forestry.

LAN.3.6 Assessment Criteria

 Relevant criteria set out in LAN.7 Assessment Criteria shall apply to the consideration of all resource consent applications for <u>land</u> use and development activities within Outstanding Natural Landscapes.



Outstanding Natural Landscapes – Subdivision

LAN.4.1 Discretionary Activities

1. <u>Subdivision</u> where a proposed <u>boundary</u> is within an Outstanding Natural Landscape outside of the Coastal Area is a discretionary activity.

LAN.4.2 Non-complying Activities

1. <u>Subdivision</u> where a proposed <u>boundary</u> is within an Outstanding Natural Landscape within the Coastal Area is a non-complying activity.

LAN.4.3 Guidance Note

 For the purposes of LAN.4.1 and 4.2, a proposed <u>Boundary</u> does not include the <u>boundary</u> of the parent <u>allotment</u>.

LAN.4.4 Assessment Criteria

1. Relevant criteria set out in LAN.7 Assessment Criteria shall apply to the consideration of all resource consent applications for subdivision activity within Outstanding Natural Landscapes.

Advice Note: <u>Subdivision</u> proposals requesting additional <u>allotments</u> in accordance with Policy LAN.16(c) need to include sufficient supporting information to enable an accurate assessment against LAN.7 Criterion m (i) and (ii).



Outstanding Natural Features – Landuse

LAN.5.1 Status of Activities in Outstanding Natural Features

- 1. The rules applying to activities in Outstanding Natural Features outside the Coastal Area are as specified in LAN.5 Table 1.
- 2. The rules applying to activities in Outstanding Natural Features within the Coastal Area are as specified in LAN.5 Table 2.
- 3. Any Activity not prohibited or requiring consent as a restricted discretionary, discretionary or non-complying activity shall be a permitted activity.

LAN.5 Table 1. Activity Table for Outstanding Natural Features outside the Coastal Area

The following table specifies that activity status of activities in Outstanding Natural Features outside the Coastal Area.

Activity	Large landforms		Volcanic cones	Smaller, more fragile landforms	Exposures of geological material	Caves
	A1	Α	В	D	E	F
Landuse and Development						
New <u>buildings</u> and <u>structures</u> incl. network utilities						
up to 5.5m in <u>height</u> above <u>ground level</u>	Р	Р	RD	NC	NC	D
5.5m up to 8m in height above ground level - non-habitable buildings or major structures (excluding minor buildings) - Residential dwellings	P RD	RD RD	D D	NC NC	NC NC	D D
Greater than 8m in height above ground level	RD	RD	D	NC	NC	D
Artificial crop protection structures complying with RPZ 2.3.10 and using green or black cloth on external vertical faces.	Р	-	-	-	-	-
Minor upgrading of network utilities and buildings and structures associated with public parks, reserves and community infrastructure.	Р	Р	Р	RD	RD	RD
Buildings or major structures (excluding minor buildings) associated with	Р	Р	Р	RD	RD	RD



Outstanding Natural Features – Landuse

tomporory, military,	ı	1				
temporary military						
training activity	_	_	Б	B	D.	
Fencing for ONF	Р	Р	Р	Р	Р	Р
protection	_	_	Б	<u> </u>		_
Other fencing	Р	Р	Р	D	D	Р
Stock grazing	Р	Р	Р	Р	Р	Р
Forestry harvesting	Р	Р	Р	Pr	Pr	Р
and replanting						
New forestry planting	RD	Р	D	Pr	Pr	RD
Earthworks*						
General earthworks not						
expressly either						
permitted or requiring						
resource consent in						
this table.						
Up to 50m³	Р	Р	RD	NC	NC	D
50m ³ up to 150m ³	Р	Р	RD	NC	Pr	NC
150m³ up to 1000m³	P	D	D	NC	Pr	NC
greater than 1000m ³	D	D	D	NC	Pr	NC
Maintenance and	P	P	I P	P	P	P
repair of network		-	, r	r	F	F
utilities, roading,						
tracks, drivew ays,						
carparking areas,						
parks, reserves and						
community						
<u>infrastructure</u>	_		DD	D.	Б.	
Land preparation	Р	Р	RD	Pr	Pr	D
New public walking	Р	D	D	NC	Pr	D
and cycling tracks						
New farm and forestry	Р	D	D	NC	Pr	D
roading and tracking						
Farm and forestry	Pr	Pr	Pr	Pr	Pr	Pr
mineral extraction						
(quarrying)						
Other mineral	Pr	Pr	Pr	Pr	Pr	Pr
<u>extraction</u>						
<u>Indigenous</u>						
Vegetation Clearance						
up to 500m²	Р	Р	RD	-	-	Р
greater than 500m ²	D	D	D	-	-	D
National Grid			1	1	1	1
Any activities directly	D	I D	l D	I D	D	D
associated with	<u> </u>	-	-	_	-	-
National Grid Electricity						
Infrastructure that are						
not otherwise						
permitted, controlled,						
restricted discretionary						
or prohibited in this						
table.						

P = permitted RD = restricted discretionary Pr = prohibited = not applicable D = discretionary NC = non-complying



Outstanding Natural Features – Landuse

LAN.5 Table 2. Activity Table for Outstanding Natural Features within the Coastal Area

The following table specifies that activity status of activities in Outstanding Natural Features that are within the Coastal Area.

Activity	Large	Dynamic	Smaller,	Exposures of	Caves
	landforms	landforms and features	more fragile landforms	geological material	
	Α	С	D	E	F
Landuse and		•	•	•	
Development					
New <u>buildings</u> and	NC	NC	NC	NC	NC
structures incl. network utilities.					
Minor upgrading of	RD	RD	RD	RD	RD
network utilities and					
buildings and structures					
associated with public					
parks, reserves and					
community					
infrastructure.					
Buildings or major	Р	P	D	D	Р
structures (excluding					
minor buildings)					
associated with					
temporary military					
training activity					
Fencing for ONF	Р	Р	Р	Р	Р
protection					
Other fencing	Р	RD	D	D	Р
Stock grazing	D	D	Р	Р	-
Forestry harvesting and	-	NC	-	-	-
replanting					
New forestry planting	Pr	NC	Pr	-	-
<u>Earthworks</u>					
General <u>earthw orks</u> not					
expressly either					
permitted or requiring					
resource consent in this					
table.		I NO	NC	I NC	NO
up to 150m ³	D	NC NC	NC	NC .	NC NG
greater than 150m ³	NC	NC	NC	Pr	NC
Maintenance and repair	Р	Р	Р	Р	-
of network utilities,					
roading, tracks,					
drivew ays, carparking					
areas, parks, reserves and community					
infrastructure.					
Land preparation	P	NC NC	Pr	Pr	-
New public walking and	P	P	D	NC	-
cycling tracks	-	-	5	INC	_
New farm and forestry	D	NC	NC	D _r	
roading and tracking	ט ן	INC	NC	Pr	-
Farm Quarrying	Pr	Pr	Pr	Pr	Pr
Other mineral extraction	Pr	Pr	Pr	Pr	Pr



Outstanding Natural Features – Landuse

Activity	Large landforms	Dynamic landforms and features	Smaller, more fragile landforms	Exposures of geological material	Caves
	A	С	D	E	F
Indigenous Vegetation Clearance					
up to 250m ²	D	NC	-	-	-
greater than 250m ²	NC	NC	-	-	-
National Grid					
Any activities directly associated with National Grid Electricity Infrastructure that are not otherwise permitted, controlled, restricted discretionary or prohibited in this table.	D	D	D	D	D

P = permitted D = discretionary NC = non-complying Pr = prohibited -= not applicable

LAN.5.2 Permitted Activity Standards

- 1. New <u>Buildings</u> and <u>structures</u> shall have a maximum reflectance value of 30%.
- 2. General <u>earthworks</u> shall result in no more than a 1.5m vertical cut face which is to be subsequently screened by a <u>building</u> or grassed or mass planted.

LAN.5.3 Restricted Discretionary Activities: Matters of Discretion

- 1. Discretion will be restricted to the matters below for the activities listed as restricted discretionary in LAN 5 Table 1:
 - a. The nature, form and extent of proposed works.
 - b. The degree of existing geological modification.
 - c. The need or purpose of the proposed <u>building</u> or structure.
 - d. Alternative methods and locations for the proposed activity.
 - e. The potential for erosion or other adverse <u>effect</u> on the Outstanding Natural Feature.

LAN.5.4 Assessment Criteria

 Relevant criteria set out in LAN.7 Assessment Criteria shall apply to the consideration of all resource consent applications for <u>land</u> use and development activities within Outstanding Natural Features.



Outstanding Natural Features – Subdivision

LAN.6.1 Discretionary Activities

1. <u>Subdivision</u> where a proposed <u>boundary</u> is within an Outstanding Natural Feature outside of the Coastal Area is a discretionary activity.

LAN.6.2 Non-complying Activities

1. <u>Subdivision</u> where a proposed <u>boundary</u> is within an Outstanding Natural Feature within the Coastal Area is a non-complying activity.

LAN.6.3 Assessment Criteria

1. Relevant criteria set out in LAN.7 Assessment Criteria shall apply to the consideration of all resource consent applications for <u>subdivision</u> activity within Outstanding Natural Features.

Note: <u>Subdivision</u> proposals requesting additional <u>allotments</u> in accordance with Policy LAN.16(c) need to include sufficient supporting information to enable an accurate assessment against LAN.7 Criteria m(i) and (ii).



Schedule – Outstanding Natural Features

LAN.7.1 Assessment Criteria

- 1. The following criteria shall apply to the consideration of restricted discretionary (where relevant), discretionary and non-complying resource consent applications for <u>subdivision</u>, <u>land</u> use, and development activities within identified Outstanding Natural Features or Outstanding Natural Landscapes. The criteria apply to both Outstanding Natural Features and Outstanding Natural Landscapes unless specified otherwise.
 - a. To extent to which the proposal is consistent with and not contrary to the objectives and policies contained in LAN.1.2 and 1.3.
 - b. The extent to which the proposal is consistent with the Council adopted 'Guidelines for Managing Change in Outstanding Natural Landscapes 2016'.
 - c. The elements which make up the distinctive character and qualities of the feature or landscape as recorded in Schedule LAN.8 (Outstanding Natural Features) or applicable worksheet from 'Northland Regional Landscape Assessment Worksheets (for Whangārei District) February 2014' (Outstanding Natural Landscapes).
 - d. The specific characteristics of the application <u>site</u>, including its location, size, shape and topography.
 - e. The siting of the activity in relation to ridgelines or other important natural landscape elements.
 - f. The design of any <u>building</u>, structure, utility or any development.
 - g. The location and design of vehicle access, manoeuvring and parking spaces.
 - h. The extent of visible change to the Outstanding Natural Landscape which may result from an activity.
 - i. The potential for more than minor adverse <u>effects</u> on the Outstanding Natural Landscape.
 - j. The extent to which adverse visual <u>effects</u> may be mitigated through locally appropriate vegetative screening or other means.
 - k. The extent to which an application proposes revegetation and/or enhancement of the Outstanding Natural Landscape, and the measures to secure the long-term sustainability of the revegetation and/or enhancement.
 - I. Provisions for the permanent legal protection of the Outstanding Natural Feature or Outstanding Natural Landscape.
 - m. For <u>subdivision</u> activity where permanent legal protection or enhancement is proposed:
 - i. The number of additional lots that may be appropriate given the value and areal extent of the area(s) that are proposed to be protected; and
 - ii. The potential adverse environmental <u>effect</u> of the increase in residential intensity, including any lots, in relation to the benefits of achieving permanent legal protection of an Outstanding Natural Feature or Outstanding Natural Landscape.



- For works associated with the provision or <u>maintenance</u> of network utilities and community <u>infrastructure</u>:
 - i. The extent to which the proposed works will protect the Outstanding Natural feature or outstanding Natural Landscape from damage.
 - ii. The extent to which modification of an Outstanding Natural Feature or Outstanding Natural Landscape is necessary to provide for the proposed <u>infrastructure</u> and to which the proposed structure had a functional or operational need to be in the location proposed.
 - iii. Whether the proposed works are necessary to improve the resilience and security of the relevant infrastructure.
- 2. Where excavation and / or filling is proposed within an Outstanding Natural Feature or Outstanding Natural Landscape, the following specific criteria will also be considered:
 - a. The location, scale and alignment of excavation and/or filling in relation to any existing indigenous vegetation, site features, and underlying landform including ridgelines; and
 - b. The nature of any avoidance, remediation or mitigation measures proposed, including consideration of alternatives, the profile of cut and fill batters, the likely long term stability of the works proposed, and provisions for revegetation.
 - c. The extent to which the proposed <u>earthworks</u> will cause any significant loss of geological value of the Outstanding Natural Feature, taking into account the extent to which a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value.
- For the extension or <u>alteration</u> of exiting lawfully established hard coastal protection <u>structures</u> and for new hard coastal protection <u>structures</u> within an Outstanding Natural Feature or Outstanding Natural Landscape
 - a. Any relevant <u>coastal hazard</u> management strategy, plan or assessment relating to the area where hard protection <u>structures</u> are proposed, including the ability to relocate <u>buildings</u>, <u>structures</u>, <u>infrastructure</u> or <u>land</u> uses which the structure is designed to protect; and
 - b. The ability to use retain or enhance natural defences in place of hard protection structures.



Schedule – Outstanding Natural Features

LAN.8.1 Information Source

The source of information for identifying and mapping Outstanding Natural Features within the Whangārei District is the "Kenny, J.A. Hayward, B. W. (1996). Inventory and maps of Important Geological Sites and Landforms in the Northland Region". "Geological Society of New Zealand Miscellaneous Publication No. 83, 51 pp." This inventory identifies the best examples of Northland's unique geology and landforms compiled using the combined knowledge and advice of a large sector of the specialist geological, geomorphological, speleological and soil science communities of New Zealand.

LAN.8.2 Significance and Vulnerability

The inventory provides a ranking of significance and vulnerability for each identified <u>site</u>. The significance ranking provides three levels:

- A International
- **B** National
- C Regional

A vulnerability classification (1 - 4) is also assigned to each feature, depending on its perceived susceptibility to human activities:

- 1 Highly vulnerable to complete destruction or major modification by humans:
- 2 Moderately vulnerable to modification by humans:
- 3 Unlikely to be damaged by humans; and
- 4 Could be improved by human activity.

The intent is to manage Outstanding Natural Features on the basis of their significance and values and the risk of those values being compromised.

In order to assist management and decision-making, Outstanding Natural Features have also been categorised by type to provide an indication of the values that make them significant and potential risks to these values. The categories are described below.

LAN.8.3 Categories of Outstanding Natural Features

A. Large landforms

These are landforms that are large and robust. The values of such features typically relate to the underlying geology which tells of the history of their formation and the resulting outstanding large-scale landforms, rather than or in addition to their visual amenity or landscape type factors. They can typically withstand moderate scale <u>earthworks</u> or constructions without significant impact. However, major multi-story developments, intense urban and industrial <u>subdivisions</u> or large scale <u>earthworks</u> can significantly detract from the integrity of these landforms and their geological features.



Schedule - Outstanding Natural Features

For the purposed of LAN.5 Table 1, the subcategory A1 Large Landform ONF relates only to the Whatitiri shield Volcano. This ONF is much larger and gentler sloping than others in the category and is therefore less wilnerable to rural production-related land disturbance or construction activity.

B. Volcanic cones

These features derive their values from their distinctive conical form and prominence in the wider landscape setting. These scoria cones and tuff cones are sufficiently robust to withstand small-scale, localised <u>earthworks</u> or constructions without significant impact. However, <u>structures</u> in prominent positions, significant permanent <u>earthworks</u> such as farm <u>roads</u> across steep slopes, and rectangular exotic forest plantings can detract from or compromise these natural features, particularly where they protrude significantly into the skyline, alter the cone form or disguise the underlying landform.

C. Dynamic landforms and features

The values of these landforms or features relate to the ongoing natural physical processes that have constructed them and in many instances are necessary to maintain the landforms. Because of this, these dynamic landforms or features are not only susceptible to direct damage, but to more distant actions that may impact the continuation of the natural processes (e.g. sand supply; dune stabilisation; groundwater levels; soil erosion in cave catchments). Permanent earthworks, building construction, vegetation plantings, extraction of nearby groundwater or other actions could adversely affect the functioning and appearance of these features.

D. Smaller more fragile landforms

The values of these often spectacular, localised landforms relate to their visual and aesthetic appeal and/or scientific interest. These are small landforms or other features that could be damaged or destroyed by relatively small scale <u>earthworks</u> or construction. Most earthworks, <u>buildings</u>, constructions or plantings would adversely impact on the visual and aesthetic appeal or scientific value of these fragile features.

E. Exposures of geological material

These natural exposures of rock have values that relate to the geological features that can be seen within the rocks and the information they contain about the history of their formation, the geological origins of the region in general or the fossil history of the biota of New Zealand. Most of these exposures are sufficiently large and robust that small extents of earthworks or rock sampling will have no significant impact. Large-scale earthworks, construction of buildings, vegetation plantings or constructions of walls or erosion barriers could adversely impact the visual, educational or scientific values of these exposures.

F. Caves

Caves, such as lava and sea caves and their entrances, may, depending upon their depth underground, be susceptible to damage from significant <u>earthworks</u> constructions above them, or from changes in their catchments that may fill them with eroded soil.



Schedule – Outstanding Natural Features

LAN.8.4 Identified Outstanding Natural Features by Category

A Large Landforms

Feature name	> Category	Significance	Brief description	Location	Importance	∾Vulnerability	Map No.
Bream Head eroded stratovolcano	Ă	Best exposed section through the cone facies and underlying subvolcanic intrusions in the Taurikura volcanic centre around Whangārei Heads. Includes the rocky pinnacles of Bream Head ridge.	Virtually continuous exposure. Cone facies rubbly breccia and andesite flows in the east and subvolcanic andesite, dacite and rhyolite intrusions into the underlying Northland Allochthon in the w est, just beneath the volcanic outcrop w hich forms the rocky peaks of Bream Head.	Coastal section and foreshore rocks, 5 km length of coastline from Busby Point east to Bream Head and also the slopes up to the Bream Head ridge and rocky pinnacles.	Ċ	3	
Hikurangi dacite dome	Α	Large, prominent volcanic dome that dominates the landscape adjacent to highway 1 north of Whangārei.	200m high, slightly eroded volcanic dacite dome, recently dated as < 2 million years old.	1.5 km w est of Hikurangi tow nship.	С	2	
Lake Ora lava- flow-dammed lake	A	Excellent example of a small lake formed when a valley was dammed by a lava flow from Hurupaki volcano.	Small 2 ha lake backed by a forested w atershed grow ing on eroded greyw acke basement.	At end of Lake Ora Rd, 2 km southwest of Kamo.	С	3	
Parakiore rhyolite dome, Whangārei	A	Prominent volcanic landform, one of two young volcanic domes in Whangārei area.	200m high, slightly eroded dacite dome with two peaks, recently dated as less than 2 million years old.	1 km W of SH1, 4 km NW of Kamo.	С	3	
Whatitiri shield volcano	A	Only example of a large (4.4 cubic km), almost concentric shield volcano with gentle slopes in Northland. Best example in New Zealand of a small shield volcano.	A large concentric shield volcano with very gentle slopes and a diameter of 5-6 km; not breached. Reaches a maximum height of 351m (ASL) and stands 154 m above the surrounding landscape. Completely covered by farming and forested areas. Several houses and farm roads, but no quarries. The Titoki lava flows originate from this	3.5 km WNW of Maungatapere Mountain, approximately 5 km WSW of Maungatapere township.	В	2	



Feature name	Category	Significance	Brief description	Location	mportance	Vulnerability	Map No.
Bream Head eroded stratovolcano	A	Best exposed section through the cone facies and underlying subvolcanic intrusions in the Taurikura volcanic centre around Whangārei Heads. Includes the rocky pinnacles of Bream Head ridge.	Virtually continuous exposure. Cone facies rubbly breccia and andesite flows in the east and subvolcanic andesite, dacite and rhyolite intrusions into the underlying Northland Allochthon in the west, just beneath the volcanic outcrop which forms the rocky peaks of Bream Head.	Coastal section and foreshore rocks, 5 km length of coastline from Busby Point east to Bream Head and also the slopes up to the Bream Head ridge and rocky pinnacles.	Ċ	3	
			centre. They follow a valley to the N and then to the SW.				



Schedule – Outstanding Natural Features

B Volcanic Cones

Feature name	Category	Significance	Brief description	Location	mportance	√VuInerability	Map No.
Glenbervie (Maruata) volcanic cones	В	A well preserved young volcanic centre with two scoria cones.	There are two cones approximately 650m apart. The older farm covered cone lies to the W, Q06/319143, of the main cone Maruata, Q06/327147. Maruata shows two eruption points with the youngest, largest crater being breached to the S. The centre is approximately 2-3 km in diameter and its height is 200 m ASL, rising 80m above the surrounding area. Maruata cone has a distinct volcanic form and is bush covered. On the north side a small forestry settlement has been established.	This centre lies betw een Maruata Road and Puketotara Road, approximately 5 km NE of Kamo.	C	2	
Hurupaki scoria cone	В	One of three scientifically interesting scoria cones. A quarry exposes an eruption sequence showing that magma variation occurred during eruption. The best such exposure in a young Whangārei centre.	A steep sided, partly bush covered cone, 1-2 km in diameter, breached to the SE, that stands 350m ASL and is extensively quarried on the W side. This is the E most cone of a group of three centres: (E to W) Hurupaki, Raw hitiroa and Ngararatunua.	This centre lies betw een Three Mile Bush Road and Dip Road, approximately 1.5 km W of Kamo township.	С	1	
Maungakaram ea scoria cone	В	A well-preserved scoria cone with a distinct from that has not been quarried. The southernmost Quaternary Volcanic centre in Northland.	A steep sided, forested scoria cone standing approximately 150m above the surrounding plateau. Mostly covered with native bush, how ever some pines have been planted. A large flow to the SE (4-5 km) ends in an 8m rock face, approximately 200m before Omana Road. A disused quarry site in the flow is now used as a rubbish tip. There is a small flow to NW of cone.	Lies between O'Carrol Road and Crawford Road, approximately 1 km W of Maungakaramea township.	С	1	
Maungatapere volcanic cone	В	An almost perfect, steep sided volcanic cone, not farmed or	A steep sided cone, approximately 1-1.5 km diameter, with scrub and	E of the intersection of Snooks Road and State Highway	В	2	



Feature name	Category	Significance	Brief description	Location	Importance	Vulnerability	Мар No.
		quarried. Largest and best preserved in Whangārei field.	native bush cover and a farm on the flank. Small crater on top. Around 3.5 km ESE of the Whatitiri centre, the peak is 359m (ASL) but the cone stands 185m above the surrounding plateau.	14, approximately 3 km SSW of Maungatapere township.			
Maunu volcanic cone	В	A relatively well preserved cone near Whangārei, which has been modified a little by farming, minor quarrying and roading.	A 1-2 km diameter cone, which stands 395m ASL and is breached to the West. The cone is very steep sided, particularly in the S. A TVNZ relay is located on the summit. Access to the summit is via Millington Road. There is a small quarry on the toe of the breached material which has been worked for private and for farm use. The W side is farmed but E and S slopes are covered with bush and pines. The cone rises 150m above the surrounding plateau, while flows extend approximately 6 km E from the centre, almost to Whangārei City.	Just SW of Pukenui State Forest and NE of the intersection of Kara Road and State Highw ay 14, approximately 2.5 km NE of Maungatapere township.	С	1	
Ngararatunua volcanic cone	В	Distinct scoria cone breached to south.	The centre is a horseshoeshaped scoria cone, breached to the S with small flows to the S and NE. It is a composite cone; an early cone to the N and a second higher cone to the S, which buried most of the first one before being reached. It is farmed on the W side and the E side is bush covered. The height of the cone is 325m ASL and it rises 125m above the lava field. The composite cone is approximately 1.2 km in diameter. It is the western most cone of a group of three centres: (E to W) Hurupaki, Raw hitiroa and Ngararatunua.	This centre lies betw een Three Mile Bush Road, Church Road and Rotomate Road, approximately 3.5 km W of Kamo.	С	1	



		T		T			
Feature name	Category	Significance	Brief description	Location	Olmportance	Vulnerability	Map No.
Onoke scoria cone, Kamo	В	Visually prominent, bush-clad peak of scoria cone is valuable part of Kamo's landscape and one of the volcanoes of the Whangārei basalt field. Overgrown remains of railw ay ballast quarry and its associated earthworks is best example of this kind of industrial site in a scoria cone in New Zealand.	200m high peak of remaining scoria cone rises 80m above Kamo. Disused quarry had access from railw ay line in northeast and is overgrow n w ith scrub and forest. Remains of a steam boiler still w ithin the w orkings.	1 km west of Kamo centre with access into the reserve off Dip Rd.	С	2	
Parihaka dacite dome, Whangārei	В	High eroded dome w hich dominates the eastern side of Whangārei city.	Early Miocene intrusive dome of dacite that has had the softer surrounding rocks eroded away leaving it's as a high and prominent domeshaped hill above the east side of Whangārei City.	East side of Whangārei city.	С	3	
Pukepoto basalt cone	В	A young centre with a breached multi-vented cone, which shows good volcanic landform.	A steep sided bush and farm covered cone. Remnants of the first eruption form a boulder covered hill on the W flank of the younger Pukepoto cone. Pukepoto cone, covers the vent of the original hill, is steep sided and breached by rafting of lava to the S. The Waitangi stream flanking the lava field to the S has exposed basalt at locality QO6/368145. The cone stands 60m above the surrounding lava field Two periods of cone building resulted in three separate flows.	Adjacent to and N of Ngunguru Road, 7.5 km ENE of Kamo township.	С	1	
Raw hitiroa scoria cone	В	One of three scientifically interesting scoria cones.	A low multi-vented cone with crater lake forms a small grass-covered knoll less than 150m high, on which a few houses stand, approximately 400m E of Hurupaki scoria cone.	This centre lies betw een Three Mile Bush Road, Dip Road and Rotomate Road, approximately 3 km W of Kamo township.	С	1	





Schedule – Outstanding Natural Features

C Dynamic Landforms and Features

Feature name	Category	Significance	Brief description	Location	Importance	Vulnerability	Map No.
Ngunguru	С	An excellent example of	Partially vegetated	Ngunguru sand spit,	С	2	
Sandspit		an unmodified sand	undeveloped barrier spit	Ngunguru, 28km			
		barrier beach and dune	approximately 2.5km long and	North east of			
		field developed	300-600m wide. Dunes and	Whangārei.			
		between a tidal estuary	spit relatively undisturbed.				
		and a broad open bay.					
		Significant example of a					
		rapidly disappearing					
		coastal feature.					

D Smaller More Fragile Landforms

Feature name	Category	Significance	Brief description	Location	Olmportance	√Vulnerability	Мар No.
Abbey Caves and karst, Whangārei	Ď & F	One of the best preserved and most easily accessible areas of karst landforms and small caves in Northland.	About 4 hectares of vegetated karst with entrances to several caves on one partly underground stream, containing speleothems. Hundreds of limestone boulders with fluting and some castellated. Several 5 m limestone pinnacles in middle of bushed reserve. Several sink holes.	300 m east of Abbey Caves Road, half w ay betw een Whareora Road and Old Parua Bay Road; 2 km east of Parihaka and 3 km east of Whangārei.	C	2	
Hen Island pinnacles	D	Spectacular rock pinnacles on the main ridge of Hen Island seen for many km in all directions.	Pinnacles of volcanic breccia eroded from a 20 million year old stratovolcano. Includes one large rock balancing on a narrow pedestal.	West end of crest of Hen Island, including Balancing Rock.	С	3	
Hew lett Point karst, Whangārei Harbour	D	Small area of well- exposed coastal karst developed in autochthonous Whangārei limestone.	c. 100 x 50m block of Whangārei Limestone with fluting, flagginess and small solution cracks.	Northwest tip of Hew lett Point.	С	2	



Kaiikanui basalt proto-karst, Helena Bay	D	One of the two best and most easily seen examples in the Helena Bay area of fluted surfaces (proto-karst) formed on basalt.	Cap of Horeke Basalt on greyw acke. Numerous large scattered basalt boulders, some developing internationally-rare solution-weathered surfaces.	Tops of hills, both sides of Kaiikanui Road , Southern Road to Helena Bay.	В	2	
Kamo limestone pinnacles	D	Most spectacular and best preserved limestone karst pinnacles in Northland. Some of deepest and sharpest fluting on a limestone in NZ.	Three or four vertical sided, 10m high, 3-5m across pinnacles of Whangārei Limestone, on small low knoll in bush. Several fallen over. Many surrounding smaller limestone blocks - many with well-developed fluting, often deep and sharp. Several fallen over. Many surrounding smaller limestone blocks - many with well-developed fluting, often deep and sharp. The top of one fallen pinnacle is the best fluting in Northland, if not the country.	Approx. 1 km east of SH 1 on Kamo Springs flat, Whangārei . 100 m southeast of old house, now bed and breakfast called The Rocks. In small area close to Whangārei city, protected in private reserve with bush remnants and QE2 covenant.	В	1	
Manaia stratovolcano breccia pinnacles	D	Most prominent exposures of Miocene volcanic breccia and the better of two areas of ridge top tors in the Whangārei Heads area.	Weakly stratified andesite breccia forming bluffs and spectacular pinnacles along Manaia ridge - remnants of cone facies of a stratovolcano.	Forming Mt Manaia and ridge to north, Whangārei Heads.	В	3	
Matarau Rd basalt proto- karst, Kamo	D	One of most easily seen examples of basalt proto-karst near Whangārei. Large fluted boulders near road with solution basins on top.	Boulders of basalt (derived from Whangārei Volcanic Field) with solution fluting and basins on their surface. Hillside covered with basalt boulders some fluted. Best boulders within 10 m of road.	On east side of Matarau Rd, 0.6-0.8 km south of junction with Rushbrook Rd, 8 km NW of Kamo.	O	1	
Mokau <u>Stream</u> soda spring and travertine, Helena Bay	D	One of the two best examples of travertine deposits from active soda springs in northern New Zealand.	Eastern spring has built up a 10m wide and 2m high travertine apron flowing down into raupo swamp (photo p. 8 in ref).	4.2 km SSW of Oakura beside forestry road at end of Pukapuka Rd. Springs just above raupo sw amp, 30 m east of Orchard Rd.	С	1	
Ngahere Drive karst, Whangārei	D	Small but spectacular, easily accessible outcrops of lapiez-w eathered limestone close to Whangārei.	Fluted and castellated crystalline Whangārei Limestone outcrops in two small reserves and in steep bushed reserve along and on south side of Ngahere Drive and end of Hospital Road. High bluffs in southern reserve	Half way along Ngahere Drive where the road splits to go either side of it. Also 200 m further east, on northern side of road, is a rock climbing reserve	С	1	



P.			and Tan Dad	/T D			
			and Top Rocks are used for rock climbing.	(Top Rocks and Main Crag). Steep hillside reserve with limestone bluffs on Sth side of ends of Ngahere Drive and Hospital Rd.			
Old Woman Rock, Hen Island	D	Unusual intertidal rock stack eroded into shape of woman, name-bearer for adjacent Wahine Bay.	Rock stack sits on intertidal platform and is eroded out of volcanic breccia.	Western entrance of Wahine Bay, Hen Island.	O	2	
Paradise Quarry karst, Portland, Whangārei	D	A small area of limestone (Paradise Stone) karst in its naturally exposed and w eathered form, protected by a QE2 covenant.	Adjacent to a small building stone quarry which produces "Paradise Stone" - a popular limestone, used for decorative flagstones. An unusual rock type in Northland and source of a fossil lanternfish.	Paradise Quarry, Old Stone Road, near Portland.	O	2	
Paranui Falls, Whangārei	D	One of the five most scenic waterfalls over basalt lava flows in Northland.	Paranui Stream flows over edge of eroding basalt lava flow with a vertical drop an incised gorge-like basin.	On Paranui Stream, adjacent to Whareora Rd beside junction with Clapham Rd, 4 km north of centre of Whangārei .	С	3	
Stoney Know e basalt proto- karst, Helena Bay	D	Excellent small example of well-developed basalt proto-karst boulders.	Cap of Horeke Basalt on greywacke. Numerous large scattered basalt boulders, some developing solutionweathered surfaces.	In small fenced triangle of land between small cattle yards and access road to Huruiki Trig on north side of Russell Rd.	В	1	
Te Wairoa soda spring and travertine, Matapōuri Bay	D	One of the two best examples of travertine deposited by an active soda spring in northern New Zealand.	6m diameter, 4m high travertine deposit extends from small spring down towards swamp. Mound is hard as concrete and orange stained on top.	3 km SW of junction of Matapōuri and Clements Rd. 600 m up a true left tributary of Te Wairoa Stream from end of road where it crosses main stream. On true left bank of tributary adjacent to small area of toitoi sw amp.	O	1	



Titoki Natural Bridge	D	Best natural bridge formed in lava in New Zealand.	Stream flows through tunnel in basalt lava flow with natural bridge above. Tunnel is about 15m wide, 30m long and 10m high. Valley in regenerating bush	On Waitomotomo Stream, 500m w est of Pipiw ai - Titoki Road / McCardle Road, 2km North of Titoki.	В	2	
Urquharts Bay concretions, Whangārei Heads	D	Most easily accessible large spherical concretions in the Whangārei area, Northland.	A number of spherical concretions up to 1.5m diameter on the beach and eroding out of the Cretaceous parent rocks at the south end of Urquharts Bay.	On beach and in low eroding banks at south westend of Urquharts Bay, Whangārei Heads.	С		
Waikiekie karst	D	Most accessible example of rare solution runnels developed in allochthonous Oligocene limestone of the Northland Allochthon.	A small area of karstic limestone protruding through grass and forming a small stream gorge. Karst is extremely rare in the Northland Allochthon as allochthonous limestone is usually too muddy to develop karst features.	From little gorge betw een Neville Road and Auckland-Dargaville railw ay line southw ards betw een Tapuha Road and railw ay line for 300m.	С	2	
Waipū Caves and karst	D & F	Best and largest area of limestone karst geomorphology in Northland, south of Whangārei. Includes largest cave passage in Northland. Fossil bone deposits in Paryphanta Passage.	Fluted boulders and sinkholes in Oligocene limestone at Waipū Caves reserve, Waipū Caves Walkw ay and along roadside. Best examples are north of Waipū Caves Road. About 3 km horizontal stream cave. Includes both Waipū Cave and Elver Canyon Cave.	North of Waipū Caves Road, Waipū.	C	2	
Waipū Cove Oligocene- Miocene sequence and coastal karst	D & F	Only significant coastal karst and karstic sea cave in Northland. Exposes clear stratigraphic sedimentary relationship between Waitemata flysch, Te Kuiti Group limestone and basement.	Oligocene shallow water, flaggy, bioclastic, sandy limestone unconformably sits on Waipapa greywacke and passes abruptly and conformably up into deep water early Miocene Waitemata flysch. Outcrops and large fallen boulders developing solution runnels. One solution cave with speleothems around point from western end of Langs Beach (Q08 / 484 723).	Coastal section from 500 m SE of Waipū Cove to point at western end of Langs Beach.	С	2	
Wairua Falls	D	One of the five largest waterfalls over basalt lava flows in Northland.	River falls over the edge of a lava flow from Whatitiri shield volcano and erodes into softer country rock alongside. A dam upstream diverts some of the water for hydro purposes.	At end of Wairua Falls Road, 2 km from turnoff from HWY 14.	С	2	



Schedule – Outstanding Natural Features

Waro karst, Hikurangi	D	Excellent example of karst pinnacles close to highway.	In Oligocene limestone.	North side of Hikurangi.	С	2	
Whangārei Falls	D	One of the five best examples of a waterfall cascading over the edge of an eroding basalt lava flow in northern New Zealand.	A scenic 26m high w aterfall where the Hatea River plunges over the eroding edge of a columnar-jointed basalt flow originating from Vinegar Hill. 30m total thickness, with the base of the basalt corresponding with the base of the falls. Shows change from platy jointing near top of flow to columnar jointing near base.	50 m dow nstream from Tutukaka Road bridge over the Hatea River, approximately 1 km E of Tikipunga, w ithin the outer suburbs of Whangārei city.	С	σ	

E Exposures of geological material

Feature name	Category	Significance	Brief description	Location	^U Importance	Vulnerability	Map No.
Coppermine Island copper mineralisation	Е	Good example of a porphyry copper deposit.	Pyrrhotite-chalcopyrite hydrothermal mineralisation in pyroxene diorite and dacite breccia.	West end of Coppermine Island, Chickens Group.	В	2	
Coppermine Island diorite intrusion	Е	Only diorite plutons in Whangārei Heads region.	A dark coloured, coarse grained, pyroxene diorite, roughly elliptical in shape, with weakfoliations parallel to the margins.	Coastal cliffs on the western end of Coppermine Island.	С	2	
Houtospilite and conical hill	E	Oldest known occurrence of allochthonous ophiolites (Tangihuas) in Northland. Forms iconic eroded conical hill.	Spilitic lava and pillows with intercalated red-brown marble and mudstone with earliest Cretaceous fossils (in road cut)	Forming Houto Hill and surrounding area, rock exposures are in roadcuttings.	С	2	
Kamo Brickworks Eocene coal measures	E	Best remaining permanent exposure of Kamo Coal Measures. Easily viewed.	Jarositic carbonaceous mudstone, sandstone, conglomerate and coal sequence typical of the lithologies of the late Eocene Kamo Coal Measures.	In cutting alongside former Kamo Brickw orks building, now a garden centre. On south side of main railw ay line just east of where it ran underneath the old North Rd.	С	1	



Feature name	⊓Category	Significance	Brief description	Location	[©] Importance	∾ VuInerability	Map No.
Kauri Mountain hornfels and metallic mineralisation	Ē	Well-exposed example of hornfels (rocks metamorphosed by heat of intruding magma). Best example in Northland of veins of metallic mineralisation including galena, sphalerite and pyrite.	Hornfels up to 2m wide at contact with quartz-diorite are exposed in cliffs and shore platform.	In coastal cliff and foreshore at Flax Bay, east coast of Kauri Mt.	B	VΩ	<u>u</u>
Mangaw hati Point limestone karst and greensand, Whangārei Harbour	E	Well exposed autochthonous middle Tertiary sequence beneath Northland Allochthon. Includes excellent example of coastal karst, intensively burrow ed (Scolicia) calcareous greensand, the best crab fossil locality in Northland.	Conglomerate, glauconitic calcareous sandstone and bioclastic limestone overlain by basal allochthon. Includes Eocene sandstone beds with moderately rich fossil bivalves and crabs. Coastal karst extends around Mangaw hati Pt. Allochthon lithologies include rare black chert.	Around Mangaw hati Point extending 500 m south on the east side along the foreshore.	С	2	
McLeod Bay Miocene unconformity, Whangārei Heads	Е	Easily accessible and excellent exposure of deep water early Miocene thin-bedded sandstone and siltstone unconformably overlying Oligocene limestone and itself overlain by Northland Allochthon.	Sequence is near vertical and may be a block within Northland Allochthon. Provides a window into the history of the rocks deposited in this region prior to the incoming of the Northland Allochthon about 23 million years ago.	In foreshore 100- 200 m northeast of w harf at w est end of McLeod Bay.	С	2	
Ngunguru River mouth pillow basalt and peperite	E	The most accessible example of pillow basalt and peperite within basement greywacke (Waipapa Group) in northern New Zealand.	Coastal outcrops of Permian- Triassic Waipapa terrane pillow basalt with interbedded peperites (lava that has been brecciated by eruption into cold sea <u>water</u>).	Western end of Whangaumu (Wellingtons) Bay, 7 km by road east of Ngunguru township, 30 km NE of Whangārei.	С	3	



Feature name	⊓Category	Significance	Brief description	Location	Olmportance	√Vulnerability	Map No.
Ocean Beach autochthon- allochthon contact, Whangārei Heads	Эш	One of very few exposures where the basal contact of Northland Allochthon can be seen and provides clues into how and when it was emplaced.	Waipapa greywacke unconformably overlain by Waitemata Group sandstone and pebble breccia, in turn overlain by Northland Allochthon melange.	In intertidal rocks and low cliffs at the north end of Ocean Beach, at end of Kauri Mt Rd.	Ō	2	
One Tree Point interglacial beach and dune deposits	Е	Well exposed Late Pleistocene regressive coastal sand sequence. Only remaining exposures in the area that are not obscured by coastal foreshore protection works, and should be left in their unmodified state.	Coastal cliff and foreshore exposures show a shallowing upwards regressive sequence from shallow marine sand through beach sand to coastal foredune, with overlying swamp deposits in interdune hollows.	Southern shore of Whangārei Harbour w est of Marsden Point, from One Tree Point southw est w ards for 1 km.	В	1	
Onemama Point allochthonous sediments, Whangārei Harbour	E	Excellent exposures documenting earliest allochthon emplacement in this region.	Allochthonous olistostromes within Waitakian shallow water bioclastic sandstone facies.	From tip of Onemama Point to 1.5 km to NW.	В	3	
Parua Bay basal allochthon mélange	Ш	One of the classic localities in Northland showing the base of the allochthon sitting on early Miocene rocks and greywacke	Mélange overlying decollement cut into c.5m of Miocene Waitemata Group bioclastic limestone and flysch, upon greyw acke basement.	At eastern end of Parua Bay extending along foreshore North of Nook Road	В	3	
Parua Bay red chert, Whangārei Harbour	ш	excellent and most easily accessible exposure of red chert within greywacke basement sequence in Northland.	Intertidal outcrop over 80 x 50 m of foreshore adjacent to road.	Between Parua Bay boat ramp carpark and hotel.	C	2	
Reserve Point nephelinite flows and garnet andesite	ш	Only known nephelinite flow in northern New Zealand, adjacent to garnet andesite intrusion rich in mantle xenoliths.	Up to 4m thick columnar jointed nephelinite flow lens with Runangan shallow water sediment sequence sitting uncomfortably on greywacke. This sequence is intruded by garnet hornblende andesite rich in unusual mantle xenoliths.	Whangārei Harbour, coastal rocks and low cliffs on South side of Reserve Point, 1 Km east of tip	В	2	



Schedule – Outstanding Natural Features

Feature name	Category	Significance	Brief description	Location	^J Importance	Vulnerability	Map No.
Takahiw ai algal limestone, Whangārei Harbour	Ē	One of the best examples of algal (rhodolith) limestones in New Zealand. Smallest of two known exposures in the vicinity.	Probably in-situ blocks of c. 5m thick late Eocene algal limestone. Concentrically banded algal rhodolith spheres 1-6 cm diameter throughout, within distinctively bedded unit. Several blocks have been split open along bedding planes to expose plan views	Blocks cover area of c. 30 x 20 m, beside farm track near junction of three forks of a small stream, c. 200 m up flat section of valley from the coast. Stream valley mouth is largest and about midw ay betw een Mangaw hati Pt and w here Takahiw ai Rd leaves coast.	В	1	
Taurikura Bay natural jetty	Е	Best natural jetty formed by a dike in New Zealand.	Twometre wide andesite dike intruding Northland Allochthon and forming a 50m long jetty into bay. Fifty cm wide zone of baked muddy limestone on either side.	Foreshore of Taurikura Bay, adjacent to Ody Road junction.	В	1	
Te Ruatahi dune sequence, Mimiw hangata	Е	Occurrence of rich Holocene terrestrial fossil faunas in eroding dune sand.	Dune field containing late Holocene fossil <u>land</u> snail assemblages	South end of Te Ruatahi Beach, Mimiw hangata.	С	1	

F Caves

Feature name	Category	Significance	Brief description	Location	Importance	Vulnerability	Map No.
Abbey Caves and karst, Whangārei	D & F	One of the best preserved and most easily accessible areas of karst landforms and small caves in Northland.	About 4 hectares of vegetated karst with entrances to several caves on one partly underground stream, containing speleothems. Hundreds of limestone boulders with fluting and some castellated. Several 5 m limestone pinnacles in middle of bushed reserve. Several sink holes.	300 m east of Abbey Caves Road, half w ay betw een Whareora Road and Old Parua Bay Road; 2 km east of Parihaka and 3 km east of Whangārei.	С	2	



Schedule – Outstanding Natural Features

Feature name	Category	Significance	Brief description	Location	mportance	∾Vulnerability	Map No.
Poor Knights sea arches and caves	F	Best developed sea arches, tunnels and caves in New Zealand. Includes completely submerged tunnels, air bubble caves - many of w hich have been named.	Numerous arches, tunnels and caves ranging up to 200m long and 50m wide, eroded by the sea along joints in silicified rhyolite breccia. Located at present sea level, depths up to 30-40m below present and uplifted to heights up to 80m above present. On and through Taw hiti Rahi, Aorangi, Aorangaia and Archw ay islands. Taw hiti Rahi itself contains uplifted sea cave c.60m asl (dimensions 12m deep, 8m wide, 5m high).	Around the coast of the Poor Knights Islands e.g. Rikoriko Cave; Maomao Arch; Cathedral Arch.	В	3	u
Two Tone Cave, Waipū	F	One of the longest caves in Northland with numerous branches.	Horizontal stream cave about 3 km long. In places the cave floor is on greywacke.	Caves Road, Waipū.	С	3	
Waipū Caves and karst	D & F	Best and largest area of limestone karst geomorphology in Northland, south of Whangārei. Includes largest cave passage in Northland. Fossil bone deposits in Paryphanta Passage.	Fluted boulders and sinkholes in Oligocene limestone at Waipū Caves reserve, Waipū Caves Walkw ay and along roadside. Best examples are north of Waipū Caves Road. About 3 km horizontal stream cave. Includes both Waipū Cave and Elver Canyon Cave.	North of Waipū Caves Road, Waipū.	С	2	
Waipū Cove Oligocene- Miocene sequence and coastal karst	D & F	Only significant coastal karst and karstic sea cave in Northland. Exposes clear stratigraphic sedimentary relationship between Waitemata flysch, Te Kuiti Group limestone and basement.	Oligocene shallow water, flaggy, bioclastic, sandy limestone unconformably sits on Waipapa greywacke and passes abruptly and conformably up into deep water early Miocene Waitemata flysch. Outcrops and large fallen boulders developing solution runnels. One solution cave with speleothems around point from western end of Langs Beach (Q08 / 484 723).	Coastal section from 500 m SE of Waipū Cove to point at western end of Langs Beach.	С	2	

*Note: Abbey Caves, Waipū Cave and Waipū Cove cave records are duplicated under Category F for ease of reference.



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Network Utilities



NOTE: The following provisions apply district wide in addition to any other provisions in this Plan applicable to the same areas or site.

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NTW.1.1 Description and Expectations

NOTE: Whangārei District Council is undertaking a rolling review of the District Plan. It is intended that all network utility provisions will be reviewed during the rolling review. As part of the rolling review programme this chapter will be populated. Due to Council's requirement to implement the National Policy Statement on Electricity Transmission 2008 and Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, provisions relating to Electricity Network Utilities have been completed.

Chapter 23 Network Utility Operations of the Operative District Plan remains applicable to all Network Utility Activities. The description and expectations, objectives and policies of NTW.1, NTW.2 and NTW.3 do not supersede those objectives and policies specified in Chapter 23, but provide more specific guidance when considering Electricity Network Utilities.

Council is required to implement Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF 2016), therefore provision relating to Telecommunication Network Utilities are included. Chapter 23 Network Utility Operations of the Operative District Plan remain applicable to all Telecommunication Facilities.

ELECTRICITY:

Electricity is provided by Network Utility Operators through Electricity Infrastructure which forms an important aspect of the District's physical resources. Electricity is an essential form of energy and provision throughout the District is therefore required to provide for communities social and economic wellbeing. Electricity Infrastructure is the transmission and distribution systems for electricity comprising of lines, cables, substations and switchyards and other paraphernalia provided by a network utility operator, but excluding generation facilities.

Electricity Infrastructure within the District consists of the National Grid and the local Electricity Distribution Network. Electricity Infrastructure traverses Whangarei District providing electricity to neighbouring Districts, and is an important resource for the Northland Region.

The development, operation and maintenance of Electricity Infrastructure has the potential to create adverse effects on existing land uses, visual amenity, natural character and on public health and safety. Incompatible development and Sensitive Activities can give rise to reverse sensitivity effects,

Network Utilities



risks to health and safety, and compromise the on-going development, <u>maintenance</u> and operation of the <u>infrastructure</u>.

TELECOMMUNICATION:

<u>Telecommunication</u> is provided by <u>Network Utility Operators</u> through <u>telecommunication infrastructure</u> which forms an important aspect of the District's physical resources. The Resource Management (National Environmental Standards for <u>Telecommunications</u> Facilities) Regulations 2016 (NESTF 2016) regulates the following activities:

- Cabinets
- Antennas on poles
- Antennas on buildings
- Small cell units
- Telecommunication lines
- Underground telecommunication lines.

NTW.1.2 Electricity Objectives

- Providing for the sustainable, secure, safe and efficient use and development of <u>Electricity</u> <u>Infrastructure</u> within the Whangārei District, while seeking to avoid, remedy or mitigate adverse <u>effects</u> on the <u>environment</u>.
- 2. Recognising the importance of the National Grid to the National, Regional and District's social and economic wellbeing.

NTW.1.3 Electricity Policies

- To consider the actual or potential adverse <u>effects</u> of proposed <u>Electricity Infrastructure</u> with respect to location, design and operation while taking into account the functional, technical and operational needs of the <u>Electricity Infrastructure</u>.
- 2. To ensure safe, secure and efficient use and development of <u>Electricity Infrastructure</u> by avoiding or mitigating <u>reverse sensitivity</u> <u>effects</u> generated by <u>inappropriate land use, subdivision, and <u>development</u> activities occurring within close proximity to <u>infrastructure</u>.</u>
- 3. To use planning tools to facilitate long-term planning flexibility in the development, operation and maintenance of Electricity Infrastructure.
- 4. To enable the operation, <u>maintenance</u> and redevelopment of the existing National Grid in accordance with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
- To ensure safe and efficient use and development of the National Grid and adjacent land by:
 - i. Avoiding Sensitive Activities within the National Grid Corridor;
 - ii. Ensuring that <u>land</u> use, <u>subdivision</u> and development do not compromise the operation, <u>maintenance</u>, upgrading and development of the National Grid;
 - iii. Managing <u>subdivision</u> to facilitate good amenity and urban design outcomes near the National Grid; and
 - iv. Not foreclosing operation or <u>maintenance</u> options or, to the extent practicable, the carrying out of routine and planned upgrade works.
- 6. To raise awareness of transmission lines, by identifying the location of the National Grid on planning maps.

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Network Utilities



- To encourage extensions and upgrading to the <u>Electricity</u>
 <u>Infrastructure</u>, that are not provided for in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 and are not <u>minor upgrading</u>, to be undertaken through designations.
- 8. To ensure safe and efficient use and development of <u>Electricity Infrastructure</u>, by recognizing and providing for existing and future transmission corridors, including when identifying new areas of urban development.
- To ensure safe and efficient use and development of <u>Electricity Infrastructure</u> in accordance with Electricity Act 1992, Electricity (Hazards from Trees) Regulations 2003, Electricity (Safety) Regulations 2010 and New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.

NOTE: The construction, <u>alteration</u> or location of any <u>buildings</u> or <u>structures</u>, <u>land</u> disturbance or planting of vegetation near <u>Electricity Infrastructure</u>, should be located, selected and/or managed to ensure that it will not result in the breaching of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 and the Electricity (Hazards from Trees) Regulations 2003. To discuss works near any electricity line contact the <u>network utility operator</u>.

Landuse



NTW.2.1 National Grid

Notwithstanding any other rules in the District Plan, the aspects of the National Grid covered by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 must comply with those regulations, and Rules NTW.2.2 and NTW.2.3 shall not apply.

NOTE: These Regulations apply to the lines owned or operated by Transpower New Zealand Limited only.

NTW.2.2 Electricity Infrastructure Permitted Activities

- 1. The operation, <u>maintenance</u>, replacement and upgrading of the <u>Electricity Infrastructure</u> which meets the following standards:
 - a. There is no increase in the <u>height</u> of the support <u>structure</u> (excluding earthwires, earthpeaks and lightning rods) beyond the relevant permitted <u>height</u> specified in NTW2.2(2)(c); and
 - b. The relocation of support <u>structures</u> are within 5m of the existing pole location;
 - c. An increase in line voltage does not change the relevant <u>building</u> or <u>major structure</u> (excluding <u>minor buildings</u>) to conductor separation requirements specified in NZECP34:2001, except where the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage, or where the normal operating voltage will not exceed 33kV; and
 - d. Compliance with the requirements of NZECP 34:2001; and
 - e. Compliance with the electric and magnetic field limits contained in the International Commission for Non-Ionising Radiation Protection (ICNIRP) Guidelines (2010) and World Health Organisation Environmental Health Criteria Monograph (No. 238, June 2007); and
 - f. The ground is reinstated upon completion of works; and
 - g. Installation or modification of a sign at a <u>height</u> no greater than 2.0m above <u>ground level</u> and no larger than 1.0m² associated with an electricity network utility.
- 2. Construction of new <u>Electricity Infrastructure</u> which meets the following standards:
 - a. Compliance with the requirements of NZECP 34:2001;
 - b. Compliance with the electric and magnetic field limits contained in the International Commission for Non-Ionising Radiation Protection (ICNIRP) Guidelines (2010) and World Health Organisation Environmental Health Criteria Monograph (No. 238, June 2007); and
 - c. The construction or establishment of any tower, pole, mast, <u>aerial</u>, panel, element or dish operationally associated with electricity lines that have a maximum <u>height</u> above <u>ground</u> <u>level</u> of:
 - i. 15m in any Residential, Business or Rural Village Zone;
 - ii. 15m in the Port Zone;
 - iii. 12.5m in the Open Space and Recreation Zones;
 - iv. 18.5m in the Rural Production, Rural Living, <u>Strategic Rural Industries</u> or Rural (Urban Expansion) Zones.

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- d. Installation or modification of a sign at a <u>height</u> no greater than 2.0m above <u>ground level</u> and no larger than 1.0m² associated with an electricity network utility.
- 3. The construction of indoor junction boxes, substations and other equipment cabinets.
- 4. The construction of outdoor junction boxes, substations and other equipment cabinets, that have a height no greater than 1.5m above ground and a ground coverage not exceeding 3.0m², provided that it meets the following:
 - i. Have a low reflectivity finish, recessive in colour, with a maximum reflectivity of no more than 40%, except where it is required for safety purposes.
- 5. The construction of, or extension to, underground **Electricity Infrastructure**.

NTW.2.3 Electricity Infrastructure Discretionary Activities

- 1. Any activity relating to the construction, <u>maintenance</u> and upgrading of <u>Electricity Infrastructure</u> that fails to meet permitted activity rule NTW 2.2 is a discretionary activity. Council may have regard to the following matters when considering an application for resource consent and appropriate conditions:
 - i. The extent to which the proposed activity will have detrimental impacts or beneficial <u>effects</u> on the health and safety of the community.
 - ii. Any reduction of amenity values in the surrounding and nearby environment.
 - iii. Any negative impact on any natural ecosystem, Outstanding or Notable Landscape or Feature, <u>Site</u> of Significance to Māori, Heritage Tree and or Heritage Area, <u>Site</u> or Object.
 - iv. The reasonable ability to locate the Electricity Infrastructure below ground.
 - v. Any cumulative effects that may occur as a result of the activity.
 - vi. Whether or not the activity will result in adverse visual effects.
 - vii. Whether or not the measures proposed are sufficient to avoid, remedy or mitigate the environmental effects of the activity.
 - viii. The extent to which the proposed activity will affect the operation, <u>maintenance</u> and safety of the State Highway Network.
 - ix. The efficient use and development of land.
 - x. The operational or technical constraints of the **Electricity Infrastructure**.

NTW.2.4 National Grid Corridor Permitted Activities

- Within the National Grid Corridor the following activities are permitted:
 - i. Network utilities;
 - ii. Any agricultural or horticultural activity, building or <u>structure</u> (including additions or <u>alterations</u>) that is not associated with a <u>Sensitive Activity</u> and is not specified as a non-complying activity in NTW 2.5, provided that:
 - a. It is <u>setback</u> at least 12m from the outer visible edge of a transmission tower support <u>structure</u> (except where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to a lesser <u>setback</u>); and

Landuse



- It complies with the safe distance requirements between conductors and buildings (and other <u>structures</u>) required by section 3 of NZECP34:2001.
- iii. Any building or <u>major structure</u> less than 10m² <u>Gross Floor Area</u> and less than 2.5m in <u>height</u> above <u>ground level</u> associated with a <u>Sensitive Activity</u>, provided that it is <u>setback</u> at least 12m from the outer visible edge of a transmission tower support <u>structure</u>;
- iv. Fences less than 2.5m in <u>height</u> above <u>ground level</u> and <u>setback</u> at least 5m from the outer edge of a transmission support structure;
- v. <u>Earthworks</u> undertaken as part of normal agricultural <u>cultivation</u>, or <u>repair</u>, sealing or resealing of a <u>road</u> (including a farm track), footpath or driveway;
- vi. <u>Earthworks</u>, vertical holes and <u>Mineral Extraction</u> which is not deeper than 300mm within 6m, and not deeper than 3m between 6 to 12m, of the outer visible edge of a transmission tower support <u>structure</u>;
- vii. <u>Earthworks.</u> vertical holes and <u>Mineral Extraction</u> which does not create an unstable batter that will affect a transmission support <u>structure</u>; and
- viii. <u>Earthworks</u> that do not result in a reduction in the ground to conductor clearance distances required by NZECP34:2001.
- NOTE 1: Transpower NZ Ltd has specified that any building or <u>structure</u> no closer than 10m in a vertical direction from any conductor (wire) will comply with the conductor clearance distances required by NZECP34:2001.
- NOTE 2: Artificial crop protection structures and crop support structures fall within NTW 2.4.1(ii). Clause 2.4.1 of NZECP34:2001 provides for these structures to be located within 12m if a Transmission Tower support structure subject to certain requirements. For the purposes of this note, Artificial crop protection structure means a structure where cloth is used to protect crops or enhance crop growth (but does not include greenhouses), and Crop support structure means an open structure on which crops are grown.

NOTE 3: In order to establish safe clearance distances, consultation with Transpower NZ may be necessary.

NTW.2.5 National Grid Corridor Discretionary Activity

Within the National Grid Corridor, any building or <u>structure</u> (including additions and <u>alterations</u>)
within the Local Centre, General Residential and Village Zones which is located at least 12m
from the outer edge of a transmission <u>structure</u> associated with the National Grid is a
discretionary activity.

NTW.2.6 National Grid Corridor Non-complying Activities

- 1. Within the National Grid Corridor the following activities are non-complying:
 - Any activity that fails to meet Permitted Activity rule NTW.2.4 or Discretionary Activity rule NTW.2.5;
 - ii Sensitive Activities;
 - iii. Any building or <u>structure</u> (including additions or <u>alterations</u>) associated with a <u>Sensitive</u> <u>Activity</u> (except as permitted by rule NTW.2.4.1(iii));
 - iv. The following buildings or <u>structures</u> (including additions or <u>alterations</u>) within the corridor:
 - a. Any building or structure associated with a Commercial or Industrial Activity;
 - b. Any greenhouse 10m² Gross Floor Area or larger;

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- Milking shed buildings (excluding the surrounding platform and any stockyards);
- d. Buildings housing intensively farmed livestock.

NOTE: For the purpose of the notification provisions of the Resource Management Act 1991, Transpower NZ Limited shall be an affected person.

NOTE: In addition to the above, all activities (whether listed or not) located under or adjacent to the National Grid must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with the District Plan does not ensure compliance with the Code.

NTW.2.7 Critical Electricity Line (Category 1) Permitted Activities

- Within 10m of the centreline of a Critical Electricity Line (Category 1) the following activities are permitted activities:
 - a. Any building or structure that does not require building consent; or
 - b. Alteration of any building (excluding minor buildings) that does not exceed outside the envelope or footprint of the existing building; or
 - c. Earthworks, gardening or cultivation that:
 - Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and
 - ii. Are in accordance with NZECP 34:2001.
 - d. Activities described in NTW 2.7.1a, b and c that do not meet the requirements for permitted activities under those rules, provided that:

Either:

- a. Prior to the commencement of any works:
 - i. Written notification is provided to the Council: and
 - ii. The proposed works comply with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010) in all respects;

Or

- The activity is carried out by a <u>Network Utility Operator</u> or territorial authority in accordance with NZECP 34:2001.
- e. Planting of trees including shelterbelts, <u>plantation forestry</u> or commercial horticultural operations, provided that the proposed works comply with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010) in all respects.

NOTE: In addition to the above, all activities (whether listed or not) located under or adjacent to a Critical Electricity Line (Category 1) must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with the District Plan does not ensure compliance with the Code. Specifically, a building (or similar) setback of less than 12m from the outer visible edge of a tower support structure requires written approval of Northpower in accordance with clause 2.4.1 of NZECP34:2001.

Landuse



NTW.2.8 Critical Electricity Line (Category 1) Restricted Discretionary Activities

1. Any activity that does not meet the permitted activity rule NTW 2.7 is a restricted discretionary activity.

Discretion is restricted to:

- i. The safe and efficient operation and <u>maintenance</u> of the electricity supply network, including:
 - a. The use, design and location of <u>buildings</u> and <u>major structures</u>; and
 - b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and
 - c. Compliance with NZECP 34:2001; and
 - d. Effects on public health and safety; and
 - e. <u>Effects</u> on <u>access</u> to CEL's, designated substations and associated <u>infrastructure</u> for <u>maintenance</u> purposes.

NOTE: For the purpose of the notification provisions of the Resource Management <u>Act</u> 1991, the relevant <u>Network Utility Operator</u> shall be an affected person

NTW.2.9 Telecommunication Facilities

1. No rule in any chapter of this Plan that duplicates or conflicts with the NESTF 2016 shall apply. The NESTF 2016 applies in addition to all other rules in any chapter of this Plan.

Implementation Notes:

- NESTF 2016 regulations 10-18 specify the activity status for proposed <u>telecommunication</u> activities by linking back to the relevant District Plan. Each activity must be assessed against the appropriate District Plan definition and rule.
- 2. NESTF 2016 regulations 44-52 specify that proposed <u>telecommunication</u> activities must comply with the following relevant District Plan Resource Area Provisions:
 - Landscapes and Natural Features (LAN Chapter).
 - b. Notable and Public Trees (NPT Chapter).
 - c. Sites of Significance to Māori (Chapter 60).
 - d. <u>Historic Heritage</u> (HH Chapter).

Subdivision



NTW.3.1 National Grid Corridor Discretionary Activities

1. <u>Subdivision</u> of land which is within 32m of the centreline of the National Grid is a restricted discretionary activity, provided that every <u>allotment</u> is capable of containing within its <u>net site area</u> a <u>building area</u> located entirely outside of the National Grid Corridor.

Discretion is restricted to:

- Whether the design and construction of the <u>subdivision</u> allows for <u>earthworks</u>, <u>buildings</u> and <u>structures</u> to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
- ii. Provision for the ongoing operation, maintenance and planned upgrade of the National Grid.

NTW.3.2 National Grid Corridor Non-Complying Activities

- <u>Subdivision</u> of land which does not comply with rule NTW.3.1 is a non-complying activity.
- NOTE: For the purpose of the notification provisions of the Resource Management Act 1991, Transpower New Zealand Limited shall be an affected person.
- NOTE: Vegetation to be planted within the National Grid Corridor as shown on the planning maps, should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the transmission corridor, contact the relevant network utility operator.

NTW.3.3 Critical Electricity Line (Category 1) Restricted Discretionary Activities

1. <u>Subdivision</u> of land which is within 20m of the centreline of the Critical Electricity Line (Category 1) is a restricted discretionary activity.

Discretion is restricted to:

- The safe and efficient operation and <u>maintenance</u> of the electricity supply network, including:
 - a. The use, design and location of buildings and major structures; and
 - b. The mature size, growth rate, location, and fall zone of any associated tree planting, including landscape planting and shelterbelts; and
 - c. Compliance with NZECP 34:2001; and
 - d. Effects on public health and safety; and
 - e. <u>Effects</u> on <u>access</u> to CELs (Category 1), designated substations and associated <u>infrastructure</u> for <u>maintenance</u> purposes.

NOTE: For the purpose of the notification provisions of the Resource Management <u>Act</u> 1991, the relevant <u>Network Utility Operator</u> shall be an affected person.

NTW.3 Subdivision



MPC.A





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MPC.A

Marsden Primary Centre



MPC.A.1 General Description, Objectives and Policies MPC.A.1.(I) Description and Expectations

Whangārei District is experiencing significant population and economic growth which is projected to continue. Marsden Point - Ruakaka is one of the identified growth areas in the District, and is projected to have a significant population and employment increase over the next few decades, with some 40,000 people proposed to reside in the area in the longer term. Significant activities in the area include NorthPort, the Oil Refinery, heavy industrial activities, Marsden Cove Marina and residential and various nodes of residential and limited commercial development. Part of this area is comprised in the 'Marsden Primary Centre' which is intended as a new southern primary suburban centre which will complement Whangārei City itself. The growth options and direction for development of the area were canvassed and determined through an extensive consultative and analytical process undertaken with the Marsden Point-Ruakaka Structure Plan adopted by the Council in 2009.

The Marsden Primary Centre is already extensively provided with <u>infrastructure</u> services - with all <u>roads</u> and in-ground services in place; is in close proximity to established core <u>infrastructure</u> and provides the opportunity to develop a <u>mixed use environment</u>, creating capacity for long-term commercial and residential growth, and with potential to capitalise on growth opportunities for the City, the District and the Region.

The development process to be applied in the Marsden Primary Centre is designed to:

- 1. Enable the mixed use development of the site;
- 2. Use urban design principles to lead the design process;
- 3. Use a tiered approach for development assessment (Master Planning, Precinct Planning and various development and activity overlays);
- 4. Allow a mix of different urban activities; the use of innovative design and engineering solutions; and a staged approach in recognition of the long development timeframe of the site;
- 5. Avoid reverse sensitivity effects.

The development process adopted for the Marsden Primary Centre is designed to enable a flexible land use pattern to establish, creating opportunities for economic growth and a greater range and mix of land and economic uses to occur. The implementation of an overall urban design strategy (Master Plan) is the mechanism used to provide a framework and structure for the physical development of the Marsden Primary Centre site. Key components of the Master Plan approach are the setting in place of a land use and transportation network structure, and the definition of local area planning units (ie Precincts, and the application of an overall land use spatial budget that seeks to ensure balanced and sustainable physical growth and development; and the requirement for more detailed precinct planning to ensure adequate and appropriate urban design and layout, public transport, civic and recreational activities, open space, and an appropriate and adequate services and roading infrastructure framework.

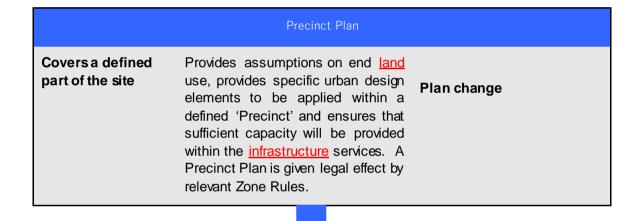
Marsden Primary Centre

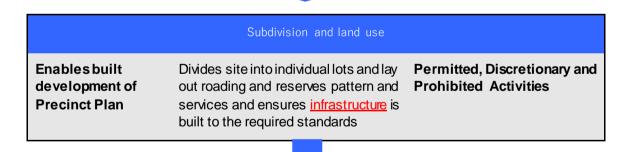


MPC.A.1.(II) Process for Development

To ensure the integrated development of the Marsden Primary Centre, a sequential 'Master Planning' and 'Precinct Plan' approach has been used as set out in the following diagram:

	Master Plan	
Covers the whole site	Provides detail of core infrastructure layout, reserves and open space pattern and defines key urban design elements and network links to be included in the individual Precinct Plans	





Enables built development within lots created by subdivision

Marsden Primary Centre



Notes:

- 1. A <u>subdivision</u> consent may be undertaken before all of the Precinct Plan(s) have been completed and approved to give effect to identified elements of the Master Plan i.e. establishing main <u>roads</u>, subdividing the site into the Precinct blocks etc.
- 2. Any change to the Master Plan and/or an adopted Precinct Plan will require a plan change to be undertaken.

MPC.A.1.(III) Master Plan

The Master Plan:

- Details and establishes the overall urban design framework for the development of the Primary Centre including retail, commercial, industrial, residential, community, education and open space areas and transport linkages;
- Establishes the overall <u>infrastructure</u> framework for the development of the Primary Centre and the <u>infrastructure</u> and servicing requirements of identified and possible <u>land</u> uses;
- Establishes a broad open space network;
- Establishes buffers to insulate development from <u>sensitive activities</u> on sites both within and outside the Primary Centre;
- Defines Precincts by way of a Precincts Plan.

MPC.A.1.(IV) Precinct Plans

Precinct Plans:

- Apply to a defined Precinct of the Marsden Primary Centre;
- Are consistent with the Master Plan and Precincts Plan;
- Detail the location of specific <u>land</u> uses within a particular Precinct;
- Detail specific urban design standards and bulk and location requirements to be applied within a
 particular Precinct;
- Where applicable, assess the servicing requirements (both physical and capacity-wise) of <u>land</u> uses and ensure that the <u>infrastructure</u> requirements of a particular Precinct are achievable;
- Specifically detail the provision of open space and <u>access</u> to areas within and between precincts, and other areas outside of the Primary Centre;
- Make provision for specific, defined matters such as <u>reverse sensitivity</u>, etc within the appropriate Precinct;
- Are implemented through appropriate Zone Rules.

MPC.A.1.(V) Subdivision and Built Development

Except as provided for in 2 below, <u>subdivision</u> and/or built development can only occur once Zones(s) Rules and its/their associated Precinct Plan(s) have been adopted.

MPC.A.1.(VI) Objectives and Policies for the Marsden Primary Centre Zones

The objectives and policies for the Marsden Primary Centre Zones take precedence over the objectives and policies in the Plan, unless Chapter MPC is silent on any matter in which case the objectives and policies in the Plan apply.

Marsden Primary Centre



MPC.A.1.(VI).(a) Objectives for the Marsden Primary Centre

Development of the Marsden Primary Centre in an appropriate manner will;

- Achieve sustainable and balanced physical development of the Primary Centre in regard to both
 the wider District and local centre impacts of comprehensive urban development in the Marsden
 Point location, including the avoidance of excessive commuting, recreational and shopping travel
 through proportional and co-located residential, commercial, employment, educational and
 recreational activities:
- Provide increased employment opportunities and commercial and residential capacity in an integrated, balanced and sustainable manner; including a <u>mixed use environment</u> in and around the town centre which promotes accessibility between residential, employment, recreation, community and shopping activities;
- 3. Enable a range of housing types and styles to be established that will support a growing and increasingly diverse population;
- 4. Avoid heavy industrial activities and provide activity buffers between industrial and residential / mixed use activities to ensure the co-locational compatibility of different land uses and activities;
- 5. Provide <u>infrastructure</u> and services that will lead to positive environmental outcomes with scope to enhance the surrounding <u>environment</u> and ensure that the development of the site does not limit future development through poorly planned services and <u>infrastructure</u> and that, where possible, the potential impacts of development are lessened through the use of low impact design systems for <u>infrastructure</u>;
- 6. Incorporate (over time) new transport and traffic initiatives that result in adequate roading, public transport and other transportation infrastructure being provided to accommodate the expected growth, with a roading hierarchy that is appropriate to the different activities within the area, incorporating pedestrian and cycleways and establishing further connections to adjoining urban nodes such as Marsden Cove and others in the wider Marsden Point—Ruakaka Area; and
- 7. Create a strong network of public open space, including places to enjoy a range of active and passive recreational activities whilst also enhancing the local ecology;
- Ensure that the design of the development takes into consideration and where possible mitigates
 any existing or potential hazards, in particular flooding, geotechnical issues and ground
 contamination.

MPC.A.1.(VI).(b) Policies for the Marsden Primary Centre

1. Sustainable Development

To apply a Masterplan and spatial budget governing the scale and location of residential, retail, non-retail commercial, industry, education, open space and other activities, in parallel with a precinct development approach that both implements the Masterplan and Spatial Budget, and as the basis for the co-ordinated design and layout of major activity areas.

2. Integration of Activities

To recognise that the integration of different <u>land</u> use activities to enable a more intensified use of <u>land</u> – which assists in sustainably managing the <u>land</u> use resource – can lead to negative <u>effects</u> and to reduce the potential for such negative <u>effects</u> through the planned location of <u>land</u> uses and the application of performance standards.

3. Mixed Use Zones

To recognise changing land-use patterns and residential and business characteristics and requirements, and, as a means of sustainably managing the use of <u>land</u> resources within the

Marsden Primary Centre



District, <u>mixed use</u> development is encouraged in the Marsden Primary Centre so long as the potential negative <u>effects</u> of different land-uses on amenity standards and expectations are effectively managed, and <u>reverse sensitivity</u> <u>effects</u> avoided and <u>amenity values</u> maintained.

4. Subdivision Flexibility

5. Amenity Values

To ensure that the <u>effects</u> of activities located in <u>mixed use environments</u> do not have adverse <u>effects</u> on other uses within the Zone, or on uses adjacent to, or outside of the Zone, by acknowledging that the incorporation of potentially sensitive uses into a <u>mixed use environment</u> (e.g. residential activities and restaurants/bars) may require that the sensitive uses incorporate measures to mitigate the <u>effects</u> generated by other activities, both within and outside of a <u>mixed use environment</u>.

6. Reverse Sensitivity

Particular <u>land</u> uses in close proximity to heavy industrial uses can generate the potential for <u>reverse sensitivity effects</u> to arise and such <u>effects</u> are recognised and should be avoided through appropriate location of more <u>sensitive activities</u> and the application of specific performance standards for both industrial and the more <u>sensitive activities</u>.

7. Provision of Infrastructure

The provision of <u>infrastructure</u> must be a key consideration in assessing any Precinct Plan. In the assessment of potential <u>infrastructure</u> requirements the demand generated by proposed <u>land</u> uses must be assessed and the capacity required both on and off the site must be provided before the related demand/need occurs. The use of new engineering initiatives for the provision of <u>infrastructure</u> and services are encouraged where such initiatives will provide <u>infrastructure</u> and services more efficiently and have capacity to lead to positive environmental outcomes. As part of the assessment of any Precinct Plan application it is necessary to carefully assess the staged nature of development and ensure that future development within the Precinct or external to that Precinct is not limited, through either the provision of under capacity services and/or the location of services without forethought to the requirement for future stages of development to connect to those services.

8. Transport and Access

The provision of an efficient roading network - including provision for alternative modes of transport, including public transport, in alignment with Council's related strategy and direction - with the key existing <u>roads</u> potentially affected by development being One Tree Point Road, Port Marsden Highway, and the 'Boulevard' road, as well as the future key connecting <u>roads</u> depicted in the Master Plan. The assessment of the potential impact of development on the transport network shall take into account any changes in the modes of transport being used, particularly the use of public transport.

9. Provision of Open Space

To require that the open space network provided within the Marsden Primary Centre is linked to assessed demand, enables unrestricted <u>access</u> by the public, and is designed so that open spaces are accessible, readily usable, able to cater for a range of uses and users, and linked in a legible manner.

Marsden Primary Centre



10. Natural Hazards

To ensure that as part of the assessment process of any Precinct Plan application(s), the extent of any <u>natural hazards</u> are taken into account, and effective means of avoiding, remedying and/or mitigating those hazards incorporated into the methods by which the site will be developed.

11. Precinct Plan Applications

To require a Precinct Plan included with a plan change application for the Marsden Primary Centre to include the following information:

(i) Area and Location

Detail of the exact area that is to be the subject of the Precinct Plan.

- (ii) Master Plan
 - a) A Precinct Plan must include all of the <u>land</u> identified for a Precinct in the Precincts Plan and shall give effect to the relevant /outcomes of the Master Plan and ensure integration of the Precinct Plan under consideration with already approved Precinct Plan(s) and not limit the development of future Precincts.
- (iii) Urban Design and Open Space
 - a) A report by a suitably qualified urban designer/planner/architect, who is a signatory to the New Zealand Urban Design Protocol, detailing specific urban design elements that are to be applied within the particular Precinct. These design elements will be developed in accordance with the New Zealand Urban Design Protocol; being:
 - Specific urban design principles to be applied within the Precinct, including bulk and location controls:
 - ii. Design standards for streetscapes;
 - iii. Roading cross sections for collector and local <u>roads</u> specifically detailing any provision to be made for car parking;
 - iv. The location, dimensions and area of any shared/common car parking areas to be provided within the Precinct;
 - v. Specific details of the Open Space network to be created within the individual Precinct, detailing in specific terms:
 - The location, dimensions and area of public open space to be provided.
 - Connections to be provided between areas of public open space.
 - b) Methods for implementing the planting guidelines for road reserves and areas of public open space identified in the Precinct Plan.
- (iv) Infrastructure Framework
 - a) An <u>infrastructure</u> framework incorporating engineering solutions, prepared by registered engineers with appropriate and demonstrated qualifications in each discipline, detailing the layout and capacity of services to be provided within the Precinct for:
 - i. Roading (including provision of public transport and alternative movement modes);
 - ii. Wastewater:
 - iii. Stormwater; and
 - iv. Water

and confirmation from Council that there is sufficient capacity within, or planned capacity within, the network <u>infrastructure</u> external to the Precinct and external to the Marsden Primary Centre site to accommodate the predicted increase in service demand.

Marsden Primary Centre



- b) The <u>infrastructure</u> framework will also detail where necessary, those areas within the Precinct and within other Precincts required to be set aside for the physical provision of <u>infrastructure</u>.
- c) The <u>infrastructure</u> network within the Precinct Plan should define any specific requirements necessary with regard to the provision of network utility services; namely electricity and telephone services and possible gas reticulation.
- d) The <u>infrastructure</u> network within the Precinct Plan should detail the car parking standards to be applied in the assessment of the car parking requirements, including assessment methods to be applied where car parking areas serve multiple uses/sites and also detail the management/<u>maintenance</u> of shared/common car parking areas, which may include the vesting of such car parking areas in the Council once developed.

(v) Hazards

 Detail and assessment of the extent of any areas subject to hazards, including flooding, any restrictive geotechnical conditions and ground contamination issues and methods to be applied to manage these potential hazards.

(vi) Ecology

a) The relevant Precinct Plan(s) are to provide for the protection and potentially the enhancement of ecological areas where merited.

(vii) Reverse Sensitivity

a) The relevant Zone Rules, in concert with the associated Precinct Plan(s), will address the potential for reverse sensitivity effects, especially involving residential or other sensitive people-base activities (e.g. child care, hospitals, etc) and activities which may generate effects which can impact on sensitive uses and in so doing create an untenable operating environment for the generating use. It is intended to ensure that legitimate activities operating within effects thresholds are not pressured to alter or cease their activities through unrealistic or unreasonable expectations; and that wherever possible sensitive activities themselves undertake measures to limit such effects on themselves (e.g. acoustic treatment of residential buildings etc).

MPC.A.2 Activity Status and Applications

Development Requiring a Precinct Plan and Zone Rules

- (a) Physical development of the site (or part of the site) and / or <u>subdivision</u> (and the associated physical works) shall only occur in accordance with a Precinct Plan and Zone Rules in the Plan, and in accordance with any required <u>land</u> use or <u>subdivision</u> resource consents.
- (b) If a Precinct Plan and associated Zone Rules have not been approved for any <u>land</u> within the Marsden Primary Centre, <u>subdivision</u> and/or physical development of the site for any permitted, limited discretionary or discretionary activity under the underlying Rural Production Zone shall be a discretionary activity, and any non-complying activity shall be a prohibited activity.



Marsden Primary Centre – Town Centre South Zone – Land Use

TCSZ.1.1 Description and Expectations

The Marsden Primary Centre Town Centre South Zone is located in the central sector of the Primary Centre and is bounded by One Tree Point Road and the Rail designation to the west and north, and bisected west-east by "Mainstreet" (Casey Street).

It is intended to provide primarily for a range of retail, commercial, civic and residential activities. A high standard of urban design is intended and this is to be achieved by detailed provisions relating to the scale, external treatment and location of <u>buildings</u>, and both the configuration of <u>roads</u> and open space.

Residential development is intended to be at relatively high density with both townhouse and apartment living, along with some areas of lower density residential around much of the periphery of the Town Centre residential area. This will assist in providing a buffer - along with similarly managed residentially compatible industry activities - between the adjoining residential and industrial areas.

Overall the intention is to enable and encourage the development of a community where all aspects of daily life (living, work, shopping, education and recreation) are co-located in a largely <u>mixed use environment</u> that avoids arbitrary <u>land</u> use separation and the loss of vitality and convenience that arises from that, including unnecessarily long and expensive trips between various activities. Much of the focus is on encouraging people-focussed activities in and around the town centre while allowing other activities to merge seamlessly where their varying <u>effects</u> can be accommodated.

The following Zone and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = Town Centre South Zone - Commercial Policy Area

Residential Policy Area = Town Centre South Zone - Residential Policy Area

Mixed Use 1 Policy Area = Industry Zone - Mixed Use 1 Policy Area

<u>Mixed Use</u> 2 Policy Area = *Industry Zone - <u>Mixed Use</u>* 2 Policy Area

Neighbourhood Centre Commercial Policy Area = Industry Zone - Neighbourhood Centre Commercial Area

TCSZ.1.2 Objectives

- Retail and commercial service activities are provided in an accessible and convenient location for people residing both within and outside the Marsden Primary Centre.
- 2. Opportunities are provided for people to live in close proximity to shops, services and employment by enabling <u>mixed use</u> business and residential activities.
- 3. A wide choice of housing options in high quality living <u>environments</u> is provided with higher densities in proximity to shops and employment.
- 4. A high standard of urban design shall be achieved for residential and commercial development, particularly in the medium density residential area and Main Street environments.
- 5. Provision is made for addressing <u>reverse sensitivity</u> conflicts, particularly between residential and commercial activities.

TCSZ.1.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.



Marsden Primary Centre – Town Centre South Zone – Land Use

TCSZ.1.4 Notification

<u>Land</u> use proposals that are not contrary to the above requisite policies are precluded from public notification.

TCSZ.1.5 Discretionary Activities

- Any of the following activities are Discretionary Activities except as otherwise limited or provided for in the Commercial or Residential Policy Areas, or a Precinct Plan.
 - (i) Activities involving the development or construction of <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) which do not comply with:
 - a) The Town Centre South Precinct 1 Plan and Standards in Section F; or
 - b) The provisions of the relevant Commercial or Residential Policy Areas.
 - (ii) Activities exceeding the allocations in the Spatial Budget in Appendix G.
 - (iii) Activities exceeding the levels and limits specified in the Specific Effects Thresholds in Section E:
 - a) Part A: Specific <u>Effects</u> Thresholds for Noise Zone 2 (since replaced by Noise and Vibration Chapter); and
 - b) Part B.
 - (iv) Activities where the vehicle <u>access</u> on to a public road is not in accordance with the standards in the Transport Chapter.
 - (v) Activities which do not provide the number of car parks required for that activity under the Transport Chapter.
 - (vi) The development or construction of <u>building</u>(s) or <u>major structures</u> (excluding <u>minor buildings</u>) on sites identified in the Precinct 1 Plan and Standards in Section F as "Special Entrance Treatment 'A', 'B' or 'C'".

Commercial Policy Area

- 2. Activities within the Town Centre South Commercial Policy Area:
 - (i) Which do not provide the number of car parks required for that activity under the Transport Chapter except for the following:
 - a) Food and Beverage Activities (excluding take-away food bars) seating more than 30 people: a minimum of 75% of the number required by Appendix 6 Road Transport.
 - b) Food and Beverage Activities (excluding take-away food bars) seating 30 people or less: No parking required.
 - (ii) That exceed the Internal Noise <u>Environment</u> noise levels set out in the Noise and Vibration Chapter:
 - (iii) Which involve residential activities at ground floor level other than stair / lift entrances, and reception areas;
 - (iv) That involve industrial activities as a primary activity on a site and/or occupying a GFA exceeding 50m²;



Marsden Primary Centre – Town Centre South Zone – Land Use

Residential Policy Area

- 3. Activities within the Town Centre South Residential Policy Area that:
 - (i) Generate more than 20 daily vehicle movements per <u>residential unit</u> excluding any movements directly associated with the domestic activities of permanent occupants of a <u>household</u> unit;
 - (ii) Exceed the noise levels set out in the Noise and Vibration Chapter for Noise Zone 2;
 - (iii) Require more than 3 car parks under the Transport Chapter;
 - (iv) Operate outside the hours of 7:00am to 10:00 pm except for residential and <u>visitor</u> accommodation;
 - (v) Involve the retail, trade or wholesale sale of goods;
 - (vi) Involve the manufacture, fabrication, machining, processing, mechanical assembly or <u>maintenance</u> of goods, or the <u>storage</u> or warehousing of goods, on site.

TCSZ.1.6 Requisite Policies

Spatial Budget

 Business, service and residential living opportunities and the wider population distributional and numerical <u>effects</u> of development of the Marsden Primary Centre shall be managed by not exceeding the Spatial Budget in Appendix G, other than for transfers between any Precincts that do not exceed 10% of the specified standard.

Integration and Layout

- 2. Integrated development shall be achieved by requiring adherence to the requirements of the Precinct 1 Plan and Standards in Section F; with the exception of the following:
 - (i) The specified layouts of identified <u>roads</u> and <u>building</u> footprints to a maximum of 20m variation;
 - (ii) Other standards to a maximum of 10% variation.

General Urban Design

- 3. An application for <u>land</u> use consent shall be accompanied by a report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details the manner in which the design principles exhibited in Precinct 1 Plan and Standards in Section F are met by the proposed development.
- 4. Visual gateways on sites at key intersections, identified with 'Special Entrance Treatment' notations in the Precinct 1 Plan and Standards in Section F, shall be provided by requiring:
 - (i) <u>Buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) to meet the minimum <u>height</u> and bulk standards set out in the Precinct 1 Plan; and
 - (ii) An application for <u>land</u> use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which (among other relevant matters) includes an explanation and



Marsden Primary Centre – Town Centre South Zone – Land Use

assessment of the manner in which the building proposed for the site provides:

- a) A 'visual gateway' effect for people on the main approach <u>roads</u>;
- b) Effective street frontage articulation; and
- c) Private open space if <u>residential units</u> are proposed, including decks and balconies where appropriate.

Residential

- 5. At least 80% of medium density residential units in the Residential Policy Area shall be within:
 - (i) 250m of the Town Centre South Main Street Overlay;
 - (ii) 200m of a neighbourhood park.
- 6. A minimum of 95% of medium and low density <u>residential units</u> within the Residential Policy Area shall have full <u>frontage</u> to a street or lane.

Main Street

7. A sense of place and enclosure and a high standard of pedestrian amenity within the street environment on Mainstreet shall be achieved by requiring buildings to interface with the street in the manner prescribed in Precinct 1 Plan Standards in Section F.

Commercial Policy Area

- All residential activities other than stair / lift entrances, and reception areas within the Commercial Policy Area shall be at first floor or higher, to maximise retail and commercial opportunities, and to avoid <u>reverse sensitivity effects</u> on such activities.
- Industrial activities, whether as a primary activity or <u>ancillary activity</u> within the Commercial Policy Area shall not exceed 100m² GFA.

Residential Policy Area

- 10. Non-residential activities within the Residential Policy Area shall not:
 - (i) Involve the retail or wholesale sale of goods directly to people physically attending the site, other than a show home;
 - (ii) Involve industrial activities, whether as a primary activity or ancillary activity;
 - (iii) Generate more than 20 daily vehicle movements per <u>residential unit</u> excluding any movements directly associated with the domestic activities of permanent occupants of a <u>household</u> unit;
 - (iv) Require more than 4 car parks under Transport Chapter;
 - (v) Under-provide parking by more than 1 car park required for that activity under the Transport Chapter.

Activity Effects

11. The <u>effects</u> of activities shall be managed by requiring compliance with the Specific <u>Effects</u> Provisions in Section F.



Marsden Primary Centre – Town Centre South Zone – Land Use

Noise

12. Adverse noise <u>effects</u> shall be avoided by requiring compliance with the applicable noise limits set out in Precinct 1 Plan Standards in Section F.

Building and Major Structure Scale and Bulk

13. Overall amenity and visual impact <u>effects</u> shall be avoided or mitigated by ensuring the scale and bulk of <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) do not vary from the specifications in Precinct 1 Plan in Section F by more than 20%.

Building and Major Structure Setbacks

14. Overall adverse amenity <u>effects</u> shall be avoided or mitigated by ensuring the location and <u>height</u> of <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) in relation to boundaries do not exceed the specifications in the Precinct 1 Plan and Standards in Section F by more than 20%.

Landscaping

15. Adverse amenity <u>effects</u> shall be avoided or mitigated by ensuring that street and park <u>boundary</u> tree planting required in Precinct 1 Plan and Standards in Section F is instituted.

TCSZ.1.7 General Policies

Integration and Layout

- To ensure a high standard and integration of urban development by requiring detailed planning at a precinct level.
- 2. In respect of any alternative site, road and/or open space layout within the Residential Policy Area to that in Precinct 1 Plan and Standards in Section F, integrated development should be achieved by ensuring that the urban design principles exhibited in the Plan are met in respect of the number of sites/units, spatial allocations, connectivity between public streets, site orientation and the relationship of sites/units to public streets.

Urban Design

- To ensure a people-based pedestrian <u>environment</u> and human-scale character in the Town Centre South, and in particular in relation to the Mainstreet <u>frontage</u>, through:
 - (i) A continuity of building frontages abutting the street;
 - (ii) Avoidance of extensive blank walls, and security fencing; and
 - (iii) Avoidance of large floor space manufacturing and service activities.
- 4. To achieve a high quality living environment by ensuring that houses offer good:
 - (i) Privacy;
 - (ii) Solar access;
 - (iii) Safety;
 - (iv) Indoor/outdoor flows;
 - (v) Quality visual character.
- 5. To achieve a high quality residential amenity by ensuring that non-residential activities directly complement and do not generate adverse:



Marsden Primary Centre – Town Centre South Zone – Land Use

- (i) Noise:
- (ii) Vehicle movement;
- (iii) Parking;
- (iv) Odour; or
- (v) Privacy

<u>Effects</u> that unreasonably impact on residential ambience and expectations, having regard to the character; location and intensity of existing and anticipated future residential activities.

- 6. To ensure a clear definition between public and private space by encouraging block perimeter development based on optimising street <u>frontages</u> for <u>buildings</u> and sites.
- 7. That a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:
 - (i) Any alternative urban design principles applied;
 - (ii) The reasons for inconsistency with the Precinct 1 Plan and Standards, and the anticipated alternative urban design outcomes;
 - (iii) The alternative standards to those in the Precinct 1 Plan Standards as relevant for <u>buildings</u>, streetscapes, street furniture, <u>landscaping</u> and road cross sections, and parking areas.
- 8. On sites with 'Special Entrance Treatment' notations, alternative <u>buildings</u>, structures or other features shall be subject to an urban design report detailing the manner in which the design principles for the required visual 'gateway' effect are met by the proposed development.

Infrastructure

 To ensure that appropriate <u>infrastructure</u> provision is made for proposed activities in regard to both site specific and cumulative <u>effects</u> having regard to the overall design thresholds for existing and future <u>infrastructure</u> in the Marsden Primary Centre.

Consolidated Development

- 10. To provide for a range of housing choice conveniently located in close proximity to shops, services, employment and public transport.
- 11. To provide for a range of housing densities, including large and small lots with detached houses, and medium density housing with semi-detached and attached houses, and apartments.
- 12. To locate a significant proportion of medium density residential development in easy walking proximity to shops and services within the Commercial Policy Area.

Reverse Sensitivity

13. To avoid <u>reverse sensitivity effects</u> between residential and commercial / industrial activities through the location and management of interfaces between different activities, including appropriate legal and construction methods and mechanisms.



Marsden Primary Centre – Town Centre South Zone – Land Use

Noise

14. To avoid significant adverse noise <u>effects</u> of any activity on another, particularly in regard to the provision of an acceptable level of amenity for residential and <u>public places</u>, including civic area and <u>buildings</u>.

Internal Noise

- 15. To avoid adverse <u>effects</u> arising from noise reception in regard to residential or other accommodation units, <u>care centres</u>; education; places of assembly and similar <u>noise sensitive</u> <u>activities</u> by ensuring appropriate <u>building</u> construction and treatment of the host <u>building</u>, having regard to the:
 - (i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent <u>environment</u>;
 - (ii) Potential <u>effects</u> on people's health and safety;
 - (iii) Length of time for which the internal noise <u>environment</u> will be greater than that specified, especially at <u>night;</u>
 - (iv) Practicability of mitigation measures to reduce noise effects.

Vibration

- 16. To avoid adverse <u>effects</u> arising from vibration in regard to:
 - (i) Duration, time and type of vibration;
 - (ii) Effects on health and safety;
 - (iii) Effects on amenity values.

Transport Network

- 17. To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:
 - (i) The external arterial <u>roads</u> of One Tree Point Road and Port Marsden Highway;
 - (ii) Internal collector <u>roads</u> linking all precincts in the Marsden Primary Centre and <u>land</u> beyond the Centre;
 - (iii) Pedestrian and cycle routes throughout the Marsden Primary Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Zone;
 - (iv) The Rail line.
- 18. To avoid potential adverse <u>effects</u> on the transport network in regard to:
 - (i) One Tree Point Road, Port Marsden Highway, Boulevard Road and the Rail frontages;
 - (ii) The effects of parking, loading and manoeuvring on existing public roads;
 - (iii) The need for acceleration and deceleration lanes;
 - (iv) Appropriate access design;
 - (v) The number, location and design of <u>vehicle crossing</u>;
 - (vi) Pedestrian safety;



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- (vii) Efficiency and safety of roads;
- (viii) Traffic safety and visibility;
- (ix) Dust effects;
- (x) The effect on <u>roads</u> in the vicinity of the site and their ability to carry the traffic that the proposal will generate;
- (xi) The need for traffic control, including signs, signals and traffic islands;
- (xii) The additional matters listed in the Transport Chapter;
- 19. To recognise that in regard to the provision of parking in the Commercial Policy Area, there are opportunities for public transport, proximate residential living, parking aggregation, and other benefits which may limit parking needs for some activities beyond that provided for as a Permitted Activity.

Network Utilities

20. – Deleted 13/01/2014 (Refer to Network Utilities Chapter)

Signs

21. Deleted (Refer to Signs Chapter)

Boundary Amenity

- 22. To avoid adverse effects arising from the construction or placement of a fence in regard to:
 - (i) Effects on amenity values;
 - (ii) Effects on visual amenity;
 - (iii) Effects on traffic safety;
 - (iv) Effects on health and safety.

Lighting

23. Deleted (Refer to Lighting Chapter)

Building and Major Structure Scale and Bulk

- 24. To avoid significant adverse <u>effects</u> from the scale and bulk of <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) in relation to:
 - (i) The nature of activities on adjoining sites;
 - (ii) The built characteristic of the neighbourhood;
 - (iii) The extent to which the <u>effects</u> of the <u>height</u> can be mitigated by <u>setbacks</u>, planting, design or the topography of the site;
 - (iv) Effects on landscape values;
 - (v) Effects on availability of daylight;
 - (vi) Effects on amenity values.

Building and Major Structure Setbacks



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- 25. To ensure the location and <u>height</u> of <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>) in relation to boundaries avoids more than minor adverse <u>effects</u> in relation to:
 - (i) The outlook and privacy of adjoining and adjacent properties;
 - (ii) Sunlight and daylight access to adjoining properties;
 - (iii) Effects on streetscape in terms of achieving built development with a pedestrian scale.

Landscaping

- 26. To avoid significant adverse amenity <u>effects</u> by ensuring <u>landscaping</u> is appropriate and sufficient to:
 - (i) Avoid adverse effects on neighbours;
 - (ii) Avoid adverse effects on the amenity of the locality.

Outdoor Storage

- 27. To avoid adverse effects arising from outdoor storage activities in regard to:
 - (i) Dust effects;
 - (ii) Smell effects;
 - (iii) Visual effects;
 - (iv) Amenity effects;
 - (v) Effects on amenity values;
 - (vi) Effects on health and safety;
 - (vii) Quality of stormwater runoff.

<u>Aerials</u>

- 28. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:
 - The design and external appearance of <u>buildings</u> and structures;
 - (ii) Landscape treatment and screening;
 - (iii) Site location and layout;
 - (iv) Amenity effects including shading, visual effect and glare;
 - (v) Construction materials:
 - (vi) The effects on a heritage item or heritage values.

High voltage lines - Deleted 13/01/2014 (Refer to Network Utilities Chapter)

29. Deleted 13/01/2014 (Refer to Network Utilities Chapter)

Offensive Trades

- 30. To avoid actual and potential adverse <u>effects</u> arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:
 - (i) The nature, scale and location of the activity;



Marsden Primary Centre – Town Centre South Zone – Land Use

- (ii) The nature and location of adjoining sites, and activities existent on them;
- (iii) The nature and location of other sites in the general vicinity;
- (iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;
- (v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

Coastal Inundation

- 31. To avoid endangerment or damage to people and property by ensuring that the development of inhabitable <u>land</u> and <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>):
 - (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or
 - (ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

Stormwater

32. To avoid the adverse <u>effects</u> of <u>stormwater</u> arising from the development and use of <u>land</u> and <u>buildings</u> by utilising appropriate alternative methods to ensure that the overall <u>stormwater</u> <u>discharges</u> meet the Three Waters Management Chapter provisions.

TCSZ.1.8 Prohibited Activities

- The use or occupation of any <u>building</u> in the Commercial Policy Area until the upgrading of Mainstreet as depicted in the "Proposed Mainstreet Road cross-section" in Diagram 1 in Attachment 1 of the Precinct Plan has been completed.
- 2. Intensive Livestock, mineral extraction, food irradiation.
- Activities involving bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; waste management facilities; disposal of wastewater; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and
- 4. An activity that is classified as an offensive trade in the Health Act 1956.



Marsden Primary Centre – Industry Zone – Land Use

IZ.2.1 Description and Expectations

The Marsden Primary Centre Industry Zone is located in the south-eastern sector of the Primary Centre, bounded by the Port Marsden Highway, One Tree Point Road and the Rail designation.

It is intended to provide primarily for a range of industrial and complementary business activities for the Marsden Primary Centre area and wider Marsden Point <u>environment</u>. However, a more <u>mixed use environment</u> than is typical of such development over the last few decades is sought and some provision is accorded for residential, community and commercial activities where both its <u>effects</u>, and <u>effects</u> on it, can be addressed.

As the industrial area adjoins residential and <u>mixed use</u> commercial activities located in the Town Centre South Zone, the <u>effects</u> of industrial activities on <u>land</u> uses in that Zone, and potential <u>reverse sensitivity effects</u> of residential and commercial activities on industrial uses, are taken into account by a combination of detailed urban design, and limits on the <u>effects</u> able to be generated by industrial uses.

However, the limitations on the nature and range of industrial activities are offset by the benefits for those industries and services which can locate in the Zone in close association with the residential, retail, community and education activities provided for in the Primary Centre.

The following **Environment** and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = Town Centre South Zone- Commercial Policy Area

Residential Policy Area = Town Centre South Zone-Residential Policy Area

Mixed Use 1 Policy Area = Industry Zone- Mixed Use 1 Policy Area

Mixed Use 2 Policy Area = Industry Zone- Mixed Use 2 Policy Area

Neighbourhood Centre Commercial Policy Area = Industry Zone- Neighbourhood Centre Commercial Area

IZ.2.2 Objectives

- 1. A range of industrial, other business and associated employment, and limited residential and community activities are provided for within an industrial sector of the Marsden Primary Centre which give effect to and complement the mixed use outcomes sought for the Centre.
- 2. The viability and vitality of the Town Centre South prime commercial and residential form and function is reinforced and enabled by limiting the extent to which people-oriented activities are able to establish in the surrounding industrial environment.
- 3. That adverse <u>effects</u> of industrial activities on surrounding <u>land</u> uses are avoided or mitigated where practicable, including <u>effects</u> on residential and more fine-grained commercial activities.
- 4. The safe and convenient use of the roading network serving the Primary Centre is protected from inappropriate site <u>access</u> and <u>land</u> use activities.
- 5. The visual amenities of the Primary Centre, and in particular the borders of the main collector/arterial <u>roads</u>, are protected from adverse impacts of industrial development and activities.
- 6. The capacity and efficiency of existing and planned future <u>infrastructure</u> services of the Primary Centre are protected from inappropriate development.



Marsden Primary Centre – Industry Zone – Land Use

 Reverse sensitivity effects of non-industrial activities such as residential and office uses are avoided so as to not unreasonably constrain industrial activities.

IZ.2.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.

IZ.2.4 Notification

Land use proposals that are not contrary to the requisite policies are precluded from public notification.

IZ.2.5 Discretionary Activities

- Any one or more of the following activities are Discretionary Activities except as otherwise limited or provided for in the <u>Mixed Use</u> 1, <u>Mixed Use</u> 2 or Neighbourhood Centre Commercial Policy Areas, or a Precinct Plan:
 - (i) Activities involving the development, construction or use of <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) which do not comply with:
 - a) The Industry Precinct 2 Plan and Standards in Section F; and/or
 - b) The provisions of the relevant <u>Mixed Use</u> 1, <u>Mixed Use</u> 2, and Neighbourhood Centre Commercial Policy Areas.
 - (ii) Activities that exceed the noise levels set out in the Noise and Vibration Chapter for the Noise Zone 1, Noise Zone 2, and Noise Zone 2A areas as identified in Marsden Primary Centre: Precinct 2 Plan
 - (iii) Activities that exceed the Internal Noise Environment levels set out in the Noise and Vibration Chapter for Noise Zone 1 and Noise Zone 2A.
 - (iv) Activities that exceed the limits set out in the Specific <u>Effects</u> Thresholds Part B: in Section E.
 - (v) Activities where the vehicle <u>access</u> on to a public <u>road</u> is not in accordance with the standards in the Transport Chapter.
 - (vi) Activities which do not provide the number of car parks required for that activity under the Transport Chapter.
 - (vii) Retail activity, whether as a primary activity or ancillary activity involving the sale or hire of goods merchandise or equipment where the GFA used for that purpose (excluding any area which performs solely a showroom function), exceeds 10% of the GFA of a business premise, up to a maximum of 300m².
 - (viii) Residential unit(s), whether as a primary activity or ancillary activity where:
 - a) There is more than one unit per site; or
 - b) The site is less than 2,000 m² in area.
 - (ix) The development, construction or use of <u>buildings</u> or <u>major structures</u> (excluding <u>minor buildings</u>) on sites where <u>stormwater</u> attenuation is not augmented by either:
 - Raising the spillway and outlet <u>structure</u> by 300mm on the <u>stormwater</u> pond on Lot 2 DP 386730; or



Marsden Primary Centre – Industry Zone – Land Use

- b) Piping the surplus <u>stormwater</u> volumes from the <u>stormwater</u> pond on Lot 2 DP 386730 to the <u>stormwater</u> pond on Lot 2 DP 406479.
- (x) An activity classified as an offensive trade in the Health Act 1956.
- (xi) Retirement Villages.

Mixed Use 1 Policy Area

- 2. Activities in the Mixed Use 1 Policy Area where:
 - (i) The site size or <u>building</u> and <u>major structure</u> (excluding <u>minor buildings</u>) coverage does not comply with the Precinct 2 Plan and Standards in Section F.
 - (ii) In regard to residential units /dwellings:
 - a) Units are located at ground level; or
 - b) There are more than three residential units on a site; or
 - c) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:
 - Orientation and <u>access</u> to the street or other public or private space, and passive surveillance of such areas;
 - ii. Private open space, including decks and balconies where appropriate;
 - Effective facade articulation, including <u>garage</u> door materials, to ensure visual interest;
 - iv. <u>Landscaping</u> for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
 - v. Aural and visual privacy between units, and adjoining activities; or
 - The number of <u>residential units</u> within any development exceed the number of individual business premises; or
 - e) The total combined number of <u>residential units</u> within the <u>Mixed Use</u> 1 Policy Area exceeds 5% of the total number of <u>residential units</u> otherwise specified for the Primary Centre in the Spatial Budget in Appendix G.
 - (iii) In regard to activities where:
 - The GFA utilised for industrial activities, whether as a primary activity or <u>ancillary activity</u> exceeds 200m².
 - b) Retail activities, except where this is an <u>ancillary activity</u> to the <u>industrial activity</u> and the GFA utilised for sales or hire does not exceed 50m².
 - c) The <u>industrial activity</u>, whether as a primary activity or ancillary is undertaken outside of a <u>building</u>; or
 - d) Service doors and opening windows face an adjoining site identified as Town Centre South Environment Residential Policy Area at less than 900.



Marsden Primary Centre – Industry Zone – Land Use

Mixed Use 2 Policy Areas

- Residential units/dwellings, whether as a primary activity or ancillary activity in the Mixed Use 2
 Policy Area where:
 - (i) Units are located at ground level;
 - (ii) More than three <u>residential units</u> are in a development;
 - (iii) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:
 - a) Orientation and <u>access</u> to the street or other public or private space, and passive surveillance of such areas;
 - b) Private open space, including decks and balconies where appropriate;
 - c) Effective facade articulation, including garage door materials, to ensure visual interest;
 - d) <u>Landscaping</u> for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
 - e) Aural and visual privacy between units, and adjoining activities.
 - (iv) The number of <u>residential units</u> within any development exceed the number of individual business premises;
 - (v) The total number of <u>residential units</u> within the <u>Mixed Use</u> 2 Policy Area exceeds 2.5% of the total allocation of <u>residential units</u> specified in the Primary Centre Spatial Budget in Appendix G;
 - (vi) The site fronts the Abraham Street extension and the Rail Corridor is designated.
- Commercial or Industrial activities in the Mixed Use 2 Policy Area where:
 - (i) The site fronts the Abraham Street extension, and there is no connection between Abraham Street and the Boulevard constructed in accordance with the Precinct Plan, and the GFA utilised for:
 - a) Industrial activities, whether as a primary activity or ancillary activity exceeds 200m²; or
 - b) Retail activities as ancillary activities to industrial activities exceeds 50m².
 - (ii) The <u>industrial activity</u>, whether as a primary activity or <u>ancillary activity</u> is undertaken outside of a <u>building</u>.

Neighbourhood Centre Commercial Policy Area

- 5. Activities in the Neighbourhood Centre Commercial Policy Area where:
 - (i) The retail activity, whether as a primary activity or ancillary activity exceeds 150m² GFA; or
 - (ii) Where more than three <u>residential units</u>, whether as a primary activity or <u>ancillary activity</u>, are in a development; or
 - (iii) Residential units/dwellings, whether as a primary activity or ancillary activity are located at the ground level; or



Marsden Primary Centre – Industry Zone – Land Use

(iv) The number of <u>residential units</u>, whether as a primary activity or <u>ancillary activity</u> within any development exceeds the number of individual business premises.

IZ.2.6 Requisite Policies

Integration and sustainable development

- The integrated development and use of the Marsden Primary Centre, opportunities for industrial activities in the Industry Zone, and the sustainability of the Town Centre South Zone, shall be maintained by ensuring:
 - (i) Adherence to the requirements of the Industry Precinct 2 Plan and Standards in Section F
 with a maximum spatial divergence from the specified layouts and standards of up to 20m for
 roads and building layouts; and 10% for other standards;
 - (ii) The total number of <u>residential units</u> do not exceed 10% of the total allocation for the Primary Centre Spatial Budget in Appendix G;
 - (iii) Retail activity nodes involving the sale or hire of goods merchandise or equipment from small format premises shall be limited to the two locations identified as Neighbourhood Centre Commercial Policy Areas where the retail sales area of any business premise within the Centre does not exceed 150m², being of a scale and location:
 - (a) Sufficient to provide for the convenience needs for employees and visitors to other activities in the Industry Zone;
 - (b) That will not otherwise divert retail activities from the preferred location in and around the Town Centre South Zone Commercial Policy Area.
 - (iv) Total <u>retail activity</u> GFA involving the sale or hire of goods merchandise or equipment within the <u>Mixed Use</u> 2 Policy Area shall not exceed 16,000m² GFA and no single business premise shall have a GFA of less than 1,000m²; provided that the assessment of total <u>retail activity</u> GFA and the restriction on single business GFA excludes that:
 - (a) Occurring in the Neighbourhood Centre Commercial Policy Area;
 - (b) Relating to the sale or hire of goods merchandise or equipment (excluding any area which performs solely a showroom function) not exceeding 10% of the GFA of a business premise, up to a maximum of 300m².

Residential Activities

- Residential activities within the <u>Mixed Use</u> 1, <u>Mixed Use</u> 2, and Neighbourhood Centre Commercial Policy Areas shall protect the core industrial role of the underlying Zone and achieve a high standard of residential amenity by requiring:
 - (i) The number of residential units to not exceed the number of industrial units on any site;
 - (ii) Residential units to be located above ground level so as to maximise area of the land available for business activities and to provide a degree of separation between residential and industrial business uses; and
 - (iii) An application for <u>land</u> use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:



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- Orientation and <u>access</u> to the street or other public or private space, and passive surveillance of such areas;
- b) Private open space, including decks and balconies where appropriate;
- c) Effective facade articulation, including <u>garage</u> door materials, to ensure visual interest;
- d) <u>Landscaping</u> for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
- e) Aural and visual privacy between units, and adjoining activities.

Retirement Villages.

- 3. Retirement Village activities within the Mixed Use 1 and Mixed Use 2 Policy Area shall protect the core light industrial role of the underlying Zone and achieve a high standard of residential amenity by requiring an application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, or acoustic engineer, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:
 - Orientation and <u>access</u> to the street or other public or private space, and passive surveillance of such areas;
 - (ii) Private open space, including decks and balconies where appropriate;
 - (iii) Effective facade articulation, including garage door materials, to ensure visual interest;
 - (iv) <u>Landscaping</u> for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents; and
 - (v) Aural and visual privacy between the retirement units and adjoining activities.

Effects

- 4. The adverse effects of activities on adjoining and surrounding land uses shall be avoided by:
 - (i) The application of discreet Policy Areas; and
 - (ii) Requiring compliance with the Specific Effects Thresholds in Section E.
- Adverse <u>effects</u>, in particular noise, visual, traffic and odour <u>effects</u>, on residential and sensitive commercial activities in the adjacent Town Centre South Zone shall be avoided by limiting the maximum extent of non-compliance with the activity standards for the <u>Mixed Use</u> 1 and <u>Mixed Use</u> 2 Policy Areas in Discretionary Activity Rules 2 to 5 to no more than 20%.

Reverse Sensitivity

6. Reverse sensitivity effects resulting from residential activities in the Industry Environment shall be avoided by limiting residential activities to security or caretaking purposes at a maximum of one unit per site with a minimum area of 2,000m²; other than where additional residential opportunities including Retirement Villages are provided for in the Mixed Use 1 and Mixed Use 2 Policy Areas.

Building and Major Structure Height, Scale and Bulk

7. Adverse visual and urban character <u>effects</u> shall be avoided by general compliance with the <u>building</u> and <u>major structure height</u> controls in the Precinct 2 Plan Standards in Section F.



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8. Adverse <u>effects</u> of <u>buildings</u> and <u>major structures</u> on sunlight and daylight admission to residential and sensitive commercial activities within the Town Centre South Zone, and Industry Zone - <u>Mixed Use</u> 1 Policy Area, shall be avoided by compliance with the <u>height</u> to <u>boundary</u> controls in the Industry Precinct 2 Plan Standards in Section F.

Urban Design

9. A high standard of urban design quality, visual amenity and safe movement along key transport routes shall be achieved by ensuring no more than minor variation in maximum and minimum building and major structure setbacks and landscaping requirements, and preventing the storage of materials in yards, specified in the relevant Frontage Controls in the Precinct 2 Plan Standards in Section F.

Other Activities

- 10. The adverse <u>effects</u> arising from potentially offensive activities or processes classified as an offensive trade in the Health Act 1956 shall be avoided by prohibiting the location of such activities in any of the Policy Areas applying within the Industry Zone.
- 11. The adverse <u>effects</u> arising from <u>stormwater</u> generation by the development, construction or use of <u>buildings</u> and <u>major structures</u> on sites shall be avoided by <u>stormwater</u> attenuation being augmented by either:
 - (i) Raising the spillway and outlet <u>structure</u> by 300mm on the <u>stormwater</u> pond on Lot 2 DP 386730; or
 - (ii) Piping the surplus <u>stormwater</u> volumes from the <u>stormwater</u> pond on Lot 2 DP 386730 to the <u>stormwater</u> pond on Lot 2 DP 406479.

IZ.2.7 General Policies

Urban Form and Development

 To ensure a high standard and integration of urban development by requiring detailed planning at both Masterplan and Precinct level.

Urban Design

- To achieve a high quality business <u>environment</u> by ensuring that <u>height</u>, bulk, site coverage, <u>building</u> and <u>major structure setbacks</u> from boundaries and <u>landscaping</u> provide a good standard of built amenity in relation to neighbouring sites and public streets.
- 3. To ensure a clear definition between public and private space by encouraging conventional perimeter development with sites generally facing public streets or significant areas of open space.
- 4. Where a proposed <u>building</u> or development is not in accordance with the Precinct 2 Plan and Standards, that a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:
 - (i) Any alternative urban design principles applied;
 - (ii) The reasons for the inconsistency with the 2 Plan and the urban design outcomes expected;



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(iii) The alternative standards to those in the Precinct 2 Plan Standards as relevant for <u>buildings</u>, streetscapes, street furniture, <u>landscaping</u> and <u>road</u> cross sections, and parking areas, or other relevant matters.

Retail Activity

- 5. To ensure the sustainability of the Town Centre South Zone and to avoid the adverse <u>effects</u> of retail activities on the efficient use and operation of industrial activities; including industrial activities with greater actual or potential external <u>effects</u>, and associated <u>roads</u> and <u>infrastructure</u> by:
 - (i) Co-locating retail activities particularly large scale pedestrian and vehicle focussed activities
 with the commercial and residential activities provided for in and immediately around the
 Town Centre South Zone:
 - (ii) Limiting the overall scale and extent of retail activity within the Industry Zone,
 - (iii) Consolidating neighbourhood shops and services serving local industrial activities in the two defined Neighbourhood Centres which are located within easy and convenient walking distance of those activities: and
 - (iv) Maintaining the scale of <u>retail activity</u> in the Industry Zone at a significantly lower proportion to that in the Town Centre Zone.

Reverse Sensitivity

 To avoid <u>reverse sensitivity effects</u> between activities with pedestrian and residential amenity (including <u>residential units</u>, offices and retailing), and industrial activities, by ensuring adequate separation between them.

Transport Network

- To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:
 - (i) The external arterial and collector roads of One Tree Point Road and Port Marsden Highway;
 - (ii) Internal collector and <u>access roads</u> linking all precincts in the Marsden Primary Centre and <u>land</u> beyond the Centre;
 - (iii) Pedestrian and cycle routes throughout the Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Zone;
 - (iv) The Rail line.
- 8. To avoid potential adverse effects on the transport network in regard to:
 - (i) One Tree Point Road, Port Marsden Highway, and Boulevard road and the Rail frontages;
 - (ii) The <u>effects</u> of parking, loading and manoeuvring on existing public <u>roads</u>;
 - (iii) The need for acceleration and deceleration lanes;
 - (iv) Appropriate access design;
 - (v) The number, location and design of <u>vehicle crossing</u>;
 - (vi) Pedestrian safety;
 - (vii) Efficiency and safety of roads;



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- (viii) Traffic safety and visibility;
- (ix) Dust effects;
- (x) The effect on <u>roads</u> in the vicinity of the site and their ability to carry the traffic that the proposal will generate;
- (xi) The need for traffic control, including signs, signals and traffic islands;
- (xii) The additional matters listed in Appendix 6;
- (xiii) Those matters listed in Chapter 47 Road Transport Rules.

Network Utilities

9. Deleted 13/01/2014 (Refer to Network Utilities Chapter)

Signs

10. Deleted (Refer to Network Utilities Chapter)

Boundary Amenity

- 11. To avoid adverse effects arising from the construction or placement of a fence in regard to:
 - (i) Effects on amenity values;
 - (ii) Effects on visual amenity;
 - (iii) Effects on traffic safety;
 - (iv) Effects on health and safety.

Lighting

12. Deleted (Refer to Lighting Chapter)

Noise

- 13. To avoid actual and potential adverse effects arising from noise generation in regard to:
 - (i) Maximum level of noise likely to be generated;
 - (ii) The nature and frequency of the noise, including any special audible characteristics;
 - (iii) Effect on nearby activities, in particular more noise sensitive residential, office and similar environments;
 - (iv) Length of time for which the specified noise level is exceeded, especially at night;
 - (v) Likely adverse effects on-site and beyond the site;
 - (vi) Mitigation measures to reduce noise generation.

Internal Noise

- 14. To avoid adverse <u>effects</u> arising from noise reception in regard to residential or other accommodation units, <u>care centre</u>; education facilities; places of assembly and similar <u>noise sensitive activities</u> by ensuring appropriate <u>building</u> construction and treatment of the host <u>building</u>, having regard to the:
 - (i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent <u>environment</u>;



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- (ii) Potential effects on people's health and safety;
- (iii) Length of time for which the internal noise <u>environment</u> will be greater than that specified, especially at <u>night;</u>
- (iv) Practicability of mitigation measures to reduce noise effects.

Vibration

- 15. To avoid adverse effects arising from vibration in regard to:
 - (i) Duration, time and type of vibration;
 - (ii) Effects on health and safety;
 - (iii) Effects on amenity values;
 - (iv) The additional matters listed in the Noise and Vibration Chapter.

Outdoor Storage

- 16. To avoid adverse effects arising from outdoor storage activities in regard to:
 - (i) Dust effects;
 - (ii) Smell effects;
 - (iii) Visual effects;
 - (iv) Amenity effects;
 - (v) Effects on amenity values;
 - (vi) Effects on health and safety;
 - (vii) Quality of stormwater runoff.

Aerials

- 17. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:
 - (i) The design and external appearance of buildings and structures;
 - (ii) Landscape treatment and screening;
 - (iii) Site location and layout;
 - (iv) Amenity effects including shading, visual effect and glare;
 - (v) Construction materials:
 - (vi) The effects on a heritage item or heritage values.

High voltage lines -

18. Deleted 13/01/2014 (Refer to Network Utilities Chapter)

Offensive Trades

- 19. To avoid actual and potential adverse <u>effects</u> arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:
 - (i) The nature, scale and location of the activity;
 - (ii) The nature and location of adjoining sites, and activities existent on them;



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- (iii) The nature and location of other sites in the general vicinity;
- (iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;
- (v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

Coastal Inundation

- 20. To avoid endangerment or damage to people and property by ensuring that the development of habitable <u>land</u>, <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>):
 - (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or
 - (ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

Hazardous Substances

21. To avoid actual and potential adverse <u>effects</u> arising from the use, <u>storage</u> or on-site movement of <u>hazardous substances</u>.

MPC.D



Marsden Primary Centre – Town Centre South and Industry Zone – Subdivision

The following **Environment** and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = Town Centre South Zone - Commercial Policy Area

Residential Policy Area = Town Centre South Zone - Residential Policy Area

Mixed Use 1 Policy Area = Industry Zone - Mixed Use 1 Policy Area

Mixed Use 2 Policy Area = Industry Zone - Mixed Use 2 Policy Area

Neighbourhood Centre Commercial Policy Area = Industry Zone - Neighbourhood Centre Commercial Area

S.3.1 Objectives

- Subdivision provides for and ensures the comprehensive and integrated development of the Marsden Primary Centre.
- Subdivision results in a layout of <u>allotments</u>, <u>roads</u>, open space and <u>infrastructure</u> provision that ensures that the pattern and nature of development identified in the Masterplan and approved Precinct Plans is achieved.

S.3.2 Eligibility

Subdivision is a discretionary activity.

S.3.3 Notification

<u>Subdivision</u> proposals that are not contrary to the above requisite policies are precluded from public notification.

S.3.4 Requisite Policies

- 1. <u>Subdivision</u> shall comply with the layout and orientation of sites in Precinct Plans 1 (Town Centre South) and 2 (Industry).
- 2. In the Town Centre South Zone Commercial Policy Area every allotment shall have:
 - (i) A net site area of at least 100m²;
 - (ii) A minimum frontage to a road of at least 12 m for a corner site and 6m for all other sites.
- 3. In the Town Centre South Zone Residential Policy Area every <u>allotment</u> shall be of sufficient size and shape to accommodate the housing typologies identified in Diagrams 5 and 6 in Attachment 1, in the Town Centre South Precinct Plan.
- 4. In the Industry Zone each allotment shall be:
 - (i) Consistent with the configurations in the Industry Precinct Plan; and
 - (ii) The maximum and minimum allotment sizes specified in the Industry Precinct Plan.
- 5. In both the Town Centre South and Industry <u>Environments</u> and Policy Areas, the boundaries of all <u>allotments</u> shall be drawn relative to existing <u>buildings</u> and <u>major structures</u> (excluding <u>minor buildings</u>), so that:
 - (i) There is compliance as a permitted activity with the rules in the Transport Chapter, and any other rules relating to parking, loading, manoeuvring and access; and

MPC.D



Marsden Primary Centre – Town Centre South and Industry Zone – Subdivision

(ii) The <u>building</u> complies as a permitted activity with the rules in this Plan relating to site coverage, <u>setbacks</u>, daylight angles, and <u>outdoor living space</u>, except to the extent of any non-compliance that existed lawfully prior to <u>subdivision</u>.

Roading and Access

- 6. The identification of building areas and accessways shall be required prior to s224 certification.
- 7. Every <u>allotment</u> shall be capable of having vehicular <u>access</u> to a road, and <u>access</u> physically provided prior to s224 certification where it is shared by two or more <u>allotments</u>.
- 8. That:
 - (i) New <u>roads</u> shall be formed along the general alignment of any indicative road shown on the Masterplan, Precinct Plan or Planning Maps;
 - (ii) A cycleway shall be provided along the Boulevard Road;
 - (iii) Street lighting shall be provided on all new <u>roads</u> created by the <u>subdivision</u>, and comply with the relevant standards in the District Plan.

Infrastructure Services

That:

- The design and layout of the <u>subdivision</u> shall provide for the efficient future extension of water supply, <u>stormwater</u>, <u>wastewater</u> and <u>roads</u> to any adjoining land.
- (ii) All <u>allotments</u> shall be provided, within their <u>net site area</u>, with a connection to a Council-maintained:
 - a) Reticulated wastewater system;
 - b) Water supply where available; or where no Council system is available, all allotments can be provided with a safe potable water supply.
- (iii) All allotments shall be provided, within their net site area:
 - With a means for the disposal of collected <u>stormwater</u> from the roofs of all potential or existing <u>buildings</u> and <u>major structures</u> and from all <u>impervious areas</u>; and
 - b) The disposal is by way of a connection to a Council-maintained <u>stormwater</u> system where available.
- (iv) The <u>stormwater</u> disposal system shall be constructed to comply in all respects with the relevant standards in the Three Waters Management Chapter.
- (v) All <u>allotments</u> shall be provided, within their <u>net site area</u> with a connection to a Councilmaintained sewerage system, and the connection and <u>sewage</u> disposal system is constructed to comply in all respects with the relevant standards in Appendix 9 of the District Plan.
- (vi) All <u>allotments</u> shall be provided with a connection to an electrical supply system at the <u>boundary</u> of the site; and the electrical supply is to be underground, where:
 - a) New <u>roads</u> are to be formed in the <u>subdivision</u>; or
 - The existing electrical supply is underground in the vicinity of the <u>land</u> being subdivided.
- (vii) All <u>allotments</u> shall be provided with the ability to connect to a <u>telecommunications</u> system; and all new lines, including service leads/lines/connections shall be underground or wireless where:
 - a) There are no existing telecommunications lines and service leads/lines/connections; or
 - The existing <u>telecommunications</u> and service leads/lines/ connections are underground or wireless.

MPC.D



Marsden Primary Centre – Town Centre South and Industry Zone – Subdivision

Earthworks

10. All earthworks shall comply with the relevant standards in the Earthworks Chapter.

S.3.5 General Policies

- To require all <u>subdivision</u> proposals to recognise and take into account all site-specific elements and features, and present comprehensive design solutions.
- 2. To ensure subdivision:
 - (i) Has been planned in a comprehensive manner, and is consistent with the spatial components of the Masterplan and Precinct Plans;
 - (ii) Enables the activities provided for by the Zone, Policy Area and Precinct Plans to be undertaken and / or controls met; and
 - (iii) Does not compromise the efficient <u>subdivision</u> and development of both the subject and adjoining <u>land</u>.
- 3. To lay out key subdivisional elements in a manner that:
 - (i) Provides all sites with direct street <u>frontage</u> and avoids the need for rear <u>allotments</u>;
 - (ii) Maximises building orientation to the sun, particularly for residential units;
 - (iii) Enables on-site and adjoining site privacy;
 - (iv) Achieves full connectivity of streets, open space and pedestrian routes and avoids dead end roads, cul-de-sacs and circuitous vehicle and pedestrian routes.
- 4. To facilitate the provision of walkways and cycleways for public <u>access</u> for recreation and to the services and facilities located at the Town Centre.
- To ensure that the needs of residents and businesses are provided for in relation to engineering services such as communication and electricity, <u>wastewater</u>, <u>water</u> supply and <u>stormwater</u> services; having regard also to the <u>Subdivision</u>, Three Waters Management and Transport Chapters.
- 6. To require adequate provision for potable and fire fighting <u>water</u> supplies to each <u>building</u> site at the time of <u>subdivision</u>.
- 7. To avoid, remedy or mitigate <u>natural hazard</u> risks, including instability, flooding and coastal inundation.

MPC.E



Marsden Primary Centre – Town Centre South and Industry Zones – Specific Effects Thresholds

Part A

Noise Zone 1 (Deleted - refer to Noise and Vibration Chapter)

Noise Zone 2 (Deleted - refer to Noise and Vibration Chapter)

Internal Noise Environment (Deleted – refer to Noise and Vibration Chapter)

Part B

The following specific effects thresholds apply except than where Zone Rules apply different standards.

Network Utilities

- a. The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that do not exceed a <u>height</u> greater than 2.5m above ground and a ground coverage not exceeding 4.5m²; and
- The establishment of, or extension to, overhead <u>telecommunication</u> lines located on single poles; and
- c. The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply with the rules for <u>Aerials</u> and <u>Aerial Support Structures</u>; and
- d. The upgrading, replacement, removal and <u>maintenance</u> of existing facilities to a no more than minor extent; and
- e. The establishment of, or extension to, underground Network utility operations, including gas lines that have a maximum operating pressure not exceeding 2000 kilopascals.

Parking

f. Parking spaces are provided in accordance with the Transport Chapter except where otherwise stated by the Zone rules.

Traffic

- g. If any activity generates more than 200 vehicle movements in any 24 hour period the entrance of its vehicle <u>access</u> onto the public road is in accordance with the following standards, in addition to the general requirements set out in the Transport Chapter:
 - (i) The access leads onto a public road with a sealed carriageway at least 7.0 metres wide; and
 - (ii) All vehicle manoeuvring occurs within the site; and
 - (iii) The entrance is designed to accommodate turns (entries and exits) by "B-trains" or larger vehicles such that:
 - There is a minimum 0.5 metre clearance to any obstructions near the entrance; and
 - At all times during the turn, the vehicle's wheels remain on paved surfaces and do not cross the centreline of either the <u>access</u> or the public road; and
 - (iv) There is a right-turn bay and left-turn deceleration lane for vehicles turning into the entrance, both of which provide complete separation of turning and non-turning vehicles and which are in accordance with the "minimum" standards in the Land Transport Safety Authority and Transit New Zealand's Manual of Traffic Signs and Markings; and

MPC.E



Marsden Primary Centre – Town Centre South and Industry Zones – Specific Effects Thresholds

(v) There is a throat island at the crossing entrance, both ends of which are lit at <u>night</u> to a minimum illumination of 10 lux and have <u>signs</u> in place in accordance with the manual of Traffic <u>Signs</u> and Markings.

Signage

- h. Deleted refer to Signs Chapter.
- i. Deleted refer to Signs Chapter.
- j. Deleted refer to Signs Chapter.
- k. Deleted refer to Signs Chapter.

Fences

l. Fences within 4.5m of the road boundary are no higher than 3.0m above ground level.

Artificial Lighting

- m. Deleted refer to Lighting Chapter.
- n. Deleted refer to Lighting Chapter.
- o. Deleted refer to Lighting Chapter.

Construction Noise

- p. (Deleted refer to Noise and Vibration Chapter)
- q. (Deleted refer to Noise and Vibration Chapter)

Vibration

r. (Deleted – refer to Noise and Vibration Chapter)

Electromagnetic Radiation

s. Activity exposures shall comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.

Outdoor Storage

- t. Outdoor areas of <u>storage</u> or stockpiles of materials or equipment shall comply with the relevant Precinct and Overlay <u>building</u> and <u>major structure height</u>, <u>setbacks</u> and daylight angle rules or are contained or maintained to prevent the dispersal of dust or airborne <u>contaminants</u> beyond the site;
- u. Materials are stored in a way that avoids providing a food source for vermin; and
- v. The best practicable option is adopted to prevent or minimise <u>contaminants</u> from stockpiles entering watercourses or <u>water</u> bodies.

Aerials and/or aerial support structures

MPC.E



Marsden Primary Centre – Town Centre South and Industry Zones – Specific Effects Thresholds

- w. Any <u>aerial</u> or <u>aerial support structure</u> shall not exceed a diameter of 2.4m or a <u>height</u> of 39.0m above <u>ground level</u>.
- x. Any <u>aerials</u> and/or <u>aerial support structure</u>s shall comply with the relevant <u>building</u> and <u>major</u> <u>structure</u> <u>setback</u> and daylight angle requirements for the Zone, Precinct and / or Policy Area in which they are located; and
- y. Any dish antenna located on a site of any listed Heritage <u>Building</u> or Object is not visible from any <u>public place</u>.

Inundation

z. <u>Buildings</u> and <u>structures</u> shall have a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.

Hazardous Substances

aa. Refer to Hazardous Substances Chapter

Offensive Trade

bb. An activity that is classified as an offensive trade in the Health Act 1956 shall comply with the Act's requirements.

MPC.F



Marsden Primary Centre – Precinct Plans

1. Town Centre Precinct Plan

The Town Centre South Precinct Plan in **PART A** specifies the spatial location, configuration and orientation of:

- (a) Buildings, major structures, and land uses;
- (b) Sites;
- (c) Roads;
- (d) Open space network; specifically: locations, dimensions and area of public open space, open space connections including specific open space proposals near the Main Street; and
- (e) Major parking areas.

The Town Centre South Precinct Standards in PART B specify details of the:

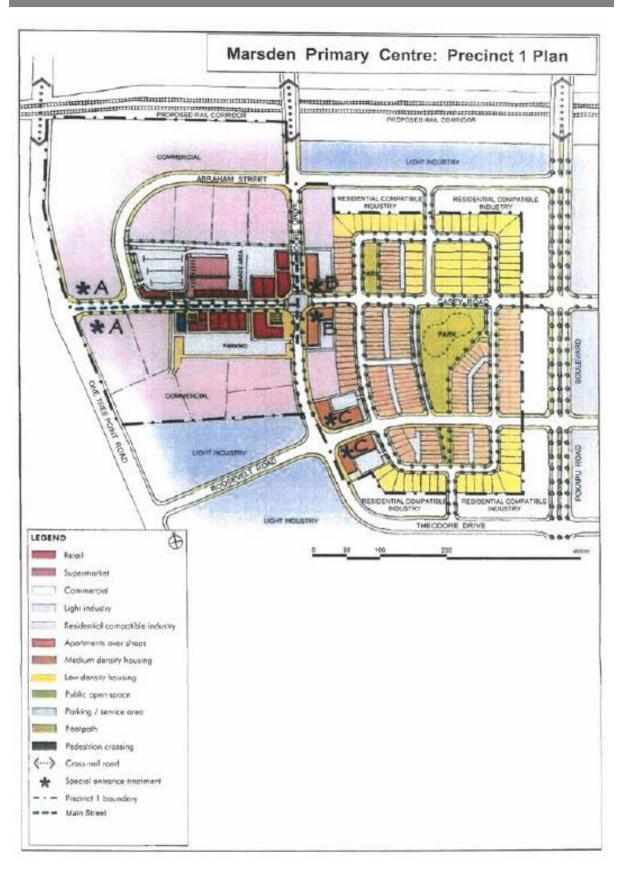
- (a) Design standards for streetscapes (including furniture, bollards, lighting poles etc);
- (b) Road cross sections for collector and local <u>roads</u>, including specific car parking provision (shared, common or public); and
- (c) Residential development standards.

MPC.F



Marsden Primary Centre – Precinct Plans

PART A: Precinct 1 Plan



MPC.F



Marsden Primary Centre – Precinct Plans

PART B: Precinct 1 - Standards

Mainstreet

Street Configuration

(a) The road identified as "Mainstreet" on the Precinct Plan shall be constructed in accordance with the dimensions and treatments shown in Diagram 1 in Attachment 1.

Frontage Control: Mainstreet

(b) The following specific <u>building</u> design and location requirements applying to any site fronting the street identified as "Mainstreet" in the Precinct Plan:

Bulk and location

- (i) Buildings:
 - a. Shall be built to the street <u>boundary</u>;
 - Shall extend over the full width of the site <u>frontage</u> to the street except for a single <u>access</u> with a maximum width of 6m but only where <u>access</u> is otherwise unavailable from a rear street or <u>service lane</u>;
 - c. Shall have a minimum façade <u>height</u> of 7m above <u>ground level</u>; provided that where a <u>building</u> facade does not abut another facade on the same or an adjoining site of at least the same <u>height</u>, it shall include a side wall that is no less than 6m long

Note: a <u>building</u> need not be more than a single story under this rule.

(ii) A <u>building</u> shall not protrude through a line drawn from the middle of Main Street at an angle of 600, measured from <u>ground level</u> over the full depth of the site.

Verandahs

- (iii) Verandahs shall:
 - a. Be constructed or maintained along the entire site frontage of sites (excluding vehicle access);
 - b. Form a continuous line of shelter with adjacent verandahs;
 - c. Have a clearance above the footpath of at least 3.0m and no more than 4.0m;
 - d. Have a minimum width of 3.0m and be no less than 600mm from the kerb;
 - e. The required <u>verandahs</u>, in terms of this rule, are exempt from the <u>building</u> Bulk and Location controls in (b) above.

Building (except minor buildings) Facades

- (iv) Building (except minor building) façades on the street zero lot line boundary shall:
 - Have a varied treatment so that no part of a wall exceeds a maximum length of 6m without articulation and/or a variation of materials;
 - b. Have a minimum of 50 % permeable glazing;
 - Not contain any loading bays, docks or car park entrances.

Parking and access

(c) Unimpeded vehicle connection and circulation shall be provided between all parking areas on adjoining sites.

Special Entranceway Treatment



Marsden Primary Centre – Precinct Plans

- (d) The sites identified with a "Special Entranceway Treatment" notation in the Precinct Plan have the following specific <u>building</u> design and location requirements to ensure a visual gateway to the street:
 - (i) Special Entranceway Treatment "A".
 - All <u>buildings</u> (except <u>minor buildings</u>) on sites notated as "Special Entranceway Treatment A" shall comply with the following:
 - Building facades facing the street shall:
 - Have a varied treatment so that no part of a wall exceeds a maximum length of 10m without articulation and/or a variation of materials;
 - Have a minimum of 30% of the faced area in permeable glazing;
 - Not contain any loading bays or docks, or outdoor storage areas.
 - ii. <u>Buildings</u> (except <u>minor buildings</u>) shall have a minimum <u>height</u> of 7 m above <u>ground level</u> for a distance from the corner of the <u>building</u> of at least 20m along both road / street <u>frontages</u>.
 - (ii) Special Entranceway Treatment "B" and "C"
 - a. All <u>buildings</u> (except <u>minor buildings</u>) on sites notated as "Special Entranceway Treatment A or B" shall be a minimum of three stories for a distance of at least 20m along both road / street <u>frontages</u>.

Residential

Street Configurations

(a) The residential <u>roads</u> and streets shall be constructed in accordance with the dimensions and treatments shown in Diagrams 2, 3 and 4 in Attachment 1.

Residential Unit Numbers

- (a) Residential units in the Commercial Policy Area shall not:
 - (i) Exceed a combined maximum of 150 units as specified in the Spatial Budget in Appendix G;
 - (ii) Be located above <u>ground level</u> except for entrance foyers containing reception areas and stairs or lifts to above ground units.
- (b) Residential Units in the Town Centre South Residential Policy Area identified as Medium or Low Density Housing shall not exceed a combined maximum of 250 units as specified in the Spatial Budget in Section G.

Residential Typologies

(c) Residential units shall be constructed and located on a site in accordance with the specified typologies in Diagrams 5 and 6 in Attachment 1 for Medium and Low Density Housing identified in the Precinct 1 Plan.

Maximum Height

- (d) All buildings and major structures shall comply with the following building height controls:
 - (i) Residential Policy Area identified as Medium or Low Density Housing: no <u>building</u> or <u>major</u> <u>structure</u> (excluding <u>minor buildings</u>) shall exceed two stories in <u>height</u>.
- (ii) In all other areas of the Residential Policy Area: no <u>building</u> shall exceed six stories in <u>height</u>. Height to Boundary
- (a) All buildings and <u>major structures</u> (excluding <u>minor buildings</u>) shall comply with the following building daylight controls:



Marsden Primary Centre – Precinct Plans

- (i) Unless otherwise permitted by the specified typologies, the <u>height in relation to boundary</u> rules in the District Plan that apply to any <u>boundary</u> adjoining a site within the Residential Policy Area:
- (ii) All other site boundaries; including any front boundary: no control applies.

2. INDUSTRY PRECINCT PLAN

The Industry Precinct Plan in PART A specifies the location, configuration and orientation of:

- (a) Sites;
- (b) Roads;
- (c) Retail and commercial services node locations.

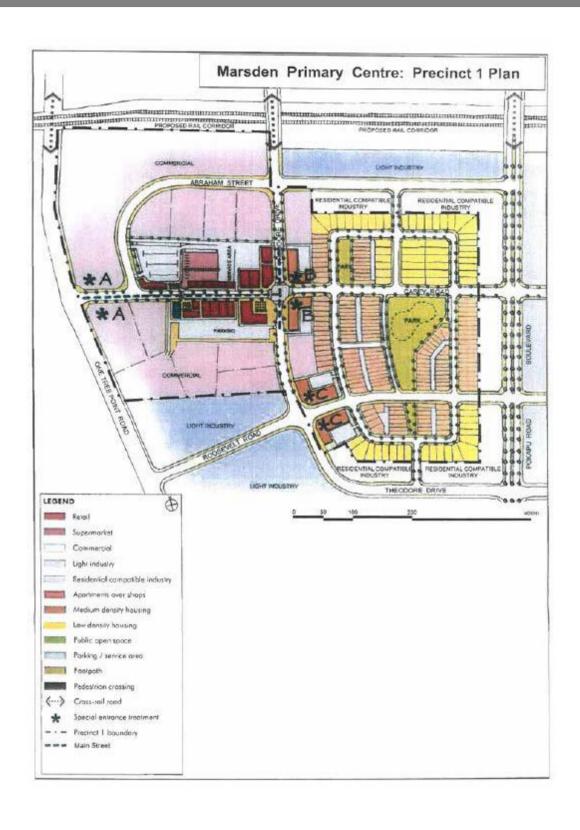
The Industry Precinct Standards in PART B specifies details of the:

- (a) Building and <u>major structure</u> location and <u>landscaping</u> fronting One Tree Point Road, Port Marsden Highway, the Boulevard, and the Rail Line;
- (b) Maximum building and major structure height;
- (c) Landscaping standards for streets.



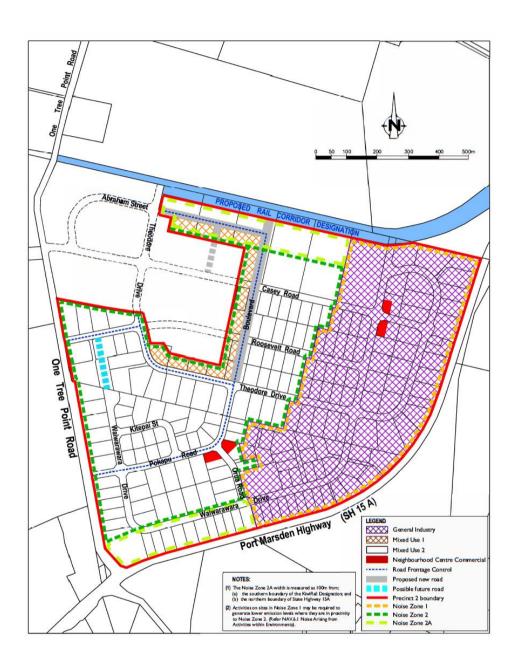
Marsden Primary Centre – Precinct Plans

PART A: Precinct 2 Plan





Marsden Primary Centre – Precinct Plans



PART B: Precinct 2 - Standards

Road Configuration

(a) The road labelled as "Boulevard" shall be constructed in accordance with the dimensions and treatments shown in Diagrams 7 and 8 in Attachment 1.

Road Frontage

(b) Sites fronting the One Tree Point Road and Port Marsden Highway shall comply with the following restrictions:



Marsden Primary Centre – Precinct Plans

- (i) No direct vehicle <u>access</u> to One Tree Point Road or Port Marsden Highway;
- (ii) All sites shall have a minimum planted landscape strip along the One Tree Point or Port Marsden Highway road <u>frontage</u> comprising a solid screen of trees a minimum of 2m in <u>height</u> above <u>ground level</u>. Planting shall be undertaken within 6 months of the completion of the building.
- (c) Sites identified with the Frontage Control shall comply with the following restrictions:
 - (i) A maximum front yard building and <u>major structure</u> (excluding <u>minor buildings</u>) <u>setback</u> from the street <u>boundary</u> of 20m;
 - (ii) The front boundary or yard shall not be occupied by any fence higher than 1.2m.
- (d) All sites shall have a minimum 2 metre wide planted landscape strip along a road <u>boundary</u> excluding site <u>access</u>, and shall planted within 6 months of the completion of the building.
- (e) Except for in the <u>General Industry</u> area shown in the Precinct 2 Plan, no part of any front yard provided, or any part of a site within 20m of the street <u>boundary</u> of a site, shall be used for the external <u>storage</u> of products, goods, waste or recycled materials, excluding visitor or employee vehicle parking.

Minimum Building and Major Structure Setbacks

- (f) Buildings and major structures shall meet the following minimum setback from boundaries:
 - 6m from any <u>boundary</u> abutting a site in the Town Centre South Zone Residential Policy Area.
 - (ii) 3m from any boundary abutting a site in the Town Centre South Zone Commercial Policy Area
 - (iii) In all other cases no minimum <u>setback</u> other than where required to accommodate the landscape strip required by (d) above.

Maximum Height

- (g) Buildings and <u>major structures</u> (excluding <u>minor buildings</u>) are subject to the following <u>height</u> controls:
 - (i) All buildings and <u>major structures</u> (excluding <u>minor buildings</u>) shall comply with the following building and <u>major structure height</u> controls:
 - a. In the <u>Mixed Use</u> 1 Industry Policy Area no part of any building or <u>major structure</u> (excluding <u>minor buildings</u>) shall exceed 9m in <u>height</u> above <u>ground level</u>.
 - b. In the Mixed Use 2 Policy Area no part of any building or major structure (excluding minor buildings) shall exceed 15 m in height above ground level.
 - c. In all other areas of the Industry Zone, no part of the building or <u>major structure</u> (excluding <u>minor buildings</u>) shall exceed 20.0m in <u>height</u> above <u>ground level</u>; except where:
 - No part of the building or <u>major structure</u> (excluding <u>minor buildings</u>) exceeds a <u>height</u> of 35.0m above <u>ground level</u>; and
 - ii. No more than 25% of the <u>net site area</u> of the site is occupied by buildings or <u>major structures</u> (excluding <u>minor buildings</u>) that exceed 20.0m in <u>height</u> above <u>ground level</u>.

Height to Boundary

- (h) All buildings and <u>major structures</u> (excluding <u>minor buildings</u>) shall comply with the following building daylight controls:
 - (i) The height in relation to boundary rules that apply to any boundary adjoining a site within the:
 - a. <u>Mixed Use</u> 1 Policy Area Industry Zone;
 - b. Neighbourhood Centre Commercial Policy Area Industry Zone.



Marsden Primary Centre – Precinct Plans

(ii) All other site boundaries; including any front boundary: no control applies.

Minimum and maximum commercial activities and site sizes

(i) All buildings and <u>major structures</u> (excluding <u>minor buildings</u>), activities and <u>subdivision</u> shall comply with the following minimum and maximum building, <u>major structures</u> (excluding <u>minor buildings</u>), and site size controls (where there is no restriction or limit, no control applies) relating to the specified areas in the Precinct 2 Plan:

(i) General and Mixed Use 2

a. Minimum site size: 1,000 m²

(ii) Mixed Use 1

a. Site size

i. Minimum site size: 500m² or no minimum where the site accommodates

an existing unit

b. Maximum site coverage

i. Single unit/tenancy: 500m²

ii. Multiple tenancies: 250m² for each unit

(iii) Neighbourhood Centre Commercial

Site size

i. Minimum site size: 500m² or no minimum where the site accommodates

an existing unit

b. Maximum site coverage

i. Single unit / tenancy: 200m²

ii. Multiple tenancies: one of 200m², other units 100m² per unit

Building width to street frontage

(j) All commercial activities, whether as a primary activity or ancillary shall comply with the following street frontage maximum building width controls:

(i) Mixed Use 1

a. Single unit / tenancy: 15m

b. Multiple tenancies: 10m per unit / tenancy

(ii) Neighbourhood Centre Commercial

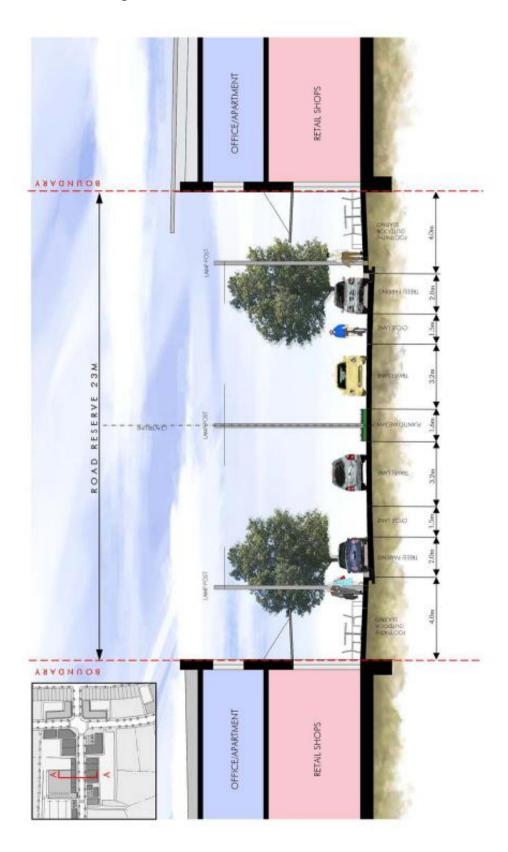
a. Single unit / tenancy: 15m

b. Multiple tenancies: 10m per unit / tenancy

ATTACHMENT 1



Marsden Primary Centre – Precinct Plans



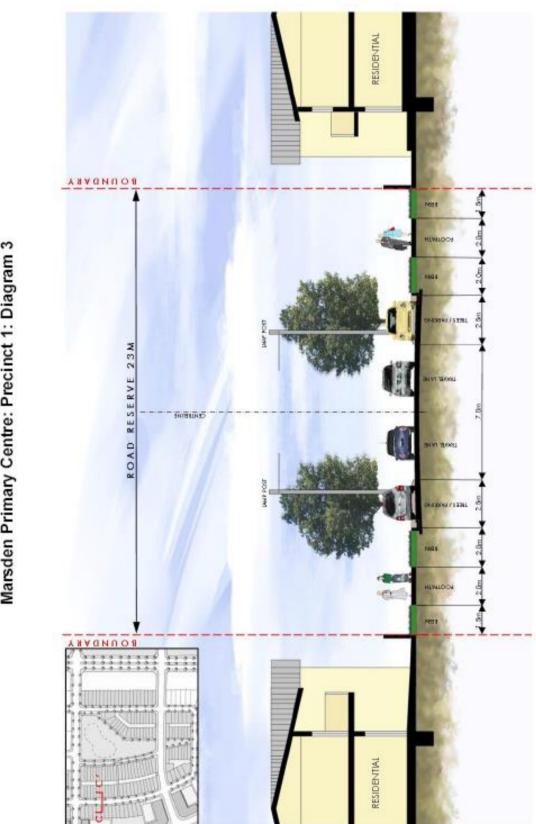


Marsden Primary Centre – Precinct Plans

ROUNDARY



Marsden Primary Centre – Precinct Plans





Marsden Primary Centre – Precinct Plans

ROUNDARY ROUNDARY



Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1

Diagram 5: Higher density housing typology

- 2 Storey (3 bedroom, 2 bathroom, single garage)





Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1

Diagram 6: Lower density housing typology

TYPOLOGY E&F SUITABLE ON RESIDENTIAL LOTS:

- 10m X 25m (250 sqm)
- 10m X 30m (300 sqm)
- 12m X 25m (300 sqm)

TYPOLOGY E - Single Storey House (3 bedroom, 1 bathroom, double garage)



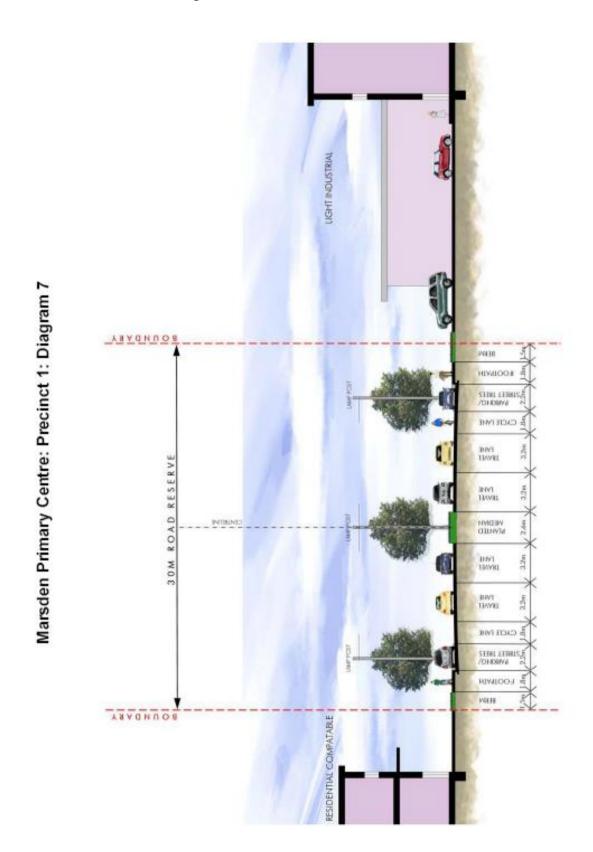




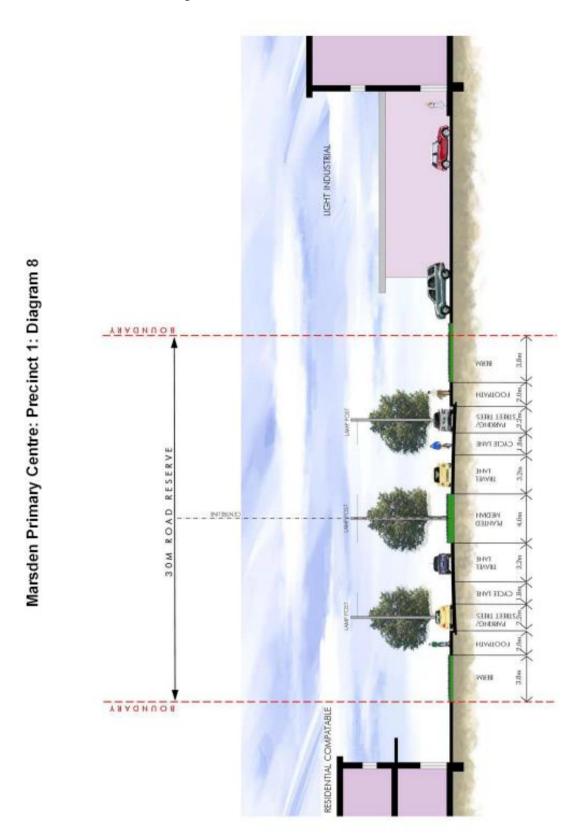


First Floor Plan

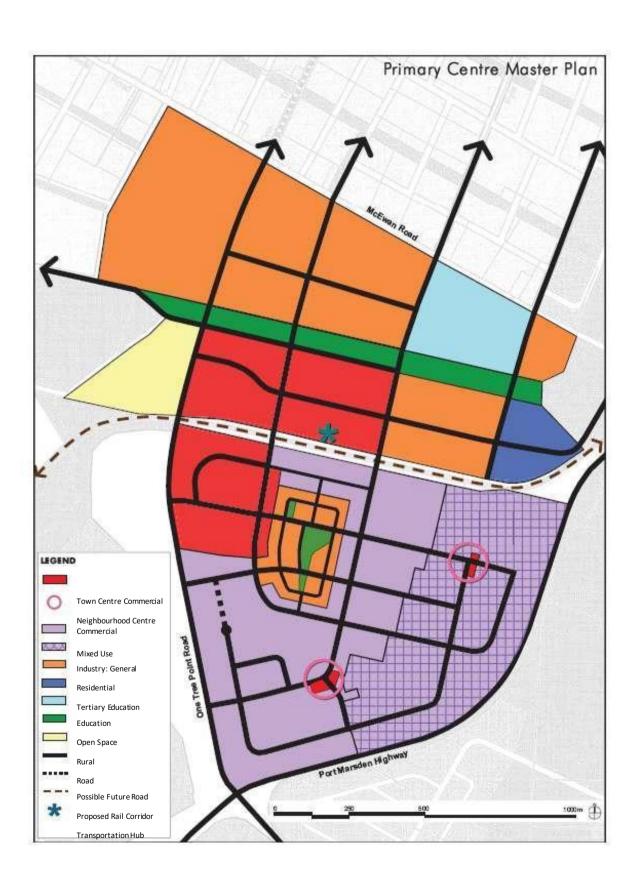




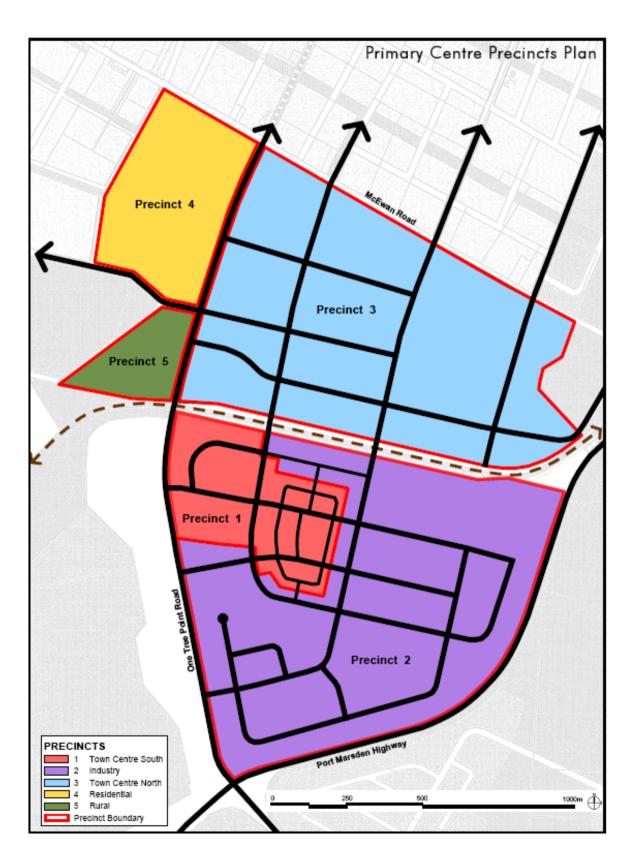














Marsden Primary Centre – Precinct Plans

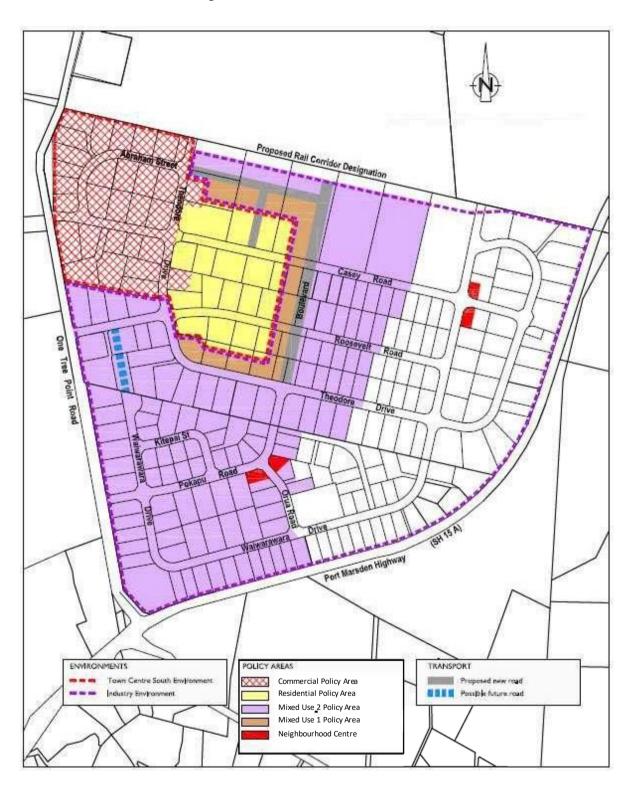
Marsden Primary Centre: Master Plan Spatial Budget

Precinct		Retail + N.R Retail Commercial	Retail	Non-Retail Commercial	Industry	Resi	Residential	Education	Transport	Mass Green Space	Transport Mass Green Community Space	Rora
	ha	Pa Pa	m² gfa	ago _z m	2	E.	s,np	E.	2	8	曹	ta .
Precinct 1 Town Centre South	8	16	20,000	22,000		O)	400 *1			9		
Precinct 2 Industry	105		750	1,500	105							
Precinct 3 Town Centre North	101	20	39,250	58,500		48	1,280 2	19	-	6	4	
Precinct 4 Residential	27					28	200			1		
Precinct 5 Rural	6											ds
TOTAL m ² gfa			60,000	82,000				L.				
TOTAL du's							2,180					
HOTAL gross ha	272	36			105	8		19	-	\$	4	0

Including 150 residential units above ground level in the identified "Town Centre Commercial" area

Including 400 residential units above ground level in the identified "Town Centre Commercial" area





Rural Living Zone



Index

RLZ.1 Rural Living Zone

RLZ.1.1 Description and Expectations

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RLZ.3.3 Controlled Activities

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RLZ.1.1 Description and Expectations

The Rural Living Zone (RLZ) covers identified <u>rural areas</u> within the District that are mostly characterised by smaller <u>site</u> sizes, rural living activities and small scale <u>farming</u>.

The Rural Living Zones are generally characterised by:

- Existing low density and clustered rural living development including dwellings, landscaping/gardens and small scale rural production activities.
- Presence of some rural production activities and associated <u>effects</u> (such as odour, noise from machinery and livestock and such as barns, green houses and silos).
- Generally low levels of traffic, other than that associated with seasonal activities.
- A range of landscapes and a sense of spaciousness, with visual connections to the wider environment.
- Informal arrangement and design of roadways and <u>structures</u>, subservient to natural landform patterns.
- Presence of natural features including landforms, watercourses and indigenous vegetation.

The locations of Rural Living Zones are generally limited so as to contain potential adverse effects on rural amenity and productivity, particularly as they may adversely affect activities in the Rural Production Zone and key infrastructure corridors. Impacts on the local roading network have been considered in the selection of suitable areas for the Rural Living Zone, and unsealed through roads have been avoided due to dust nuisance and the impacts on future road maintenance and seal extensions.

The Rural Living Zone aims to support rural communities and their identification has specifically considered distance to social <u>infrastructure</u> such as schools and Rural Villages. Due to the locations of Rural Living Zones and the potential sizes of <u>allotments</u> it is uneconomic, unnecessary and unsustainable to provide reticulated services within the Rural Living Zone. Onsite servicing is common throughout the <u>Rural Area</u>.

It is expected that the rural character of the Rural Living Zone will be retained through careful siting of <u>buildings</u> and the provision of <u>landscaping</u> to maintain a sense of spaciousness, as well as enabling the continuation of some smaller scale rural <u>land</u> use activities. The <u>effects</u> from rural production activities will generally be limited in scale because of smaller <u>site</u> sizes and the requirement to comply with the

Rural Living Zone



environmental standards set out in the District Wide provisions. The ability to undertake non rural <u>land</u> use activities will be determined by the scale, nature and location of the activity.

<u>Subdivision</u> is limited to that which, in general is in keeping with the average lot size of the existing <u>environment</u> of the Rural Living Zone.

RLZ.1.2 Objectives

- Consolidate rural living development in appropriate locations where existing <u>subdivision</u> pattern reflects a rural living <u>environment</u> and adverse <u>effects</u> (including <u>reverse sensitivity effects</u>) can be avoided.
- 2. Provide for rural living opportunities while maintaining rural character and amenity.
- 3. That a variety of <u>site</u> sizes are provided to enable rural living, <u>commercial activities</u> that are <u>ancillary activities</u> to residential activities on the same <u>site</u> and some rural <u>land</u> use activities to occur.
- 4. Enable the establishment of non rural activities that are of an appropriate and compatible nature, scale and character to the Rural Living Zones.
- 5. New or extensions to Rural Living Zones are managed to protect the viability of Rural Villages.

RLZ.1.3 Policies

- 1. To enable rural living in the Rural Living Zone while maintaining rural living character and amenity including:
 - a. Low levels of noise and lighting, particularly at night.
 - b. A high degree of privacy.
 - c. Ample access to daylight and sunlight.
 - d. Generally low levels of traffic, other than that associated with seasonal activities.
 - e. Presence of rural production activities and associated activities.
- 2. To ensure <u>buildings</u> and <u>major structures</u> are designed, constructed and located to minimise the need for significant <u>earthworks</u>, the loss of native vegetation and/or natural habitats.
- 3. To protect the rural living character and amenity by limiting <u>commercial and industrial activities</u> to those that are appropriate and compatible in nature, scale and character to the Rural Living Zone and meet the stated Expectations for the Rural Living Zone.
- 4. To maintain and enhance rural living character and amenity by limiting the establishment of activities that generate high levels of traffic movements or that are of a nature and scale that is incompatible with the character of the Rural Living Zone.
- 5. To manage <u>reverse sensitivity effects</u> by avoiding the establishment of <u>sensitive activities</u> within close proximity to <u>Mineral Extraction</u> Activities and the Rural Production, Business and <u>Strategic</u> Rural Industries Zones.
- 6. To maintain rural amenity, privacy, open space and rural character by ensuring that all new buildings and major structures and rural land uses:
 - a. Are of a scale and character appropriate to the Rural Living Zone; and
 - b. Are sited in a location sufficiently <u>setback</u> from <u>site</u> boundaries to enable privacy, the retention of open space and <u>access</u> to sunlight; and

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- Avoid adverse <u>effects</u> on ecological values, <u>water</u> quality, <u>versatile soils</u>, open space character, <u>historic heritage</u> values or landform.
- 7. To manage the <u>effects</u> of <u>stormwater</u> runoff by utilising the principles of low impact design and ensuring that additional <u>stormwater</u> flows arising from proposed <u>subdivision</u> and development are managed so that they will not result in any increase in peak <u>discharge</u> rates.
- 8. To manage the <u>effects</u> of <u>wastewater discharge</u> by requiring <u>site</u> specific design and any other evidence or mitigation measures necessary to demonstrate that the <u>effects</u> of <u>wastewater</u> disposal can be adequately addressed.
- 9. To design any <u>subdivision</u> and locate associated development to avoid an urban form and character; to maintain and enhance rural living character and amenity; and protect and enhance environmental features by:
 - a. Designing <u>subdivisions</u> to respond to the topography and characteristics of the <u>land</u> being developed.
 - b. Requiring <u>subdivisions</u> to meet a minimum and average <u>allotment</u> size so that development does not result in uniform development patterns.
 - c. Identifying <u>building</u> platforms that respond to <u>site</u> topography and environmental characteristics.
 - d. Locating <u>access</u> ways, services, utilities and <u>building</u> platforms where these can be provided without the need for significant <u>earthworks</u>, retaining, benching or <u>site</u> contouring.
- 10. To avoid a uniform pattern of development at the minimum lot size and maintain at least an average lot size of 2ha across the Rural Living Zone by providing a single opportunity to subdivide titles created before 12 December 2018.

RLZ.1.4 Guidance

- 1. The following shall form the basis for any resource consent application in the Rural Living Zone:
 - a. The Strategic Direction objectives and policies.
 - b. The objectives, policies and provisions for the Rural Living Zone.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Rural Living Zone.

Landuse



RLZ 2.1 Eligibility Rules

- 1. <u>Industrial activities</u>, <u>intensive livestock farming</u>, <u>hospitals</u> and <u>mineral extraction</u> activities, whether primary activities or <u>ancillary activities</u> are non-complying activities in the Rural Living Zone.
- 2. Any <u>commercial activity</u> is a non-complying activity within the Rural Living Zone where the activity:
 - a. Is not an ancillary activity to the residential use of the site
 - b. Does not involve a permanent resident of the <u>site</u> as the principal operator of the commercial activity.
 - Includes, before 8am or after 6pm on any <u>day</u>, the operation of machinery, receiving customers or the loading or unloading of vehicles.
- 3. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.
- 4. Any minor building is a permitted activity and is exempt from the building rules.

RLZ.2.2 Notification Rules

1. All landuse activities are subject to the notification tests of the RMA.

RLZ.2.3 Discretionary Activities

- 1. Any sensitive activity (excluding non-habitable <u>buildings</u>) within:
 - a. 500m of:
 - i. The Mining Area of a Quarrying Resource Area
 - ii. A Strategic Rural Industries Zone or a Business Zone
 - b. 20 m of the Rural Production Zone.
 - c. 50m of an unsealed through <u>road</u>.
 - d. 30m of plantation forestry.
 - e. 250m of:
 - i. Existing intensive livestock on a separate site
 - ii. An existing activity ancillary to farming or forestry on a separate site
 - iii. Fonterra Kauri Milk Processing Site SRIZ Ancillary Irrigation Farms
- 2. Construction of more than one <u>principal residential unit</u> per <u>site</u>.
- 3. Any <u>place of assembly</u>, <u>educational facility</u>, <u>general community</u> or <u>recreational facility</u>, whether primary activities or <u>ancillary activities</u>.
- 4. Any <u>building</u> or <u>major structure</u>:
 - a. That exceeds a <u>height</u> equal to 3m above <u>ground level</u> plus the shortest horizontal distance between that part of the <u>building</u> or <u>major structure</u> and the <u>site boundary</u>.
 - b. That exceeds a maximum <u>height</u> of 8m above <u>ground level</u>.
 - c. Within 10 metres of any <u>road boundary</u> or within 3m of any other <u>boundary</u>.

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- d. That results in <u>site</u> coverage exceeding 500m².
- e. Within 27m of Mean High Water Springs, (excluding bridges, culverts and fences).
- f. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
- 5. <u>Impervious areas</u> greater than 15% of the <u>net site area</u>.
- 6. Construction of minor residential units:
 - a. Resulting in more than one minor residential unit per site.
 - b. That has a separate <u>access</u>/driveway from the <u>principal residential unit</u>.
 - c. Where the nearest distance between the <u>minor residential unit</u> and the <u>principal residential</u> <u>unit</u> is greater than 15m.
 - d. With a gross floor area greater than 90m² (including decking and garage areas).
- 7. Commercial activities that:
 - a. Generate more than 20 traffic movements per day, per site.
 - b. Do not provide the following required parking spaces:
 - i. 1 in addition to that of the residential unit.
 - ii. Plus 1 per employee.
 - iii. Plus 1 in circumstances where clients visit the site.
 - c. In addition to the principal operator, have more than two other persons engaged in providing the activity.
 - d. Use more than 15% of the total GFA of all buildings on site.
 - e. Have a total signage area greater than 0.25m².
 - f. Have <u>illuminated</u> or moving signage.
- 8. Any <u>care centre</u> or <u>emergency service</u>, whether primary activities or <u>ancillary activities</u>.
- 9. Any <u>Retirement Village</u> or <u>Supported Residential Care</u>, whether primary activities or <u>ancillary activities</u>.
- 10. The clearance of <u>indigenous vegetation</u>:
 - a. Exceeding 500m² per <u>site</u> within each 10 year period from 12 December 2018.
 - b. Within 20m of a water body.
 - c. With the exception of <u>vegetation clearance</u> associated with:
 - i. Routine maintenance within 7.5m of the <u>eaves</u> of existing <u>buildings</u>:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights

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- v. Conservation planting, including planting for ecological restoration purposes.
- 11. Any <u>crop support structure</u> or <u>artificial crop protection</u>:
 - a. That exceeds a maximum <u>height</u> of 10m above <u>ground level</u>.
 - b. Within 1m of a site boundary.
 - c. Within 27m of mean high water springs (excluding bridge, culverts and fences).
 - d. Within 27, of the top of the bank of any <u>river</u> that has a width exceeding 2m (excluding bridges, culverts and fences).
- 12. Any farm quarry.

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

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RLZ 3.1 Eligibility

- 1. <u>Subdivision</u> of a <u>minor residential unit</u> from a <u>principal residential unit</u> is a prohibited activity.
- 2. <u>Subdivision</u> of a <u>site</u> where a minimum 100m² <u>building area</u> is located within 500m of a <u>Strategic</u> <u>Rural Industries</u> Zone or a Mining Area of a QRA shall be a non-complying activity.
- 3. Subdivision that is not a controlled, non-complying or prohibited activity is a discretionary activity.

RLZ.3.2 Notification Rules

1. All <u>subdivision</u> is subject to the notification tests of the RMA.

RLZ.3.3 Controlled Activities

- 1. <u>Subdivision</u> where:
 - a. The proposed <u>allotments</u> are created from an <u>allotment</u> that existed on 12 December 2018.
 - b. The proposed <u>allotments</u> have an average size of not less than 2ha and a minimum size of 4000m².
 - c. Every proposed <u>allotment</u> can accommodate a minimum 100m² <u>building area</u> on which a sensitive activity can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.

Note: Refer to the How the Plan Works Chapter for Matters Control is Reserved Over.

RLZ.3.4 Non-Complying Activities

1. <u>Subdivision</u> where the average lot size is less than 1ha or any lot is less than 2000m².

RLZ.3 Rural Living Zone





Rural Production Zone

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RPZ.3	Subdivision
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RPZ	.1.1 Description and Expectations

The Rural Production Zone (RPZ) encompasses a large area of the Whangārei District. The purpose of the (RPZ) is to sustainably manage the <u>natural and physical resources</u> of the <u>Rural Area</u> in order to:

- Protect, sustain and promote <u>rural production activities</u> as well as those activities that support rural communities.
- Protect areas of significant ecological and biodiversity values (such as indigenous bush and wetlands).
- Enable the rehabilitation of ecological and biodiversity values.
- Maintain rural amenity and character.

The Zone comprises a varied array of topography, landforms, landscapes, soil types, biodiversity and catchments. It is important that the ecological and landscape values of the Rural Production Zone are recognised and where appropriate are protected and enhanced. Ecological and landscape values contribute significantly to the rural character and distinctiveness of Whangārei District. Parts of the Rural Production Zone are located within the coastal environment. The values of the coastal environment are managed by the District Plan's Coastal Area provisions as well as the provisions in this section.

The interplay of historical <u>land</u> use and values has resulted in the environmental character that exists in the Rural Production Zone today. This character is made up of the varied natural landforms and natural features, openness as well as an existing <u>subdivision</u> and development pattern. It is mostly characterised by a working/living <u>environment</u>, with the noises, odours and visual <u>effects</u> associated with a wide range of <u>farming</u>, horticultural, forestry and <u>mineral extraction</u> activities. There is an expectation that <u>rural production activities</u> will be able to continue to operate without onerous or restrictive intervention in the Rural Production Zone.

Rural production activities are important contributors to the Whangārei and Northland economy. The Rural Production Zone includes most of the productive rural land area of the District. It is important that these areas are not compromised for rural production. It is expected that a diverse range of rural production activities will continue to operate and new activities will establish in the Rural Production Zone. Changing demands for existing produce and new markets establishing mean that the provisions for the Rural Production Zone need to be flexible to accommodate current and future production needs.



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The Rural Production Zone provides for commercial and <u>industrial activities</u> that have a functional need to service <u>rural production activities</u> and/or rural communities or provide location based recreation or tourist activity.

Conflicting <u>land</u> use and <u>reverse sensitivity effects</u> must be carefully managed where the Rural Production Zone interfaces with <u>sensitive activities</u> including habitable <u>buildings</u> in other <u>Rural Zones</u> and <u>Residential Zones</u>, and with <u>Business Zones</u>. Where the Rural Production Zone is traversed by existing major <u>infrastructure</u> services, <u>land</u> use conflicts must be managed. Quarrying Resource Areas apply over the Rural Production Zone and Strategic Rural Industries Zone are surrounded by the Rural Production Zone. Providing for <u>mineral extraction</u> activities and strategic rural industries to occur and avoidance of conflicting <u>land</u> use activities is important for their on-going operation.

A history of ad hoc rural living <u>subdivision</u> and development has resulted in a scattered and ad hoc pattern of development across the <u>Rural Area</u>. Where the <u>Rural Area</u> abuts Whangārei City Rural Production Zone will apply. Areas for future urban growth, <u>land</u> use and <u>subdivision</u> development is spatially managed by the Rural (Urban Expansion) Zone to maintain options for the continued growth of the City. Where a rural number of rural living clusters have reached significant density and lifestyle character they have been identified as the Rural Living <u>Environment</u> to manage the actual and potential <u>reverse sensitivity effects</u> associated with rural living activities occurring in close proximity to <u>rural production activities</u>.

The Rural Production Zone will not support an increased level of clustered rural living development. Consistent with a consolidated pattern of development residential, rural residential and rural living activities are directed to identified rural villages, the Rural (Urban Expansion) Zone or the Rural Living Zone to protect the productivity, biodiversity and rural character of the Rural Production Zone.

Urban and rural residential types of development can erode the viability of rural productivity and can create <u>reverse sensitivity</u> impacts on productive uses through the visual <u>effect</u> of large scale <u>buildings</u> and ancillary <u>structures</u>, increased traffic generation, and loss of amenity including privacy, rural outlook, spaciousness, and quietness, particularly when a new incompatible activity is located near an existing activity, with resulting conflicts.

RPZ.1.2 Objectives

- 1. Identify and protect productive rural <u>land</u> resources for a diverse range of <u>rural production</u> <u>activities</u>.
- 2. Enable a wide range of <u>rural production activities</u> and provide for commercial and <u>industrial activities</u> that support <u>rural production activities</u> and/or rural communities including recreation and tourist based activities to establish and operate in the Rural Production Zone to contribute to the District's economy.
- 3. Recognise, maintain and where appropriate protect the rural character and amenity of the Rural Production Zone.
- 4. Avoid adverse <u>effects</u> on productive <u>land</u> resources from residential, rural residential and rural living <u>subdivision</u> and development in the Rural Production Zone.
- 5. Minimise the fragmentation of rural <u>land</u> and promote <u>allotment</u> sizes that facilitate <u>rural</u> production activities other than to protect significant ecological and biodiversity values.
- 6. Provide for rural production activities that are compatible with the Coastal Area.
- 7. Encourage protection and enhancement of significant ecology, biodiversity, landscapes and historic heritage.



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RPZ.1.3 Policies

1. To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:

A dominance of natural features including landforms, watercourses and vegetation.

- a. A predominately working rural production environment, including:
 - i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
 - ii. ancillary activities and <u>structures</u> (including crop support and <u>crop protection</u> <u>structures</u>) across the landscape.
- b. Seasonal activities.
- c. A low intensity of development, involving a combination of domestic and rural production buildings and major structures.
- d. Varying levels of noise associated with seasonal and intermittent <u>rural production activities</u>.
- e. Relatively open space and low density of development.
- f. Odours, noise and dust typical of rural activities.
- g. Generally low levels of vehicle traffic with seasonal fluctuations.
- 2. To protect rural productive <u>land</u>, rural character and amenity and to encourage consolidation of activities within Whangārei City by:
 - a. Only providing for commercial and <u>industrial activities</u> in the Rural Production Zone where it is demonstrated that the activity:
 - i. Has a direct connection with the rural resource and supports <u>rural production activities</u> and/or rural communities, including recreation and tourist based activities.
 - ii. Requires a rural location for its operational function.
 - iii. Will minimise the potential for <u>reverse sensitivity effects</u> between incompatible <u>land</u> use activities.
 - iv. Will contain and manage adverse effects on-site.
 - v. Will contribute positively to the economy of the District.
 - vi. Can meet and fund local infrastructure requirements.
 - b. Not directly regulating outdoor agricultural and horticultural activities, excluding <u>intensive</u> <u>livestock farming</u>.
 - c. Permitting farming and activities ancillary to farming or forestry.
 - d. Requiring larger allotments sizes to retain productive rural options.
- 3. Avoiding <u>reverse sensitivity effects</u> by preventing <u>sensitive activities</u> within close proximity to Quarrying Resource Areas, Strategic Rural Industries, <u>intensive livestock farming</u> or other <u>rural production activities</u> that are lawfully established.
- 4. To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for <u>residential units</u> from unsealed <u>roads</u>.



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- 5. To maintain rural amenity, and character by ensuring that all new <u>buildings</u> and <u>major structures</u> and rural <u>land</u> uses:
 - a. Are of a scale and character appropriate to the Rural Production Zone.
 - b. Are sited in a location sufficiently <u>setback</u> from <u>site</u> boundaries to enable privacy, the retention of openness and <u>access</u> to sunlight.
 - c. Avoid ribbon development.
- 6. To avoid inappropriate <u>subdivision</u> and development in areas required for future urban growth by identifying '<u>setback</u> buffers' between the Rural Production Zone and <u>Residential Zones</u>, Rural Urban Interface Zone, Rural Living Zone and Rural Village Residential Sub-Zone).
- 7. To enable the <u>subdivision</u> of rural <u>land</u> into <u>allotments</u> of 20ha or more, where the following has been provided for:
 - a. Efficient and effective on-site servicing.
 - b. Avoidance of erosion, subsidence, slippage, flooding or inundation from any source.
 - c. Stability of <u>land</u> and its suitability to provide a foundation for the erection of <u>buildings</u>, vehicle <u>access</u> and parking areas.
- 8. To avoid the <u>subdivision</u> of <u>land</u> into <u>allotments</u> less than 20ha unless it is demonstrated that all of the following are achieved:
 - a. It does not create a rural residential or rural lifestyle <u>allotment</u>, other than where a <u>Net</u> Environmental Benefit is achieved.
 - b. The <u>subdivision</u> of rural <u>land</u> and associated <u>buildings</u> does not inhibit or restrict the productive potential or reasonably anticipated productive potential of <u>rural production</u> <u>activities</u>.
 - c. The size, shape and arrangement of allotments:
 - i. Is a practical size for <u>rural production activities</u>, other than where a <u>Net Environmental</u> <u>Benefit</u> is achieved.
 - ii. Does not restrict the range of options for the use of production land.
 - d. The viability of the existing <u>rural production activity</u> is not compromised and the existing <u>rural production activity</u> can continue to operate efficiently at the subdivided scale.
 - e. The <u>subdivision</u> and subsequent development will not result in adverse <u>effects</u> on the operation and viability of any adjoining <u>rural production activity</u> or strategic rural industry.
 - f. The <u>subdivision</u> and subsequent development will not require connection to the District's <u>reticulated</u> sewer or an extension or upgrading of any service or <u>road</u>, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's <u>infrastructure</u> network.
- 9. To protect and enhance biodiversity, landscapes, <u>historic heritage</u> and significant ecology whilst protecting productive rural <u>land</u> resources, rural character and amenity by providing for <u>subdivision</u> where all of the following are achieved:
 - a. A <u>Net Environmental Benefit</u> is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:



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- Appropriate area(s) of <u>indigenous vegetation</u>, or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the Northland Regional Policy Statement 2016; or
- ii. Appropriate area(s) of Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, High Natural Character; or
- iii. Heritage Buildings or Sites of Significance to Māori; or
- iv. Appropriate area(s) of <u>Highly Erodible Land</u>, or <u>land</u> within a riparian margin of a <u>stream</u>, <u>river</u>, estuary or the coast located within Acutely or Chronically threatened <u>land environment</u> associated with Land Environments of New Zealand Level 4, will be retired and rehabilitated.
- b. The <u>effects</u> of the number, size and location of <u>allotments</u>, <u>building</u> platforms and <u>access</u>, are managed by:
 - i. Avoiding:
 - a) Adverse effects on the areas(s) protected under clause (a) of this policy.
 - b) Adverse cumulative effects.
 - c) Reverse sensitivity.
 - d) Development on highly versatile soils.
 - e) An urban form, by encouraging small clusters of allotments.
 - ii. Minimising fragmentation of rural land.
 - iii. Protecting the productive potential of the site.
 - iv. Retaining natural character, landscape qualities and characteristics, rural character and amenity.
 - v. Determining whether fewer than the maximum number of <u>allotments</u> should be created.
 - vi. Assessing the proposal against the Coastal Area objectives and policies where the site is located in the Coastal Area.
- 10. To provide for limited <u>subdivision</u> of rural <u>land</u> creating a new <u>allotment</u> for a surplus existing <u>residential unit</u> where the balance area of the farm is large and dimensions of the new <u>allotment</u> can accommodate the existing onsite services and provide for efficient <u>access</u>.
- 11. To locate and design <u>subdivision</u> and associated <u>land</u> development to avoid urban form and character, maintain rural character and <u>amenity values</u> and protect and enhance environmental features by:
 - a. Designing <u>subdivisions</u> to respond to the topography and characteristics of the <u>land</u> being developed.
 - b. Avoiding development on highly versatile soils.
 - c. Identifying <u>building</u> platforms that respond to <u>site</u> topography and environmental characteristics.
 - d. Locating <u>access</u> ways, services, utilities and <u>building</u> platforms where these can be provided without the need for significant <u>earthworks</u>, retaining, benching or <u>site</u> contouring.



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- e. Locating <u>access</u> ways, services, utilities and <u>building</u> platforms where the location is sensitive to and responds to environmental features of the <u>site</u>.
- f. Ensuring that the <u>subdivision</u> will not create <u>reverse sensitivity</u> <u>effects</u> with respect to existing lawfully established activities.
- 12. Recognise that the placement of overburden from an adjacent QRA may be appropriate if:
 - a. It is demonstrated that:
 - The placement is necessary for the efficient use and development of that QRA, including if doing so would preserve the long-term <u>access</u> to regionally significant <u>mineral</u> resources.
 - ii. The placement is a final or long term deposition.
 - iii. There is no practicable alternative within the Mining Area of the QRA.
 - b. Progressive rehabilitation occurs so that rural character and <u>amenity values</u> are maintained.
 - c. The placement avoids <u>highly versatile soils</u>.
 - d. The placement is managed to protect existing and consented <u>sensitive activities</u> from unreasonable <u>effects</u> of noise, vibration, dust and illumination.
 - e. Other adverse effects are first avoided, and if not avoided, are remedied or mitigated.
 - f. An effective separation distance from existing and consented <u>sensitive activities</u> is maintained to give <u>effect</u> to d) and e) above.

Note: Any placement of <u>overburden</u> outside the <u>Mining Area</u> but inside the QRA is subject to policy QRA.1.3.3.

RPZ.1.4 Guidance Note

- 1. The following shall form the basis for resource consent application in the Rural Production Zone:
 - a. The objectives, policies and provisions for the Rural Production Zone.
 - b. The Strategic Direction objectives, and policies.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Rural Production Zone.

Landuse



RPZ.2.1 Eligibility Rules

- 1. More than one minor residential unit per allotment is a non complying activity.
- 2. <u>Mineral extraction</u> activities within the <u>Mining Area</u> of a Quarry Resource Area are exempt from RPZ.2.3.4 (a) and (b) and will be assessed by applying the Quarry Resource Area Chapter provisions.
- 3. <u>Intensive livestock farming</u> within 250m of the <u>boundary</u> of a separate site containing a sensitive activity is a non-complying activity.
- 4. Any hospital, whether a primary activity or ancillary activity is a non-complying activity.
- 5. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.
- 6. Any minor building is a permitted activity and is exempt from the building rules.

RPZ.2.2 Notification Rules

1. All land use activities are subject to the notification tests of the RMA.

RPZ.2.3 Discretionary Activities

- 1. <u>Industrial activities</u>, whether a primary activity or <u>ancillary activity</u>.
- 2. Any sensitive activity (excluding non-habitable buildings):
 - a. Within 500m of:
 - i. The Mining Area of a Quarry Resource Area.
 - ii. A Strategic Rural Industries Zone or a **Business Zone**.
 - b. Within 30m of an unsealed metal road.
 - c. Within 30m of an existing plantation forestry on a separate site.
 - d. Within 250m of:
 - i. Existing intensive livestock farming on a separate site.
 - ii. An existing activity ancillary to farming or forestry on a separate site.
 - iii. Fonterra Kauri Milk Processing Site SRIZ Ancillary Irrigation Farms.
- 3. More than one <u>principal residential unit</u> per 20ha, provided that one <u>principal residential unit</u> and one <u>minor residential unit</u> is permitted on an <u>allotment</u> of any size.
- 4. Any <u>building</u> or <u>major structure</u>:
 - a. That exceeds a maximum height of 10m above ground level.
 - b. Within 8m of a site boundary.
 - c. That results in <u>site</u> coverage exceeding 20% of the <u>net site area.</u>
 - d. Within 27m of mean high <u>water</u> springs (excluding bridges, culverts and fences).
 - e. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).

Landuse



- 5. The clearance of <u>indigenous vegetation</u>:
 - a. Exceeding 500m² per <u>site</u> within each 10 year period from 12 December 2018, except where:
 - i. Clearance is directly associated with rural production activities and that clearance is:
 - a) Up to 2,000m² in area per <u>site</u> within each 10 year period from 12 December 2018 and the vegetation does not meet the significance criteria in Appendix 5 of the Regional Policy Statement for Northland 2016; or
 - b) Of <u>indigenous vegetation</u> that has grown naturally since 12 December 2018 on <u>land</u> lawfully cleared of <u>indigenous vegetation</u>.
 - b. Within 20m of a water body.
 - c. With the exception of <u>vegetation clearance</u> associated with:
 - i. Routine maintenance within 7.5m of the eaves of existing buildings:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights
 - v. Conservation planting, including planting for ecological restoration purposes.
- 6. Any activity ancillary to <u>farming</u> or forestry that operates within 250m of an existing sensitive activity on a separate <u>site</u>.
- 7. Any <u>place of assembly</u>, <u>recreational facility</u>, <u>general community</u> or <u>educational facility</u>, whether a primary activity or ancillary activity.
- 8. Any building or major structure (excluding minor buildings) associated with emergency service.
- 9. Any frost protection fan:
 - a. That exceeds a maximum <u>height</u> of 20m above <u>ground level</u>.
 - b. Within 8m of a site boundary.
- 10. Any <u>crop support structure</u> or <u>artificial crop protection structure</u>:
 - a. That exceeds a maximum <u>height</u> of 10m above <u>ground level</u>.
 - b. Within 1m of a site boundary.
 - c. Within 27m of mean high water springs (excluding bridges, culverts and fences).
 - d. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
- 11. Any <u>care centre</u>, whether a primary activity or <u>ancillary activity</u>.
- 12. Any retirement village or supported residential care, whether a primary activity or ancillary activity.

Landuse



- 13. Farm quarry, whether a primary activity or ancillary activity, if the activity:
 - a. Extracts over 5,000m³ in any 12 month period on the site.
 - b. Undertaking blasting.
 - c. Establishes within 500m of an existing sensitive activity on an adjacent site.
- 14. Any activity ancillary to farming or forestry that operates:
 - a. Within any combination of <u>buildings</u> and <u>major structures</u> with a cumulative GFA exceeding 2000m² per <u>site</u>.
 - b. From an outdoor area larger than 500m².
- 15. Any <u>intensive livestock farming</u> activity whether a primary activity or <u>ancillary activity</u>, that operates within any combination of <u>buildings</u> and <u>major structures</u> with a cumulative GFA exceeding 2000m² per <u>site</u>.
- 16. Any minor residential unit:
 - a. Where the nearest distance between the minor residential unit and the principal residential unit is greater than 15m.
 - b. With a <u>gross floor area</u> greater than 90m² (including decking and <u>garage</u> areas).
- 17. Any commercial activity that:
 - a. Generates more than 20 traffic movements per site, per day.
 - b. Does not provide the following required car parking spaces:
 - i. 1 in addition to that of the residential unit.
 - ii. Plus 1 per employee.
 - iii. Plus 1 in circumstances where clients visit the site.
 - c. Has car parking between the <u>residential unit</u> and the <u>road</u>.
 - d. In addition to the principal operator, has more than two other persons engaged in providing the activity.
 - e. Occupies more than 15% of the total GFA of all <u>buildings</u> on <u>site</u>.
 - f. Has a total area of signage greater than 0.25m² per site.
 - g. Has <u>illuminated</u> or moving signage.
 - h. Is not an <u>ancillary activity</u> to the residential use of the <u>site</u>.
 - i. Does not involve a permanent resident of the <u>site</u> as the principal operator of the <u>commercial activity</u>.
 - j. Includes, before 8am or after 6pm on any <u>day</u>, the operation of machinery, receiving customers or the loading or unloading of vehicles.

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

RPZ.2.4 Discretionary Activity Information Requirement

- 1. Any application under rule RPZ.2.3.2 must include a transport assessment statement which:
 - a. Establishes the current and predicted transport <u>environments</u>/traffic volumes along the <u>road</u> from which the sensitive activity will be <u>setback</u>.

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b. Establishes the likelihood of changes to the nature, scale and intensity of <u>land</u> uses and their traffic generating potential within the catchment served by the <u>road</u>.

Subdivision



RPZ.3.1 Eligibility Rule

- 1. <u>Subdivision</u> of a <u>minor residential unit</u> from a <u>principal residential unit</u> is a prohibited activity.
- 2. <u>Subdivision</u> of a <u>site</u> where a minimum 100m² <u>building area</u> is located within 500m of a Strategic Rural Industries Zone or a <u>Mining Area</u> of a QRA shall be a non-complying activity.
- 3. Any <u>subdivision</u> under rule:
 - a. RPZ.3.4.3(b)(i) (Category A) shall comply with information requirement rule RPZ.3.5.1.
 - b. RPZ.3.4.3(b)(iii) (Category C) shall comply with information requirement rules RPZ.3.5.2 and RPZ.3.5.3.
 - c. RPZ.3.4.3 where the <u>site</u> is located within the Coastal Area, shall comply with information requirement rule RPZ.3.5.4.
 - d. RPZ.3.4.3 resulting in 3 or less additional <u>allotments</u> (excluding one balance lot) shall comply with information requirement rule RPZ.3.5.5.
 - e. RPZ.3.4.3 resulting in 4 or more additional <u>allotments</u> (excluding one balance lot) shall comply with information requirement rule RPZ.3.5.6.
 - f. RPZ.3.4.3 shall comply with information requirement rule RPZ.3.5.7.
- 4. Any non-complying <u>subdivision</u> that proposes environmental protection and on-going management of an area or feature shall comply with information requirement rules RPZ.3.5.6 and RPZ.3.5.7.
- 5. Any <u>subdivision</u> under rule RPZ.3.4.3, where the <u>site</u> is located within the Coastal Area, resulting in 4 or more additional <u>allotments</u> (excluding 1 balance lot) is a non-complying activity.
- 6. <u>Boundary relocation subdivision</u> that does not comply with any standard in RPZ.3.3.2 is a discretionary activity.
- 7. Any <u>subdivision</u> that does not meet rules RPZ.3.3.1, RPZ.3.3.2(d) or RPZ.3.4 is a non-complying activity.

RPZ.3.2 Notification Rules

1. All <u>land</u> use activities are subject to the notification tests of the RMA.

RPZ.3.3 Controlled Activities

- 1. <u>Subdivision</u> where every proposed <u>allotment</u>:
 - a. Has a minimum net site area of 20ha.
 - b. Can accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
- 2. <u>Boundary relocation subdivision</u> of <u>sites</u> which are existing at 12 December 2018 that results in:
 - a. The boundaries of all <u>allotments</u> being drawn relative to existing <u>buildings</u> and <u>major</u> <u>structures</u> so that there is compliance as a permitted activity within any relevant zone, overlay or district wide rules.
 - b. No additional vehicle accesses.

Subdivision



- c. Every proposed <u>allotment</u> being able to accommodate a minimum 100m² <u>building area</u> on which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
- d. No additional capacity for <u>residential units</u> permitted on the proposed <u>allotments</u> beyond the overall number of <u>residential units</u> permitted on the parent <u>sites</u> in accordance with rule RPZ.2.3.3.
- e. A minimum net site area of 2,000m².

Note: Refer to the How the Plan Works Chapter for Matters of Control.

RPZ.3.4 Discretionary Activities

- 1. <u>Subdivision</u> of existing lawfully established <u>residential units</u>:
 - a. With a <u>net site area</u> of 2,000m² or less that are able to accommodate onsite servicing of <u>wastewater</u> disposal.
 - b. Resulting in no more than one additional title from the parent title within any 10 year period.
 - c. Providing a balance <u>allotment</u> equal to or greater than 80ha in <u>net site area</u>.
- 2. <u>Subdivision</u> where any proposed <u>allotment</u> is unable to accommodate a minimum 100m² <u>building</u> <u>area</u> on which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
- 3. Subdivision of a site greater than 20ha that existed on 12 December 2018:
 - a. For categories A and C, that are outside areas of Outstanding Natural Landscape, Outstanding Natural Feature, Outstanding Natural Character or High Natural Character Resource Area and do not contain a Heritage Building or Site of Significance to Māori.
 - b. Where the environmental protection area is:
 - For Category A, an existing area of wetland or <u>indigenous vegetation</u> (terrestrial bush, riparian margin or coastal dune) of significant ecological value as determined by Appendix 5 of the Northland Regional Policy Statement 2016.
 - ii. For Category B:
 - a) An area of <u>land</u> identified in the District Plan Resource Area Maps as one or more of the following: Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character; or
 - b) A Heritage **Building** or Site of Significance to Māori; and
 - c) To include a covenant forming a legally established buffer of 50m around any area of Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character to be protected, preventing future <u>buildings</u> and <u>major structures</u> and <u>access</u>.
 - iii. For Category C:
 - a) An unvegetated area or area in pasture or non-indigenous plants to be retired and rehabilitated identified either as <u>Highly Erodible Land</u> or as <u>land</u> within a riparian margin of a <u>stream</u>, <u>river</u>, estuary or the coast located within Acutely or Chronically threatened <u>land environments</u> associated with Land <u>Environments</u> of New Zealand Level 4.

Subdivision



- b) To be planted to an average density of 1.4 metre centres (5,100 stems per hectare), reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and riparian margins and 0.5 1 metre centres in wetland environments.
- iv. Legally unprotected at the time of application.
- v. To be:
 - a) Legally protected in perpetuity in its entirety.
 - b) Managed on an on-going basis in accordance with a Management Plan.
 - c) Held within a single site.
- c. Where the environmental protection area shall include the entire area within the <u>site</u> that meets Category A, B or C (excluding any <u>Highly Erodible Land</u> not proposed to be retired and rehabilitated under this rule).
- d. Where every proposed allotment shall be:
 - i. Between 2000m² and 4000m² in net site area:
 - a) Excluding one balance allotment.
 - b) Provided that one <u>allotment</u> may contain the environmental protection area plus 2000m²-4000m² net site area.
 - ii. In-situ.
 - Able to accommodate a minimum 100m² building area:
 - a) On which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the relevant rules within the district plan.
 - b) Located no closer than 50m from the environmental protection area.
- e. Where the extent of the environmental protection area and the maximum number of additional <u>allotments</u> shall comply with the requirements specified in RPZ.3.4.3 Table 1, provided that an area of <u>land</u> must be nominated under only one type of environmental protection area.





Type of environmental protection area(s)	Extent of environmental protection area(s) (increments)	Must be contiguous		ent) (excluding Category B. Resource Areas	Category C. Retirement & Rehabilitation
Wetland or Coastal dunes	5000m² - 1.99ha 2ha - 4ha Every additional 2ha, beyond the first 4ha	No	1 +1 +1	Nil	Nil
Terrestrial indigenous vegetation (bush)	4ha – 9.99ha *Where at least 4ha must be contiguous	Yes*	1		
	10ha - 15ha	No	+1		
	Every additional 10ha, beyond the first 15ha	No	+1		
Riparian margins of both banks of a	At least 2ha*	Yes	1		1
freshw ater <u>stream</u> or <u>river</u> in Acutely or Chronically threatened <u>land environments</u> associated with the LENZ Level 4.	Every additional 2ha, beyond the first 2ha* *Where every 2ha has a minimum width of 15mon each side of the water body and a minimum lineal length along the water body of 300m (except for one elevated stock crossing with a maximum width of 20m).	No	+1		+1
Resource Areas identified in the District Plan (High Natural Character, Outstanding Natural Character, Outstanding Natural Feature or Outstanding Natural Landscape)	All mapped Resource Area(s) on the site, where the minimum extent of Resource Area(s) on the site is 1ha.	No	Nil	1	Nil
A Heritage Building or Site of Significance to Māori identified in the District Plan	All present on the site.	No		1	
Highly Erodible Land	At least 4ha	Yes		Nil	1
	Every additional 4ha, beyond the first 4ha	No			+1
Coastal or estuarine margins in Acutely or	At least 2ha*.	Yes	1		1
Chronically threatened land environments associated with LENZ Level 4	Every additional 2ha, beyond the first 2ha* *Where every 2ha has a minimum width of 50mfrom the Coastal Marine Area and a minimum lineal length along the water body of 300m	No	+1		+1

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

Rural Production Zone



RPZ.3.5 Information Requirement

- 1. Any application under rule RPZ.3.4.3(b)(i) (Category A) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:
 - a. The ecological significance value of the <u>indigenous vegetation</u> or habitat within the <u>site</u> in terms of the standard ecological criteria Representativeness, Rarity/Distinctiveness, Diversity and Pattern, and Ecological Context. Further details on the definitions of these criteria, and the matters that should be assessed are contained within:
 - i. Appendix 5 of the Northland Regional Policy Statement 2016.
 - ii. Department of Conservation guidelines for assessing significant ecological values 2016.
 - b. The report shall also include at a minimum the following information:
 - i. Size and extent of the environmental protection area.
 - ii. Any other feature or area that does not meet the criteria in rule 1a that may require protection.
 - iii. Quantitative data confirming the current wildlife habitat values, where relied upon for assigning significance values.
 - iv. The ecological long term viability of the environmental protection area, including but not limited to:
 - a) Ecosystem function.
 - b) Structure.
 - c) Indigenous integrity, i.e. how natural is the environmental protection area? Is it self-sustaining and resilient?
 - d) Health, i.e. the extent to which a more modified ecosystem (e.g. condition varies due to exotics, drainage, fragmentation etc.) is still stable and resilient.
 - e) Restoration potential.
 - The underlying physical characteristics of the environmental protection area, including but not limited to:
 - a) Soil type.
 - b) Topography.
 - c) Aspect.
 - d) LENZ classification.
 - e) PNAP classification.
 - vi. The <u>effects</u> of the potential development on the environmental protection area, including but not limited to:
 - a) Location and proximity of proposed <u>allotments</u> and <u>building</u> platforms to the environmental protection area;
 - b) Orientation of light, noise, reflective sources to minimise impact on resident fauna
 - c) Building platforms;







- d) Access;
- e) Earthworks;
- f) Services, including:
 - i. Stormwater to achieve hydrological neutrality;
- ii. Reticulated sewer or septic tanks, particularly effects on wetland fertility;
- iii. Reticulated freshwater or water tanks;
- iv. Telecommunications networks:
- v. Energy (electricity or gas) networks;
- g) Pets, farmed animals, weeds, garden escapes and green waste dumping.
- 2. Any application under rule RPZ.3.4.3(b)(iii) (Category C) where the environmental protection area is located on <a href="https://high.ncbi.nlm.n
 - a. Topography and slope analysis;
 - b. Existing vegetation;
 - c. Hydrology;
 - d. Soil analysis;
 - e. Land use capability;
 - Any factors that will influence the successful implementation of the area to be retired and rehabilitated.
- 3. Any application under rule RPZ.3.4.3(b)(iii) (Category C) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:
 - a. A planting plan for the proposed revegetation planting which considers and identifies:
 - i. The appropriateness and practicability of the proposed replanting:
 - a) To be native vegetation which is sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;
 - b) To reflect the composition of former natural vegetation likely to have occupied the <u>site</u> and include appropriate native species that will enable natural processes of succession.
 - ii. The ecological district of the site.
 - iii. The characteristics of the soil (i.e. clay, silt, loam etc.).
 - iv. Soil drainage.
 - v. Topography of the area to be planted.
 - vi. Aspect of the area to be planted.
 - vii. Exposure of site to wind, frost, sunlight and salt spray.
 - viii. Presence of plant and animal pests.
 - ix. Any restrictions on planting, such as safety or existing access issues etc.



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- x. The purpose of the planting in relation to the surrounding <u>environment</u> (including buffering, corridors, linkages).
- xi. The location and extent of planting.
- xii. Site preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control.
- xiii. <u>Site</u> planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants.
- xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.
- xv. An assessment of the <u>effects</u> of the potential development on the environmental protection area, including but not limited to RPZ.3.5.1(b)(vi ix).
- b. A plan that specifies the protection measures proposed to ensure the <u>indigenous</u> <u>vegetation</u> remain protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
 - i. The establishment of secure stock exclusion.
 - ii. The maintenance of plantings, which must occur until the plantings have reached 80% canopy closure. Forest diversity planting (typically at Year 4 of the project) will have occurred. The survival rate must ensure a minimum 90% of the original density and species.
 - iii. The maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting <u>site</u> both at the time of planting and on an on-going basis to ensure adequate growth.
 - iv. The maintenance of <u>indigenous vegetation</u> must ensure animal and plant pest control occurs.
- 4. Any <u>subdivision</u> under rule RPZ.3.4.3, where the <u>site</u> is located within the Coastal Area, shall provide an assessment of environmental <u>effects</u>, which shall contain the following information:
 - a. Context analysis, including how development integrates with existing and possible development in adjacent properties and other Environments.
 - Future <u>building</u> and <u>access</u> location and design assessment including consideration of <u>building</u> envelopes, exterior materials and colours, factors contributing to low energy sustainable design.
 - c. Timing of development.
 - d. Landscape and visual effects assessment, including natural character and rural character.
 - e. The extent to which the proposed location of any new <u>allotments</u> utilises existing topography and/or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to locate and design development within areas where impacts on the Coastal Area can be avoided or reduced.
 - f. The location of future <u>building areas</u> and <u>access</u>, and the extent to which the proposal will mitigate adverse visual <u>effects</u> on the Coastal Area, including through methods such as <u>landscaping</u>, screening, <u>building height</u>, design and/or reflectivity.



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- 5. Any application under rule RPZ.3.4.3 resulting in 3 or less additional <u>allotments</u> (excluding one balance lot) must include an assessment of <u>effects</u> from the design and layout of the <u>subdivision</u> including the following:
 - a. The potential for <u>reverse sensitivity</u> <u>effects</u> arising from the location of the proposed <u>allotments</u> in relation to any existing <u>rural production activity</u> or strategic rural industry.
 - b. Adverse <u>effects</u> on the productive potential of the <u>site</u> based on the topography and characteristics of the <u>site</u>, including soil qualities.
 - c. Where the proposed allotments are not arranged in a cluster to share common boundaries:
 - i. Adverse effects in relation to the fragmentation of productive land.
 - ii. Adverse <u>effects</u> on the openness and extent of rural outlook arising from sporadic and/or ribbon development.
 - iii. Adverse <u>effects</u> on natural character elements such as <u>indigenous vegetation</u>, landforms and <u>water</u> bodies.
 - iv. Adverse effects on the transport network where multiple accesses are proposed.
- 6. Any application under rule RPZ.3.4.3 resulting in 4 or more additional <u>allotments</u> (excluding one balance lot), or any non-complying <u>subdivision</u> that proposes environmental protection and ongoing management of an area or feature, must include the following:
 - a. An Assessment of Environmental <u>Effects</u>, which shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated <u>effects</u> associated with the <u>subdivision</u> and/or development:
 - i. Context analysis, including how development integrates with existing activities and possible development in adjacent properties and other zones/Environments.
 - ii. Traffic <u>effects</u> assessment, within the <u>site</u> and on the local roading and state highway networks.
 - iii. <u>Building</u> and <u>major structure</u> design assessment including consideration of exterior materials and colours, and factors contributing to low energy sustainable design.
 - iv. Consideration of Adaptive Management Staging.
 - v. Timing of development.
 - vi. Landscape and visual <u>effects</u> assessment, including natural character and assessment of urban form.
 - vii. Infrastructure effects assessment.
 - viii. Stormwater management effects assessment.
 - ix. Cultural effects assessment by tangata whenua.
 - x. Archaeological effects assessment.
 - xi. Urban design assessment where development results in urban form.
 - xii. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.
 - b. A <u>Subdivision</u> Layout Plan, which shall set out how the <u>allotment</u> area is to be subdivided or developed, responding to, and compatible with, the assessment of environmental





<u>effects</u> and relevant objectives and policies and must depict, as a minimum, the following (as relevant):

- i. Location and types of proposed activities.
- ii. <u>Building</u> envelopes (footprints, <u>height</u>, separation/<u>setbacks</u>, coverage).
- iii. Proposed public road and internal access layout.
- iv. Pedestrian and cycle facilities.
- v. Proposed landscaping.
- vi. Proposed fencing.
- vii. Areas of cultural significance, including <u>archaeological sites</u>.
- viii. <u>Subdivision</u> or development design, including number, size and shape of <u>allotments</u> or <u>building sites</u>; <u>infrastructure</u>, servicing, <u>access</u> and engineering details; <u>land</u> tenure (e.g freehold, leasehold, cross lease, company leases, unit titles); and any staging / timing of <u>subdivision</u> or development.
- c. An Ecological Plan, which shall describe the values on <u>site</u> to be protected and demonstrate how the attributes and values of the environmental protection area are to be maintained or restored and protected, including means of managing potential ecological <u>effects</u> identified in the ecological <u>effects</u> assessment. The ecological plan shall:
 - i. Be prepared by a suitably qualified ecologist.
 - ii. Provide a description and assessment of the existing ecological values of the <u>site</u>. It should detail the range of existing vegetation, wildlife, habitat values and special values within the application area and the surrounding area.
 - iii. Provide an assessment of ecological effects.
 - iv. Specify the range of management strategies required to avoid, remedy or mitigate adverse <u>effects</u> of development.
 - Specify monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.
- d. An Ecological <u>Effects</u> Assessment, which shall identify and assess actual and potential ecological <u>effects</u> arising from human disturbance and plant and animal pests associated with existing and proposed development within the application area. The Ecological <u>Effects</u> Assessment shall take into account:
 - i. The nature of development and level of intensity proposed.
 - ii. Direct <u>effects</u> (resulting from physical development of the application area including <u>land</u> clearance, <u>earthworks</u>, construction, <u>stormwater</u>).
 - iii. Secondary <u>effects</u> (resulting from increased activities and habitat modifications within the application area and the surrounding area, following proposed development).
 - iv. Cumulative <u>effects</u> (resulting from future development that might occur, and additional to the <u>effects</u> that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).
 - v. Existing threats and risks including:
 - a) Weed and plant pests.





- b) Increased people pressure.
- c) Threats/risks to plant communities based on existing and proposed use of <u>site</u> (e.g. fire, vehicle <u>access</u>, grazing, stock <u>access</u>, and plant pests).
- d) Range of animal pest species.
- e) Risks to wildlife from known animal pests.
- f) Disturbance as a result of existing land use and activities.
- g) Threats/risks to habitats as a whole from existing <u>land</u> use (e.g. stock <u>access</u>, human activities/disturbance, <u>stormwater</u>, <u>wastewater</u>).
- h) Other threats/risks to special values.
- e. Any proposed conditions of consent, which may include (but shall not be limited to) the following matters:
 - i. Visual amenity, car parking, traffic management.
 - ii. <u>Building</u> and <u>major structure</u> design implementation.
 - iii. Fencing.
 - iv. Landscaping.
 - v. Adaptive Management Staging/Timing of development (if proposed).
 - vi. <u>Stormwater</u> management, including groundwater quality.
 - vii. Identification, protection, and monitoring of areas of cultural significance, including archaeological sites.
 - viii. Ecological requirements.
 - ix. <u>Subdivision</u> or development design and associated Whangārei District Council engineering standards including financial and monitoring mechanisms such as bonds.
 - x. A means by which conditions are binding such as covenants or consent notices.
 - xi. Compliance with **Subdivision** Layout Plan.
- f. A soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of any <u>land</u> to be retired and rehabilitated including the existing conditions on the <u>site</u> including:
 - i. Topography and slope analysis.
 - ii. Existing vegetation.
 - iii. Hydrology.
 - iv. Soil analysis.
 - v. Freshwater habitat.
 - vi. Land use capability.
 - vii. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.
- 7. Any <u>subdivision</u> under rule RPZ.3.4.3, or any non-complying <u>subdivision</u> that proposes environmental protection and on-going management of an environmental protection area, must provide a Management Plan setting out (to the extent relevant to the proposal):



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- The key protection and enhancement objectives and outcomes to be met, including the
 qualities and characteristics of the environmental protection area that are to remain
 protected in perpetuity
- b. The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:
 - i. Weed control.
 - ii. Pest animal control.
 - iii. Pest organism control, including kauri dieback disease and myrtle rust.
 - iv. Pet (including cat and dog) control.
 - v. Re-vegetation and restoration opportunities.
 - vi. Fencing plan.
 - vii. Fire risk management.
 - viii. Access limitations.
 - ix. Nutrient and sediment control.
 - x. <u>Building</u>, <u>major structure</u> and <u>access</u> location.
- c. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.
- d. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.

Note: Refer the How the Plan Works for Assessment of Discretionary Activities.

RPZ.4.1 Site Specific Environmental Benefit Rules

A. 734 PATAUA NORTH ROAD (PART LOT 1 DP 94742)

Controlled Activity

 Any boundary relocation subdivision between Section 24 Block VII Whangārei SD and Part Lot 1 DP 94742 or subsequent allotment created under Rule RPZ.4.1.A.3 is a controlled activity subdivision provided it complies with rule RPZ.3.3.2, except that each site is not required to have existed at 12 December 2018.

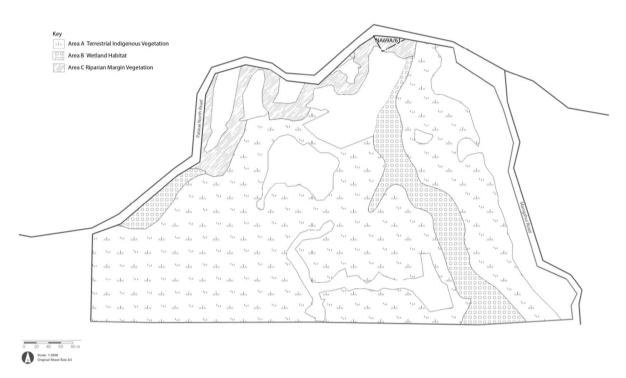
Discretionary Activities

- 2. Boundary relocation subdivision that does not comply with RPZ.4.1.A.1
- 3. A single application for resource consent, implementation of which may be staged, for <u>subdivision</u> within Pt Lot 1 DP 94742 (734 Pataua North Road) that proposes environmental protection and on-going management of an environmental protection area where:
 - a. The <u>subdivision</u> complies with rule RPZ.3.4.3 except:
 - i. That the site does not have to have existed on 12 December 2018.
 - ii. Rule RPZ.3.4.3(b)(i), (ii) and (iii).
 - iii. Rule RPZ.3.4.3(d)(iii)(b).
 - iv. Rule RPZ.3.4.3(e).





- b. The subdivision complies with the following:
 - i. The environmental protection area includes the following areas as shown on RPZ.4.1.A Map 1:
 - a) The terrestrial indigenous vegetation area marked A; and
 - b) The wetland habitat area marked B; and
 - c) The indigenous riparian margin vegetation area marked C.
 - ii. The maximum number of additional allotments that can be approved is 8.
- c. Any <u>subdivision</u> under rule RPZ.4.1.A.3 shall comply with information requirements RPZ.3.5.1, RPZ.3.5.6 and RPZ.3.5.7.



RPZ.4.1.A Map 1: 734 Pataua North Road (Part Lot 1 DP 94742)

B. 128 AND 172 AWAROA RIVER ROAD, WHANGĀREI (LOT 3 DP 317977 AND LOT 2 DP 87364)

Subdivision Controlled Activity

- 1. A single application for resource consent (implementation of may be staged) to subdivide 128 And 172 Awaroa River Road, Whangārei (Lot 3 DP 317977 and Lot 2 DP 87364) where:
 - a. A total of 7 addition <u>allotments</u> are created (excluding 2 balance <u>allotments</u> arising from the 2 existing <u>allotments</u>, each containing an existing <u>residential unit</u>).
 - b. All existing <u>indigenous vegetation</u> within Lot 3 DP 317977 and Lot 2 DP 87364 shall be legal protected in perpetuity in its entirety and managed on an on-going basis in accordance with a Management Plan.
 - c. Every covenanted area is held within a single allotment.



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- d. No new <u>buildings</u> or <u>major structures</u> have been erected since 12 December 2018 prior to <u>subdivision</u> approval.
- e. Every proposed <u>allotment</u> shall identify a <u>building</u> envelope no larger than 1,00m² and that complies with the <u>setbacks</u> of the Rural Production Zone.
- f. Every proposed <u>allotment</u> shall identify the balance of the <u>allotment</u> beyond the identified <u>building</u> envelope as subject to a No Build covenant.
- g. <u>Buildings</u> and <u>major structures</u> within <u>building</u> envelopes in accordance with RPZ.4.1.B.1(e) shall:
 - i. Where the <u>building</u> envelope is located above the 80m contour, not exceed 6m in height above ground level, and otherwise not exceed 8m in height.
 - ii. Have a roofline below the 90m contour.
 - iii. Not exceed a combined GFA of 750m².
 - iv. Not have exteriors:
 - a) Coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
 - b) Utilising mirror glazing.
 - c) With a roof colour with a light reflectance value greater than 30%.
 - v. Be built into the landform, stepped in <u>structure</u> with irregular roofline.
- h. The application shall identify areas of landscape mitigation planting:
 - Within every proposed <u>allotment</u>, to filter views of the proposed <u>building</u> envelopes from outside of the <u>subdivision</u> and between <u>building</u> envelopes.
 - For <u>building</u> envelopes above the 70m contour, to ensure that there is a permanent vegetated backdrop so that <u>buildings</u> are not seen on the skyline.
- i. Planting of areas identified in RPZ.4.1.B.1(h) shall be established in accordance with (h) and shall be:
 - i. Legally protected in perpetuity in its entirety.
 - ii. Managed on an on-going basis in accordance with a Management Plan.
- j. All proposed <u>access</u>, driveways and manoeuvring areas shall be finished with recessive materials (i.e. blue metal, concreate with exposed aggregate or black oxide additive)
- k. The application shall include proposed conditions of consent which are a means by which compliance with rules RPZ.4.1.B.1(g), (i) and (j) is ensured.
- I. The application shall include a management plan that specifies the protection measures proposed to ensure that the vegetation remains protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
 - i. The establishment of secure stick exclusion.
 - ii. Site preparation and the establishment of plantings.
 - iii. The maintenance of plantings. The survival rate must ensure a minimum 90% of the original density and species.
 - iv. The maintenance of <u>indigenous vegetation</u> must ensure animal and plant pest control occurs.
- Control is reserved over the following matters:





- a. The extent of covenant areas and need for on-going management such as pest and weed control, and stock proof fencing.
- b. The location and suitability of <u>building</u> envelopes to mitigate <u>effects</u> on privacy, rural character, landscape and <u>amenity values</u>.
- c. The adequacy of landscape mitigation planting to mitigate <u>effects</u> on privacy, rural character, landscape and <u>amenity values</u>.
- d. The need for additional planting to strengthen any existing native vegetation screening of proposed <u>building</u> envelopes.
- e. The use of recessive materials on driveways and manoeuvring areas to mitigate landscape effects.
- f. The visibility of water tanks, including a preference for vegetative screening.
- g. The type and colour of boundary fencing and gates including:
 - i. A preference for post and wire or post and rail.
 - ii. A preference for timber rail or steel rail gates.
 - iii. A preference for recessive colours.
 - iv. Discouragement of solid close board timber fences and gates.
- h. Recessive external lighting.
- i. Exo-sourcing of plant species required for landscape planting.
- j. Avoiding pest species for landscape planting.
- k. Appropriateness of conditions to enforce ongoing compliance.

Note: Refer to the How the Plan Works Chapter for Assessment of Controlled Activities

Non-Complying Activity

3. Any <u>Subdivision</u> application that does not comply with RPZ.4.1.B.1.

C. 2487 WHANGĀREI HEADS ROAD. PART ALLOTMENT 17 PSH OF MANAIA

Subdivision Discretionary Activities

- 1. A <u>subdivision</u> application for resource consent (implementation of which may be staged) to subdivide 2487 Whangārei Heads Road, Part <u>Allotment</u> 17 Psh Of Manaia where:
 - a. A maximum of three additional <u>allotments</u> are created (excluding the balance <u>allotment</u>);
 and
 - All <u>land</u> identified as Outstanding Natural Landscape in the Resource Area Map 52B shall be:
 - i. Legally protected in perpetuity in its entirety.
 - ii. Managed om an on-going basis in accordance with a Management Plan.
 - iii. Held within a single <u>site</u>.

Subdivision Non-Complying Activities

1. Any <u>Subdivision</u> application that does not comply with RPZ.4.1.

D. 1007 COVE ROAD, WAIPŪ (LOT DP 67636)

Discretionary Activity





- A Single application for resource consent (implementation of which may be staged) that achieves a <u>net environmental benefit</u> to subdivide 1007 Cove Road, Waipū, Lot 3 DP 67636 where:
 - a. Up to a maximum of 3 additional allotments are created (excluding 1 balance allotment).
 - b. Every Allotment has a net site area of at least 2,000m².
 - c. Designation DW119 insofar as it crosses the <u>site</u> or its successor Designation has been given <u>effect</u> to, with no compensation payable by:
 - Incorporating the <u>land</u> within the <u>site</u> that is subject to the designation into an <u>esplanade reserve</u> pursuant to section 231 of Resource Management <u>Act</u> 1991, which is to be vested in the Council; or
 - Incorporating the <u>land</u> within the <u>site</u> that is subject to the designation into an <u>esplanade strip</u> pursuant to section 232 of the Resource Management <u>Act</u> 1991, which is to be created by an instrument registered against the relevant title(s); or
 - iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public <u>access</u> in perpetuity across the <u>land</u> within the <u>site</u> that is subject to designation
 - d. Any <u>Subdivision</u> under rule RPZ.4.1.D.1 shall comply with the following information requirements where relevant
 - i. RPZ.3.5.1 RPZ.3.5.3
 - ii. RPZ.3.5.4
 - iii. RPZ.3.5.5

Note: There is no requirement for an <u>esplanade strip</u> or reserve in addition to RPZ.4.1.D.1(c)

Non-Complying Activity

- Any <u>Subdivision</u> application to subdivide 1007 Cove Road, Waipū, Lot 3 DP 67636 that does not comply with RPZ.4.1.D.1
- 3. Any subdivision under rule RPZ.4.1.D.2 shall comply with information requirement RPZ.3.5.7.

E. 995 COVE ROAD, WAIPŪ (PART LOT 1 DP 69511)

Discretionary Activity

- A Single application for resource consent (implementation of which may be staged) that achieves a <u>net environmental benefit</u> to subdivide 995 Cove Road, Waipū, Part Lot 1 DP 69511 where:
 - a. Up to a maximum of 4 additional allotments are created (excluding 1 balance allotment).
 - b. Every <u>allotment</u> had a nest <u>site</u> area of at least 2,000m².
 - c. Designation DW 119 insofar as it crosses the <u>site</u> or its successor designation has been given <u>effect</u> to, with no compensation payable by:
 - Incorporating the <u>land</u> within the <u>site</u> that is subject to the designation into an <u>esplanade reserve</u> pursuant to section 231 of Resource Management <u>Act</u> 1991, which is to be vested in the Council; or





- ii. Incorporating the <u>land</u> within the <u>site</u> that is subject to the designation into an <u>esplanade strip</u> pursuant to section 232 of the Resource Management <u>Act</u> 1991, which is to be created by an instrument registered against the relevant title(s); or
- iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public <u>access</u> in perpetuity across the <u>land</u> within the <u>site</u> that is subject to designation
- a. Any <u>Subdivision</u> under rule RPZ.4.1.E.1 shall comply with the following information requirements where relevant
 - i. RPZ.3.5.1 RPZ.3.5.3
 - ii. RPZ.3.5.4
 - iii. RPZ.3.5.5 (where the application creates 3 or less additional <u>allotments</u>, excluding one balance lot).

Note: There is no requirement for an <u>esplanade strip</u> or reserve in addition to RPZ.4.1.E.1(c)

Non-Complying Activity

- 2. Any <u>Subdivision</u> application to subdivide 995 cove Road, Waipū, Part Lot 1 DP 69511 that does not comply with RPZ.4.1.E.1.
- 3. Any <u>subdivision</u> under rule RPZ.4.1.E.2 shall comply with information requirement RPZ.3.5.7.



Rural Village Zone

Index RVF.1 Rural Village Zone RVE.1.1 Description and Expectations RVE.1.2 **Objectives** RVZ.1.3 Policies RVZ.1.4 Guidance Note RVZ.2 Landuse RVZ.2.1 Eligibility Rules RVZ.2.2 Notification Rules RVZ.2.3 Discretionary Activities RVZ.3 Subdivision RVZ.3.1 Eligibility Rules RVZ.3.2 Notification Rule RVZ.3.3 Discretionary Activities RVZ.3.4 Information Requirement RVZ.1.1 Description and Expectations

The Rural Village Zone (RVZ) manages <u>land</u> use and <u>subdivision</u> within established rural villages throughout the Whangārei District. The Rural Village Zone is made up of three different Sub-Zones: Rural Village Residential, Rural Village Centre and Rural Village Industry. Suitable locations for residential commercial and industrial activities are identified within rural villages through these Sub-

residential, commercial and <u>industrial activities</u> are identified within rural villages through these Sub-Zones. The objectives and policies are applied across all rural villages. Any additional matters for consideration in the Coastal Area relevant to the appropriate rural villages are addressed in the Coastal Area overlay.

The Whangārei District Council Growth Strategy – Sustainable Futures 30/50 2009 ('Whangārei District Growth Strategy') identifies three rural villages (Hikurangi, Waipū and Parua Bay) as growth areas. It is expected that other rural villages will continue to function at a similar scale and nature to how they are today.

The character and amenity of each rural village differs in terms of their location, the range of activities supported and the service function that fulfils. Many of the rural villages are characterised by traditional quarter acre sections and low density of built development; however, smaller <u>allotment</u> sizes are provided for in the zone provisions to consolidate growth for efficient <u>land</u> use and service provision. Development may be more intensive in the villages where connections to Council <u>reticulated</u> services are available.

Many of the villages are situated adjacent to the Rural Production Zone which provides a rural context for the villages. The <u>boundary</u> interface has the potential for <u>reverse sensitivity</u> <u>effects</u> which need to be managed.

The 13 larger rural villages are each described below. It is expected that the individual characteristics of each rural village will be recognised in the preparation and assessment of any resource consent application. There are also 16 smaller rural villages.

Hikurangi

Hikurangi, located between State Highway 1 and the main trunk railway line, is a service village with a population of approximately 1,500 people. There is grocery shop and other small scale <u>retail activities</u>, a veterinary practice and a museum. The town has a rich history based on mining. From the 1890s coal



Rural Village Zone

was mined in the area with the last coal mine closing in 1971. There are also significant limestone resources, with a quarry that supplies limestone to the Golden Bay Cement plant south of Whangārei.

A significant geographical feature is Mount Hikurangi, a volcanic dome that rises 365 metres to the west of the town. In pre-European times the swamp basin was an important resource for Māori and was a highly productive area for food and fisheries. Hikurangi is identified as a growth node in the Whangārei District Growth Strategy.

Parua Bay

Parua Bay is a coastal rural village located on the north side of the Whangārei Harbour; with Manganese Point and Reserve Point wrapping around the entry to the Bay. Existing services in Parua Bay village include a primary school, community centre, sports facilities, petrol station, medical centre, a superette, cafe and small scale retail.

The Whangārei District Growth Strategy identifies the potential to develop Parua Bay as a growth node to service the wider Whangārei Heads area. Ad-hoc development in the past has resulted in fragmented patterns of development in Parua Bay village. Moving forward growth must be carefully managed within the village to provide for the wellbeing of the population over the medium term while not compromising the development potential and sustainability of the village over the long term.

Waipū

Waipū is one of the oldest European settlements in Whangārei District, with its Scottish heritage making a large contribution to the village's identity. The village is rural in nature being located within an area consisting of farmed flats, rolling to steep pasture and pockets of vegetation. Multiple small <u>river</u> catchments converge near the village before flowing into the Waipū River estuary and into Bream Bay, creating high potential for productive uses. Waipū has a strong village centre with a wide range of services, facilities and commercial and <u>industrial activities</u>. Waipū has seen reasonable population growth and is identified as a growth node in the Whangārei District Growth Strategy.

Maungakaramea

Maungakaramea has a distinct historic/rural identity related to the longevity of the village (150 years) and its rural location. Maungakaramea volcanic cone and the Tangihua Range provide a dramatic scenic backdrop to the village. There are some attractive historic <u>buildings</u> including a former hotel, a number of churches and many historic <u>stone walls</u>. Local facilities include a primary school, play centre, church, community hall, sports fields, bowling green, <u>retirement village</u>, a voluntary rural fire force and a <u>garage</u>/general store. The area has experienced rural residential growth; however, the village itself has a relatively stable resident population.

Maungatapere

Maungatapere is surrounded by highly productive farmland with <u>versatile soils</u> suitable for a wide range of <u>farming</u> and horticulture activities. The village features many historic <u>stone walls</u> and the volcanic cones of Maungatapere, Maunu and Whatitiri provide a dramatic backdrop to the village.

Maungatapere has experienced moderate growth in recent years and there is a significant amount of rural residential development in the area. The village is characterised by a variety of facilities including a school, community hall, church, retirement home, and museum; as well as industry support services.

Matapōuri

Matapōuri Bay, Woolleys Bay and Sandy Bay are recognised as some of the best beaches in New Zealand and are popular holiday destinations. There has been reasonable growth in the area over the



Rural Village Zone

last 15 years; however, many of the homes in Matapōuri are holiday homes rather than permanent residences. Matapōuri has a small general store and a community hall.

McLeod Bay/Reotahi

McLeod Bay and Reotahi are situated on the inner Whangārei Harbour. Part of the Whangārei Harbour Marine Reserve is located around Motukaroro/Passage Island at Reotahi. McLeod Bay/Reotahi village has a higher permanent population than other coastal villages and there has been a moderate level of growth over recent years. There are some community facilities and a local eatery/dairy; however, the intention is that Parua Bay village will continue to accommodate the majority of commercial services in this area. Reotahi has an historic connection with the farming industry with a meat processing plant built immediately adjoining the coast. Remains of the processing plant are accessible by a walking track along the coast.

Ngunguru

Ngunguru is a well-established coastal village that has an urban character with small lot sizes and shops, a school, a motel and community facilities. The village adjoins the Ngunguru estuary. Ngunguru Sandspit Pi Manu is a significant environmental feature that separates the harbour from Whangaumu Bay to the east. Ngunguru Sandspit has well recognised cultural, historical and ecological values. It is an important landscape feature for the Ngunguru community.

Oakura

Oakura is an established coastal village that has experienced minimal growth in recent years, most of which can be attributed to holiday homes. Predominantly residential development is located on the flat adjacent to the coast with further development constrained by the steeper topography to the west and Ohawini Bay to the north, which has limited vehicle access. Oakura is serviced by a small mixed use area of commercial, retail and accommodation activities.

Pātaua

Pātaua is made up of two distinct parts located on either side of the entrance to the Pātaua estuary. Pātaua South is located on the estuary plain on the southern side with Pātaua North on coastal dune lands on the north side. The two parts of the village are connected by a footbridge but there is no vehicular access between them. At Pātaua South there is a camp ground, holiday homes, permanent residents and a small range of service facilities and activities to support the permanent and holiday populations. Pātaua North contains mainly holiday homes but is becoming more popular as a commuter village due to improvements to the road to Whangārei.

Taurikura/Urquharts Bay

Taurikura/Urquharts Bay village is located towards the Whangārei Heads. Taurikura is a popular beach and is supported by a range of community facilities including a tennis court, community hall and a general store. Taurikura/Urquharts Bay village has a very small permanent population which has seen minimal population growth over recent years.

Tutukaka

Tutukaka is characterised by the existing marina and <u>water</u> based recreation activities and is the gateway to the world famous Poor Knights Marine Reserve. Facilities include the Oceans Resort development comprising retail services, restaurant and hotel facilities, as well as other restaurants/bars located around the harbour. The <u>land</u> around the harbour is steep and clad in coastal forest providing a backdrop to the coastal marine area. In many areas the <u>land</u> is identified as being at risk of <u>land</u> instability



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or erosion prone. Residential development is accommodated in a series of small bays on the southern side of the harbour and the open coast around to Whangaumu Bay.

Waipū Cove/Langs Beach

Waipū Cove/Langs Beach village is the southernmost village in the District and therefore is in the closest proximity to Auckland. There is some tourist accommodation, a campground, cafes and a dairy, but other services are limited. The village is characterised by white sandy beaches, dramatic coastal headlands and pohutukawa clad coastlines. There is a high proportion of holiday homes and the area is popular with holiday-makers over the summer holiday period.

Small Villages

Smaller rural villages consisting of a cluster of residential development with limited community services such as primary schools and community halls, are located at Portland, Mangapai, Waiotira, Ruatangata West, Titoki, Pakotai, Te Horo, Riverview Place, Tamaterau/Waikaraka, Manganese Point, Ocean Beach, Bland Bay, Whananaki, Taiharuru, Helena Bay and Moureeses Bay. These rural villages exist having historically provided important services to rural communities or as isolated coastal holiday destinations. They are zoned for residential <u>land</u> use only (Rural Village Residential Sub-Zone).

Description of the Rural Village Sub-Zones

The Rural Village Centre Sub-Zone provides for the commercial and community centres found in the larger rural villages and is often the focal point for local communities and community facilities. Opportunities are provided for the development of a mix of residential and commercial development within these areas while ensuring the character of the rural village is retained. It is expected that commercial development will be consolidated within the Rural Village Centre Sub-Zone with residential development clustered around it to retain a compact rural village centre.

The areas identified as Rural Village Residential Sub-Zone provide for residential activities within the rural villages. The rural villages are developed to varying densities according to a number of factors including topography, known natural hazard zones and depending on whether they are serviced by council's wastewater system. This pattern is expected to continue with larger sites being required if on site disposal of wastewater is proposed. New suitable areas for residential development have been zoned where compatible existing residential development has occurred or where a shortage of residential land supply has been identified.

The areas identified as Rural Village Industry Sub-Zones are existing industrial areas located within the larger rural villages. They contribute to the self-sufficiency of rural villages and benefit the wider community through provision of employment and support to local social and recreational activities. Industrial activities also provide supporting services for rural production activities. The Rural Village Industry Sub-Zone is located in close proximity to the Rural Village Residential and Rural Village Centre Sub-Zones. There is potential for reverse sensitivity effects such as noise, odour, lighting glare, vibration and heavy vehicle movements. Consequently, new residential development will be restricted to limit such effects. This Sub-Zone only recognises existing land use activities and does not seek to provide additional zoning.

RVZ.1.2 Objectives

- 1. Provide for the managed growth of rural villages.
- 2. Protect and enhance the amenity and character values of each rural village.



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- 3. Provide for community facilities; including halls, sports fields, churches and schools acknowledging the role of these as focal points for rural villages.
- 4. Provide for the consolidation of residential activities in rural villages.
- 5. Enable a mix of residential and commercial activities to occur in rural village centres.
- 6. Enable a range of business activities that fulfil local service functions in rural villages.

RVZ.1.3 Policies

- 1. To enable a range of <u>land</u> use activities necessary to support the service, residential and community functions of villages.
- 2. To enable a greater intensity of development where reticulated services are available.
- 3. To protect features and characteristics that contribute to sense of place in rural villages and maintain factors that contribute to rural village character including:
 - a. Low to moderate levels of noise and lighting, particularly at <u>night</u>.
 - b. Ample access to daylight.
 - c. Established streetscapes reflecting historical development patterns.
 - d. Semi-formal arrangement and design of roadways and structures.
 - e. Access to public open space and community facilities.
 - f. Opportunity for informal social interaction.
 - g. A range of low density building typology and design.
 - h. A central village focal point containing business and community facilities.
- 4. To protect residential character and amenity in the Rural Village Residential Sub-Zone by restricting the operation of commercial and <u>industrial activities</u> and providing for limits to commercial activities that are <u>ancillary activities</u> to residential activities on the same site.
- 5. To protect the character and amenity of rural villages and to avoid adverse <u>effects</u> to the <u>road</u> network by limiting the number of <u>traffic movements</u> generated by non-residential activities.
- 6. To protect and enhance the established character and amenity of rural villages by ensuring that <u>subdivision</u> and development are designed, constructed and operated so that they are consistent with:
 - a. The Description and Expectations set out at RVZ.1.1.
 - b. The service function of the village.
- 7. To maintain amenity in the Rural Village Centre Sub-Zone by ensuring that all new <u>buildings</u> and major <u>structures</u> are:
 - a. Of a scale and character appropriate to the Sub-Zone.
 - b. Sufficiently set back from the <u>road boundary</u> to allow safe pedestrian and vehicle movement and <u>access</u>.
 - c. Designed to enable incidental activities such as <u>minor buildings</u>, parking, manoeuvring and <u>landscaping</u> to be accommodated on the site.



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- 8. To ensure that <u>residential units</u> in the Rural Village Centre Sub-Zone have sufficient <u>outdoor living</u> <u>space</u>.
- 9. To avoid <u>reverse sensitivity effects</u> and to ensure that amenity is maintained in the Rural Village Residential Sub-Zone by ensuring that all new <u>buildings</u> and major <u>structures</u> are:
 - a. Of a scale and character appropriate to the Sub-Zone.
 - b. Sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space and <u>access</u> to sunlight and separation from Rural Production Zone boundaries.
 - c. Designed to enable incidental activities such as minor buildings, parking, manoeuvring, landscaping and private open space to be accommodated on the site.
- To provide for private open space and <u>landscaping</u> in the Rural Village Residential Sub-Zone by ensuring that new built development is comprehensively designed so that at least 35% of the <u>net</u> <u>site area</u> is free of <u>impervious areas</u>.
- 11. To maintain rural village character in the Rural Village Industry Sub-Zone by ensuring that all new buildings and major structures are:
 - a. Of a scale and character appropriate to the Sub-Zone and compatible with the surrounding village.
 - b. Sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space and <u>access</u> to sunlight.
 - c. Designed to enable incidental activities such as minor buildings, parking, manoeuvring and landscaping to be accommodated on the site.
- 12. To locate and design <u>subdivision</u> and associated <u>land</u> development in the Rural Village Zone to complement the existing form of the rural village and maintain or enhance rural village character and <u>amenity values</u> by:
 - a. Locating access ways, services, utilities and building areas where:
 - i. These can be provided without the need for significant <u>earthworks</u>, retaining, benching or site contouring.
 - ii. The location is sensitive to, and responds to, environmental features of the site so that vegetation removal or adverse effects on water quality, wetlands, riparian margins, historic heritage sites or Sites of Significance to Māori are avoided.
 - b. Ensuring that the scale of the <u>subdivision</u> and the resulting <u>land</u> use activity will not adversely impact on the character of the village by significantly altering the mix of <u>land</u> use activities that characterise the village.
 - c. Identifying <u>building areas</u> that respond to site topography and the village character.
 - d. Designing <u>subdivisions</u> to respond to the topography and characteristics of the <u>land</u> being developed.
 - e. Ensuring proposed <u>allotments</u> meet minimum <u>allotment</u> size requirements.
- 13. To manage the scale and nature of activities within the Rural Village Centre Sub-Zone by ensuring activities:
 - a. Avoid significant adverse <u>effects</u> on surrounding residential areas.



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- Do not compromise the retention, and potential establishment, of a mix of activities within the Rural Village Centre Sub-Envirtronment.
- c. Maintain the vibrancy and vitality of the surronding Rural Village Centre Sub-Zone.
- d. Can meet and fund local infastructure requirements
- 14. Avoid sensitive activities in the Rural Village Industry Sub-Zone unless they
 - a. Support and are <u>ancillary activities</u> to the operation of <u>industrial activities</u> within the Zone; and
 - b. Do not adversely affect existing industrial activities; and
 - c. Ensure that sufficent <u>land</u> is retained for potential futture <u>industrial activities</u>.

RVZ.1.4 Guidance Note

- 1. The following shall form the basis for resource consent application in the Rural Village Zone:
 - a. The objectives, policies and provisions for the Rural Village Zone.
 - b. The Strategic Direction objectives and policies.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any site or portion of a site mapped as RVZ.

Landuse



RVZ.2.1 Eligibility Rules

- 1. Any <u>commercial activity</u> is a non-complying activity within the Rural Village Residential Sub-Zone where the activity:
 - a. Exceeds 3 or more of the discretionary criteria in RVZ.2.3.2(g)(i vii).
 - b. Is not an ancillary activity to the residential use of the site.
 - c. Does not involve a permanent resident of the site as the principal operator of the <u>commercial</u> activity.
 - d. Includes, before 8am or after 6pm on any <u>day</u>, the operation of machinery, receiving customers or the loading or unloading of vehicles.
- 2. Any <u>hospital</u>, whether a primary activity or <u>ancillary activity</u>, is a non-complying activity within the Rural Village Zone.
- 3. Any <u>industrial activity</u>, whether a primary activity or <u>ancillary activity</u> is a prohibited activity within the Rural Village Residential Sub-Zone.
- 4. Any <u>industrial activity</u>, whether a primary activity or <u>ancillary activity</u>, excluding <u>rural centre service</u> <u>activities</u>, is a non-complying activity within the Rural Village Centre Sub-Zone.
- 5. Any <u>sensitive activity</u>, whether a primary activity or <u>ancillary activity</u>, is a non-complying activity within the Rural Village Industry Sub-Zone.
- 6. <u>Intensive livestock farming</u>, whether a primary activity or <u>ancillary activity</u>, is a prohibited activity within the Rural Village Zone.
- 7. Any activity not requiring consent as a discretionary or non-complying activity is a permitted activity.
- 8. Any minor building is a permitted activity and is exempt from the building rules.

RVZ.2.2 Notification Rules

1. All land use activities are subject to notification tests of the RMA

RVZ.2.3 Discretionary Activities

- 1. Within the Rural Village Centre Sub-Zone:
 - a. Any <u>residential unit</u>:
 - i. Resulting in more than 1 residential unit on a site.
 - ii. That does not provide an outdoor living court of at least 20m² and at least 4m depth.
 - iii. Within 2m of a railway line designation boundary.
 - b. Any commercial or <u>rural centre service activity</u>, whether a primary activity or <u>ancillary</u> <u>activity</u>, that:
 - i. Exceeds 300m² gross floor area.
 - ii. Provides for 3 or more individual commercial or rural centre service activities on a site.

Landuse



- iii. Operates outside the hours of 0600 2200 if the activity is located within 50m of an existing <u>residential unit</u> on a separate site.
- c. Any activity generating more than 200 traffic movements per site, per day.
- d. Deleted refer to Signs Chapter.
- e. Any <u>building</u> or <u>major structure</u>:
 - i. That exceeds a maximum height of 8m above ground level.
 - ii. Within 2m of a road boundary.
 - iii. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).
 - iv. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
 - v. That exceeds a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary of a separate site which contains an existing residential unit.
 - vi. Not set back at least 3m from any <u>boundary</u> of a separate <u>site</u> which contains an existing <u>residential unit</u>
- f. Any community corrections activity.
- 2. Within the Rural Village Residential Sub-Zone:
 - Any <u>principal residential unit</u>:
 - Where there is less than 500m² net site area per principal residential unit where the principal residential unit will be connected to Council's reticulated wastewater system.
 - ii. Within 4.5m of a railway line designation boundary.
 - b. Any minor residential unit:
 - i. Resulting in more than 1 minor residential unit on a site.
 - ii. Where the net site area of the allotment is less than 750m².
 - iii. That is not able to connect to a public reticulated wastewater system.
 - c. Any <u>place of assembly</u>, <u>recreational facility</u>, <u>general community</u> or <u>educational facility</u>, whether a primary activity or <u>ancillary activity</u> that:
 - i. Occupies more than 35% of the net site area.
 - ii. Operates outside the hours of 0800 2200.
 - d. Any <u>building</u> or <u>major structure</u>:
 - i. That exceeds a maximum height of 8m above ground level.
 - ii. Within 4.5m of a road boundary.
 - iii. Not set back at least 3m from non-road boundaries, with one setback of 1.5m.
 - iv. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).

Landuse



- v. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
- vi. That exceeds a <u>height</u> equal to 3m above <u>ground level</u> plus the shortest horizontal distance between that part of the <u>building</u> or <u>major structure</u> and any <u>site boundary</u>.
- e. Fencing exceeding 2m in height above ground level.
- f. <u>Impervious areas</u> exceeding 65% of the <u>site</u> area.
- g. Any commercial activity that:
 - i. Generates more than 20 traffic movements per site, per day.
 - ii. Does not provide the following required car parking spaces:
 - a) 1 in addition to that of the residential unit.
 - b) Plus 1 per employee.
 - c) Plus 1 in circumstances where clients visit the site.
 - iii. Has car parking between the residential unit and the road.
 - iv. In addition to the principal operator, has more than two other persons engaged in providing the activity.
 - v. Occupies more than 15% of the total GFA of all buildings on site.
 - vi. Has a total area of signage greater than 0.25m² per site.
 - vii. Has illuminated or moving signage.
- h. Any emergency service, whether a primary activity or ancillary activity.
- i. Any <u>care centre</u> or <u>retirement village</u>, whether a primary activity or <u>ancillary activity</u>.
- j. Any outdoor areas of <u>storage</u> or stockpiles that are open areas of <u>storage</u> or stockpiles of materials which are not screened from view from <u>public places</u> and surrounding <u>sites</u>, except where such materials or equipment:
 - i. Are accessory to agricultural, horticultural or forestry activities; or
 - ii. Include functioning machinery, stockpiles of mineral resources or construction materials.
- 3. Within the Rural Village Industry Sub-Zone:
 - a. Any building or major structure:
 - i. That exceeds a maximum height of 20m above ground level.
 - ii. Within 4.5m of a road boundary.
 - iii. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).
 - iv. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
 - v. That exceeds a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any non-Rural Village Industry Sub-Zone boundary.

Landuse



- b. Any activity that:
 - i. Generates more than 200 traffic movements per site, per day.
 - ii. Operates outside the hours of 0600 2200, excluding any <u>temporary military training</u> <u>activity</u>.
- 4. Any farm quarry within the Rural Village Zone, whether a primary activity or ancillary activity.

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

RVE

Rural Village Zone



RVZ.3.1 Eligibility Rules

- 1. Any form of <u>subdivision</u> not requiring consent as a discretionary activity is a controlled activity.
- 2. <u>Subdivision</u> of a <u>minor residential unit</u> from a <u>principal residential unit</u> that is not serviced by a public <u>reticulated wastewater</u> system is a prohibited activity.

RVZ.3.2 Notification Rule

1. All <u>subdivision</u> applications are subject to the notification test of the RMA.

RVZ.3.3 Discretionary Activities

- 1. <u>Subdivision</u> within the Rural Village Centre Sub-Zone creating any <u>allotment</u>:
 - a. Connected to a public <u>reticulated wastewater</u> system with a <u>net site area</u> less than 100m².
 - b. Not connected to a public <u>reticulated wastewater</u> system with a <u>net site area</u> less than 2000m².
- 2. <u>Subdivision</u> within the Rural Village Residential Sub-Zone creating any <u>allotment</u>:
 - a. Connected to a public <u>reticulated wastewater</u> system with a <u>net site area</u> less than 500m².
 - b. Not connected to a public <u>reticulated wastewater</u> system with a <u>net site area</u> less than 2000m².
 - c. That is unable to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
- 3. Subdivision within the Rural Village Industry Sub-Zone creating any allotment:
 - a. With a <u>net site area</u> less than 1000m².
 - b. That is not provided with connections to Council maintained services (<u>water</u>, <u>wastewater</u>, <u>stormwater</u>, roading) within the <u>net site area</u>.

RVZ.3.4 Information Requirement

- 1. Any application for <u>subdivision</u> within Pt Lot 1 DP 93517 (Mahanga Road) shall include a comprehensive visual and landscape assessment and design, prepared by a suitably qualified and experienced landscape architecture professional which shall be referred to Council's Parks and Landscape Officer for review. The assessment shall provide detail regarding the following matters over which control is reserved (in addition to those contained within the How the Plan Works Chapter):
 - a. The location, <u>height</u> and appearance of future <u>buildings</u> and <u>major structures</u> and their potential <u>effect</u> on the amenity and landscape values of the locality.
 - b. The visibility of future <u>buildings</u> and <u>major structures</u> from the marine <u>environment</u>.
 - c. <u>Effect</u> of <u>buildings</u> and <u>major structures</u> on the appearance of skylines and ridgelines.
 - d. <u>Effect</u> of <u>access</u> and <u>buildings</u> and <u>major structures</u> on known <u>historic heritage</u> sites and Sites of Significance to Māori.
 - e. Location and finished appearance of accesses.

RVE

Rural Village Zone



- f. The potential <u>effect</u> of <u>subdivision</u> patterns on the landscape values of the locality.
- g. Extent and nature of landscape planting proposed, and measures proposed to implement and maintain such plantings.
- h. The use of recessive colours and non-reflective finishes to minimise potential adverse effects on landscape values.

Note: Refer to the How the Plan Works Chapter for Matters of Control and Assessment Criteria.

RVE

Rural Village Zone





Strategic Rural Industries Zone

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SRIZ.3.1	Discretionary Activity			
SRIZ.1	.1 Description and Expectations			

The Strategic Rural Industries Zone recognises and provides for the retention and managed expansion of several established industries of strategic significance located in the Rural Areas of the District, being:

- Fonterra Milk Processing site at Kauri and Ancillary Irrigation Farms
- Croft Timber Mill at Kauri
- Cement Works at Portland

Strategic Rural Industries are industrial activities that require a rural location due to specific operational requirements including infrastructure demands and proximity to resources (such as minerals and transport links) and the availability of suitable land. They are strategic because, in addition to their significance in terms of providing essential employment and services to the District, they may also be of regional or national importance due to their functions, the area served, the investment in infrastructure required for the establishment or on-going development of the activity, or their contribution to the economy.

Due to their strategic importance, it is important that Strategic Rural Industries are encouraged to continue to operate and develop, while acknowledging the potential for such industries to impact on surrounding rural activities due to the scale of their operations and nature of effects.

The term 'Strategic Rural Industries' is applied specifically in the District Plan to the Strategic Rural Industries Zone and does not include strategic industries located within the urban areas of the District and/or within other Zones with existing specialised industrial functions (e.g. the Port Zone and the Marsden Energy Precinct).

It is anticipated that the Strategic Rural Industries Zone could be extended over time to other rural locations elsewhere in the District by way of plan changes to accommodate additional Strategic Rural Industries.

The <u>Strategic Rural Industries</u> Zone primarily provides for <u>Strategic Rural Industries</u>. Complementary commercial and industrial activities that do not compromise the functioning of existing Strategic Rural <u>Industries</u> may be appropriate.

Note: Commercial quarries and mineral extraction activities will in future be assessed as Mineral Extraction Areas.



Strategic Rural Industries Zone

SRIZ.1.2 Objectives

- 1. Recognise the contribution established <u>Strategic Rural Industries</u> make to the vitality and economic viability of the District.
- 2. Provide for the establishment and operation of <u>Strategic Rural Industries</u> in appropriate locations within the <u>Rural Area</u>.
- 3. Promote a flexible and targeted management framework for existing and/or prospective <u>Strategic</u> Rural Industries.
- 4. Maintain rural amenity and avoid <u>reverse sensitivity</u> <u>effects</u> in the vicinity of Strategic Rural Industries.

SRIZ.1.3 Policies

- To provide for and manage the <u>effects</u> of Strategic Rural Industries by identifying them as within the Strategic Rural Industries Zone.
- 2. To provide for the ongoing operation and expansion of Strategic Rural Industries where adverse effects can be avoided, remedied or mitigated.
- 3. To avoid fragmentation of Strategic Rural Industry areas associated with further subdivision.
- 4. To avoid potential <u>reverse sensitivity</u> <u>effects</u> from <u>sensitive activities</u> within <u>Strategic Rural Industry</u> areas.
- 5. To manage <u>land</u> use conflicts by ensuring that activities that are incompatible with the <u>effects</u> of <u>Mineral Extraction</u> Activities are not established within the Portland Strategic Rural Industries Zone.
- 6. To provide for complementary <u>commercial and industrial activities</u> where they do not compromise the functioning of existing Strategic Rural Industries.

SRIZ.1.4 Guidance Note

- 1. The following shall form the basis for resource consent application in the Strategic Rural Industries Zone:
 - a. The Strategic Direction objectives and policies.
 - b. The objectives policies and provisions for the Strategic Rural Industries Zone.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- 2. The rules of this chapter apply to any <u>site</u> or portion of a <u>site</u> mapped as Strategic Rural Industries Zone.



Strategic Rural Industries Environment

SRIZ.2.1 Eligibility Rules

- 1. Any other activity not requiring consent as a controlled, restricted discretionary, discretionary or non-complying activity is a permitted activity.
- 2. <u>Sensitive activities</u>, whether a primary activity or <u>ancillary activity</u>, are non-complying activities.
- 3. Subject to SRIZ.2.3, the provisions of the Rural Production <u>Environment</u> apply to the Fonterra Kauri Milk Processing <u>Site</u> SRIZ Ancillary Irrigation Farms.
- 4. Any minor building is permitted and is exempt from the building rules.

SRIZ.2.2 Notification Rules

1. All <u>land</u> use activities are subject to the notification test of the RMA.

SRIZ.2.3 Permitted Activities – Fonterra Kauri Milk Processing Site SRIZ – Ancillary Irrigation Farms

1. Any activity or activities which are associated with <u>water storage</u> ponds, <u>water</u> treatment ponds or irrigation <u>infrastructure</u>.

SRIZ.2.4 Controlled Activities – All SRIZ Areas

- 1. Any activity or activities:
 - Which cumulatively generate <u>traffic movements</u> from a Strategic Rural Industries Zone area greater than the following:
 - Portland SRIZ:
 - a) 700 heavy vehicle traffic movements total per day (24-hour period).
 - b) More than 25 <u>heavy vehicle traffic movements</u> per hour, which turn right from Portland Road on to the State Highway between 1630 hours (4.30pm) and 1730 hours (5.30pm).
 - ii. Fonterra Kauri Milk Processing Site SRIZ:
 - a) 1400 traffic movements per day (24-hour period)
 - iii. Croft Poles SRIZ
 - a) 400 <u>traffic movements</u> per <u>day</u> (24-hour period)
 - b. For which written approval has been provided from:
 - i. For Portland SRIZ Area and Croft Poles <u>Site</u> Area, the New Zealand Transport Agency and Whangārei District Council Roading.
 - ii. For Fonterra Kauri Milk Processing <u>Site</u> SRIZ area, the New Zealand Transport Agency.
- 2. Any application for resource consent under SRIZ.2.4.1 shall be accompanied by a transport assessment statement including existing and proposed traffic volumes (including heavy-vehicles).
- 3. Control is reserved over:



Strategic Rural Industries Environment

- a. Effects on the transport network.
- b. Design and location of <u>access</u>.

SRIZ.2.5 Restricted Discretionary Activities – All SRIZ Areas

- 1. Any activity or activities that do not comply with the controlled activity in SRIZ.2.4
- 2. Any application for resource consent under SRIZ.2.5.51 shall be accompanied by a transport assessment statement including existing and proposed traffic volumes (including heavy-vehicles).
- 3. Discretion is reserved over:
 - a. <u>Effects</u> on the transport network.
 - b. Design and location of <u>access</u>.

Note: The Council will advise the New Zealand Transport Agency of any application for <u>land</u> use consent lodged, under this rule."

SRIZ.2.6 Discretionary Activities - Fonterra Kauri Milk Processing Site SRIZ

- 1. Any <u>building</u> or <u>major structure</u>:
 - a. That exceeds a <u>height</u> of 20m above <u>ground level</u>, or is a boiler, silo, drier or evaporation plant that exceeds a maximum <u>height</u> of 65m above <u>ground level</u>, including any associated stacks.
 - b. Within 4.5m of a road boundary.
 - c. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
 - d. That exceeds a <u>height</u> equal to 3m above <u>ground level</u> plus the shortest horizontal distance between that part of the <u>building</u> or <u>major structure</u> and the <u>site boundary</u>.
- 2. Any <u>building</u> or <u>major structure</u> exceeding 20m in <u>height</u> above <u>ground level</u> within 20m of the Rural Production or Open Space <u>Environments</u>.

SRIZ.2.7 Discretionary Activities - Portland SRIZ Area

- 1. Any <u>building</u> or <u>major structure</u>:
 - a. That exceeds a maximum <u>height</u> of 20m above <u>ground level</u>, or is part of the rock crusher or utilised for the production of cement and exceeds a maximum <u>height</u> of 66m above <u>ground level</u>.
 - b. Within 20m of any other Zone boundary.
 - c. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).
 - d. That exceeds a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and the site boundary with any Residential, Rural Production or Open Space and Recreation Zone, except the maintenance and upgrading of the cement works conveyor structure.



Strategic Rural Industries Environment

SRIZ.2.8 General Discretionary Activities – Other SRIZ Areas

- Any <u>building</u> or <u>major structure</u>:
 - a. That exceeds a maximum height of 20m above ground level.
 - b. Within 4.5m of <u>road boundary</u>.
 - c. Within 27m of the top of the bank of any <u>river</u> that has a width exceeding 3m, excluding bridges, culverts and fences.
 - d. That exceeds a <u>height</u> equal to 3m above <u>ground level</u> plus the shortest horizontal distance between that part of the <u>building</u> and the <u>site boundary</u>.

Note: Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.

SRIZ.3

Subdivision

SRIZ.3.1 Discretionary Activity

1. Any <u>subdivision</u> in the SRIZ is a discretionary activity.



Strategic Rural Industries Environment

Figure 1: Croft Poles Kauri SRIZ Area outlined in red. Fonterra Kauri Milk Processing <u>Site</u> SRIZ Area outlined in blue

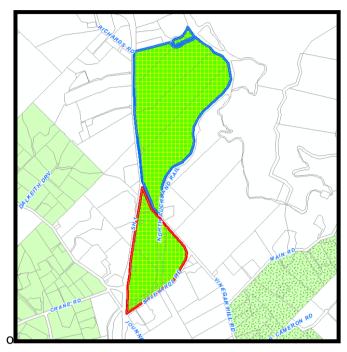
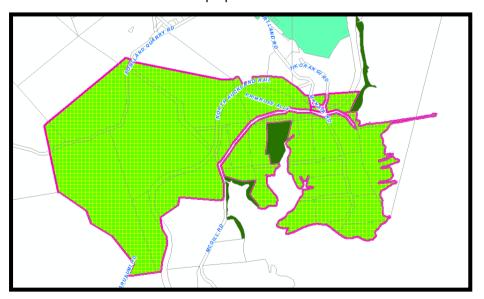


Figure 2: Portland SRIZ Area outlined in purple"





80.1 Introduction

This chapter contains rules relating to <u>financial contributions</u>. The rules apply throughout the District, unless the context otherwise requires. Objectives and policies relating to <u>financial contributions</u> are contained in Chapter 9. Specific references to <u>financial contributions</u> are also included in other chapters.

80.2 Conditions on a Subdivision Resource Consent

80.2.1

Notwithstanding any other provision of the Plan, the Council may impose on every <u>subdivision</u> consent a condition that a <u>financial contribution</u> in money, shall be paid to the Council for:

- a) The purposes, and the parts of the District, and of the amounts set out in Table 80.2.1A; or
- b) The purposes, and the part of the District, as set out in Table 80.2.1.A and according to the formula set out in Rule 80.2.2;

Provided that the amount to be paid shall be the lesser amount of the two methods of calculation, as determined by the Council.

Table 80.2.1 A - Financial Contributions on Subdivision

ltem	Purpose	Part of District	Contribution per Allotment excl. GST
1	Reserves and community services	Whole District	\$1,600.00
2	Sew erage	Whole District where a reticulated system is available, except Langs Beach, McLeods Bay to Urquharts Bay, and Waikaraka to Parua Bay.	\$1,000.00
3	Sew erage	Area covered by Langs Beach Scheme.	\$2,280.00
4	Sew erage	McLeods Bay to Urquharts Bay Scheme: Area 1.	\$3,121.00
5	Sew erage	Waikaraka to Parua Bay Scheme: Area 2.	\$3,146.00
6	Stormw ater	Whole District where a reticulated system is available.	\$1,000.00
7	Water supply	Whole District where a reticulated system is available.	\$1,000.00
8	Road network	Whole District.	\$1,000.00



80.2.2 Formula for Financial Contributions

Step 1:

Calculate costs of project (service upgrade) attributable to new growth and <u>subdivision</u>.

From total cost of works, deduct the portion of the capital cost that benefits existing residents.

Remainder = costs attributable to new growth and subdivision.

Step 2:

Calculate number of additional <u>residential units</u> that can be serviced within the design capacity of the works.

From design capacity of completed work (e.g. house equivalents), deduct existing houses to be serviced.

Remainder = number of additional <u>residential units</u> that can be serviced.

Step 3:

Calculate cost of growth per additional house.

Divide costs attributable to new growth and development by the number of additional residential units that can be serviced.

Quotient = the financial contribution per lot.

80.2.3

The <u>financial contributions</u> paid, pursuant to Rules 80.2.1 and 80.2.2 and Table 80.2.1A, shall be used by the Council for the following purposes:

- i. Reserves and community facilities: the provision of active and passive open space in the service network;
- ii. Wastewater: the provision of wastewater services in the service network;
- iii. Stormwater: the provision of stormwater services within the service network;
- iv. Water supply: the provision of water supply services in the service network;
- v. Road network: the provision of roading within the service network.

80.2.4

The <u>financial contributions</u> in Rules 80.2.1A and 80.2.2 shall be paid in respect of each <u>allotment</u> created by the <u>subdivision</u>. No <u>financial contribution</u> shall be payable in respect of:

- i. The existing number of allotments in the land being subdivided;
- ii. Any allotment to be vested in the Council or the Crown;
- iii. Any <u>allotment</u> to be used exclusively for utility, <u>road</u>, reserve or <u>access</u> purposes.



The contribution is only payable where the relevant service is available to the <u>land</u> being subdivided, and is within the part of the District indicated in Table 80.2.1A.

80.2.6

'Whole District' means the area within the Whangarei District <u>boundary</u>. Other localities specified in Table 80.2.1A are defined by reference to the availability and practical catchment areas of the relevant service in that locality.

80.2.7

In assessing the contributions payable under Rule 80.2, the Council, in setting the contribution, shall take into account the value of any works or services already made under Rule 80.4, while ensuring that adverse effects on the environment are avoided, remedied or mitigated.

80.3 Contributions in Land for Reserves

- a) The Council may impose on every <u>subdivision</u> consent, where the <u>subdivision</u> will produce 2 or more <u>allotments</u>, a condition requiring a <u>financial</u> <u>contribution</u> in <u>land</u> within the <u>subdivision</u>, for reserve purposes.
- b) The <u>land</u> comprising the <u>financial contribution</u> shall contain a maximum area equivalent in value to \$1,600.00, multiplied by the number of <u>allotments</u> in the <u>subdivision</u>, excluding <u>allotments</u> mentioned in section 80.2.4.

The value of any <u>land</u> vested as reserve under Rule 80.3 may be deducted from the assessment of the <u>financial contributions</u> to be made under Rule 80.2 for reserves and community services, and where the value of <u>land</u> vested under Rule 80.3 exceeds the <u>financial contribution</u> payable under Rule 80.2.1A "Reserves and community services", the Council will reimburse the subdivider for the difference.

80.4 Conditions on a Land Use Resource Consent

80.4.1

Where any resource consent is granted, a condition imposing a <u>financial contribution</u> may be imposed according to Section 108(2) of the Resource Management <u>Act</u> 1991, to make provision for associated <u>infrastructure</u> and services, including reserves and community <u>infrastructure</u>. Where a <u>land</u> use resource consent imposes a condition requiring a <u>financial contribution</u>, Council will account for contributions already made under Rule 80.2 for the purpose of avoiding, remedying or mitigating potential adverse affects arising from insufficient <u>infrastructure</u> or services, with respect to the proposed development.

The following are purposes for which a financial contribution may be imposed:

- a) The form or upgrade <u>roads</u> and associated services, including traffic control systems in the vicinity of the proposed development, to the extent required due to the projected increase in traffic.
- b) To develop or upgrade the <u>water</u> supply, <u>stormwater</u> drainage and waste <u>water</u> systems to the <u>boundary</u> of the development <u>site</u>.
- c) To provide for other works or services provided by Council that would otherwise have been required to be provided by the consent holder as a condition of resource consent associated with the development <u>site</u>.
- d) To offset the cost of future capital works, reserves acquisition and anticipated community infrastructure necessitated by and directly associated, with effects



of the proposed development, other than <u>financial contributions</u> provided by condition of a <u>subdivision</u> consent.

e) To offset the cost of capital works, reserves acquisition and community infrastructure necessitated by, and directly associated with, the effects of the proposed development that has been incurred in anticipation of proposed development other than financial contributions provided by condition of subdivision consent.

In undertaking an assessment as to the quantum of any financial contribution that may be required to address the above matters, Council will apply the following principles:

- a) A financial contribution will only be required in circumstances where the proposed development does not effectively provide for development of infrastructure and services directly associated with the proposed development.
- b) A financial contribution will not be required in circumstances where the financial contribution provided for under Rule 80.2 adequately provides for the purpose of avoiding, remedying or mitigating potential adverse <u>effects</u> arising from insufficient <u>infrastructure</u>, or services directly associated with, the proposed development.
- c) A financial contribution will only be used to provide for the provision or upgrading of <u>infrastructure</u> and services associated with <u>effects</u> or impact of that development <u>site</u> and proposed development.
- d) A financial contribution does not provide for the operation and maintenance of infrastructure after establishment.
- e) Financial contribution means a contribution of money or <u>land</u> (including an <u>esplanade reserve</u> or <u>esplanade strip</u> other than in relation to a <u>subdivision</u> consent), or combination of money and <u>land</u>, to an equivalent value.
- f) The calculation of any financial contribution will take into account the extent to which the Council service for which the contribution is being required is funded by other sources, including that required by condition of <u>subdivision</u> consent.
- g) Upon application, Council may waive or discount the financial contribution under this provision, in consideration of relevant matters including:
 - i. Where the <u>infrastructure</u> provided exceeds that required for the proposed development and this is of benefit to the local or wider community;
 - ii. Positive <u>effects</u> created by the enhancement of physical and/or natural <u>environment</u>;
 - iii. Where reserves' acquisition and anticipated community <u>infrastructure</u> is unnecessary or inappropriate.

Note: In the event the proposed development does not proceed and the consent is canceled or lapsed, Council shall refund to the consent holder the unspent component (if any) of the financial contribution (paid under this provision), according to Section 110(1) of the Resource Management Act 1991.

In a situation that Council is confident that a third party effectively providing, or will effectively provide payment towards, the financial contribution, then such payment will be deducted from the financial contribution required under this provision. Determination of the deduction will be established though a negotiated process between the applicant and Council. This determination will be made on a case-by-case basis and not determined retrospectively.



80.4.2

A financial contribution in money shall be paid to the Council where the Council will do some or all of the work or provide <u>land</u>. The amount will be determined as no more than the full cost to the Council to achieve the purpose of the financial contribution, and to the extent to which the works will be required to avoid, remedy or mitigate adverse <u>effects</u> of the <u>subdivision</u> or development on the <u>environment</u>.

80.4.3

A financial contribution in <u>land</u> shall be required where a consent holder is to vest <u>land</u> in a local authority, the Crown, a <u>network utility operator</u> or a heritage protection authority, for the purpose of the financial contribution. The amount and location of the <u>land</u> will be determined as follows:

- The <u>land</u> necessary to construct, form, divert, widen or upgrade any new or existing <u>road</u>, where:
 - i. Roads are not available; or
 - ii. Existing <u>roads</u> are of an inadequate width or construction to cater for increased usage caused by the <u>subdivision</u> or development, or
 - iii. <u>Alterations</u> or works to existing <u>roads</u> are required for traffic safety or efficiency, as a consequence of the <u>subdivision</u> or development.
- b) The <u>land</u> necessary to <u>access</u> any other <u>land</u> in the vicinity of the <u>land</u> being subdivided or developed, or adjacent to the <u>road</u> being constructed, widened or upgraded; to provide for the effective future development of the other <u>land</u> or practical <u>access</u> to the other <u>land</u>.
- The <u>land</u> necessary for any <u>segregation strips</u> required for the purposes of the financial contribution.
- d) The <u>land</u> required to <u>site</u> any utility required for the purpose of the financial contribution, such as a substation, pumping station or soil conservation reserve.
- e) Any easements necessary to make services available to land within the subdivision or development, or to any land in the vicinity of the land being subdivided or developed; to provide for the effective future development of the other land.
- f) Any <u>land</u>, or interest in <u>land</u>, necessary for the purposes of an <u>esplanade</u> reserve or <u>esplanade strip</u> or <u>access strip</u>.
- g) Any <u>land</u>, or interest in <u>land</u>, necessary for the protection of Significant Ecological Areas.



80.5 Timing of Payment

Where payment of a <u>financial contribution</u> in money is required by a condition on a resource consent, or a rule, it shall be paid in accordance with that condition or rule, or if there is no specific requirement as to timing of the payment, it shall be paid:

- a) Prior to a certificate being issued pursuant to section 224(c) of the Resource Management Act 1991, in the case of a <u>subdivision</u>; or
- b) Prior to commencement of <u>building</u> work, in the case of a <u>building</u> activity; or
- c) Prior to a service connection being made to Council services, in the case of a contribution for water, wastewater or stormwater connection; or
- d) Prior to the commencement of the activity in the case of a contribution for parking.

80.6 Timing of Transfer of Land

A condition in respect of a <u>financial contribution</u> in <u>land</u>, shall be completed as required, by a condition on a resource consent or a rule. If the contribution is the vesting of <u>land</u> as part of a <u>subdivision</u>, this shall be shown on a plan of <u>subdivision</u>.

80.7 Principal Reasons for Rules

Payments on Subdivision

The purposes of <u>financial contributions</u> are described in the objectives and policies in general terms, (Chapter 9) and in the rules more specifically.

The manner of determining the level of contributions in Table 80.2.1A is generally based on the capital works projects stated in the Council's Strategic Plan, which is part of the Council's Long Term Council Community Plan, required under the Local Government Act 2002. Where projects are not contained in the Strategy, then specific estimates of costs will be relied upon in costing the project. Only projects planned for the next 10 years are covered in Table 80.2.1A.

In most cases, the amount in Table 80.2.1.A is lower than the actual costs of providing services. This is because Council has decided to accept that part of the costs attributable to new growth should be met, in part, out of rates.

Every <u>allotment</u> on a <u>subdivision</u> is assumed to be capable of holding one new <u>residential unit</u>. Exceptions are provided in the rules for lots to be used for utility, <u>road</u>, reserve or <u>access</u> purposes, on the basis that these are unlikely to contain a dwelling unit. Commercial and industrial <u>subdivisions</u> will pay the same <u>financial contribution</u>, per lot, as residential <u>subdivisions</u>. However, additional payments to the Council for services may be required at the time of connection to services. The <u>financial contribution</u>, in some cases, has been reduced below the calculated level where the Council has decided to pay part of the costs of new growth from rates, for reasons of fairness or equity.

Contributions for Road Network

Rural <u>subdivision</u> affects <u>roads</u> in several ways. Increasing traffic creates demands for <u>road</u> widening, surface improvement, traffic signs and other works. <u>Stormwater</u> flows in <u>water</u> tables, sumps and culverts may increase significantly, as <u>water</u> from on-site drainage systems often finds its way onto <u>roads</u> following <u>subdivision</u>.

The purposes of the <u>financial contribution</u> are to pay the costs of upgrading the <u>road</u> network, including widening, surface and subsurface improvements,



improvements to alignment, levels, sight lines and <u>water</u> control, <u>land</u> purchase and <u>road</u> legalisation.

Resource Consent Conditions

This rule covers activities or <u>effects</u>, within the scope of the objectives and policies, for which <u>financial contributions</u> cannot be quantified in advance. The level of contributions for these purposes will reflect the <u>effects</u> assessed on the <u>environment</u>.





Appendix 4 - Sites of Significance to Māori

This Appendix contains details of <u>Sites</u> of Significance to Māori indicated on the Planning Maps. Objectives and policies on <u>tangata whenua</u> issues are contained in Chapter 7. Rules relating to these <u>Sites</u> of Significance to Māori are in Chapter 60.

No.	Site	Legal Description	District Plan Resource Maps
1	Māori Reserve	Ruakara Māori Reserve, Paraonui Papakura Blk, Blk II Whangaruru SD 1.3784 ha	1
2	Historic Place (Pā <u>Site</u>)	Within Allot 14 Waikare Psh Blk II Taiharuru SD	14
3	Historic Place (Pā with Pits and Midden)	Within Allot 58, 73 & 74 Manaia Psh Blk II Taranga SD	14
4	Māori Reservation	Otaika 4B9 Blk, Blk XVI Purua SD 2.1246 ha Gaz 1981 p905 (Ratana Church & Marae)	13
5	Historic Place (Terraces)	Within Allot 181 Maungatapere Psh (Onemama Point) Blk l Ruakākā SD	13
6	Historic Place (Pā <u>Site</u>)	Within Pt Allot 214 Ow hiw a Psh (Limestone ls.) Blk XIII Whangārei SD	13
7	Māori Reserve (Wāhi tapu)	Paremata-Mōkau A17 Blk, Blk III Whangaruru SD 1.2949 ha	1
8	Historic Place (Pā w ith Middens)	On Mangaw hati No.1 Blk, Blk II Ruakākā SD	13
9	Māori Reserve	Secs 1 & 2 Blk II Ruakākā SD 1.8767 ha Gaz 1977 p2093 & 1953 p439	14
10	Burial Ground	Whatitiri No5 Blk, Blk II Tangihua SD 1.5187 ha Gaz 1960 p1561	12
11	Māori Reserve (Wāhi tapu)	Paremata-Mōkau A20 Blk, Blk III Whangaruru SD 5.2609 ha Gaz 1976 p768	1
12	Māori Reserve (Historic)	Motukehua Blk (Nops ls) Blk III Whangaruru SD 6.0702 ha Gaz 1975 p3018	1
13	Māori Reserve	Manukorokia Reserve adj Sec 10 Blk II Opuaw hanga SD 2.0234 ha	3
14	Māori Reserve (Wāhi tapu)	Maunu 2C Blk, Blk XV Purua SD 1.6187 ha	13
15	Historic Place (Pā w ith Pits)	The Pā on Lot DP 66586 Mimiw hangata Blk II Opuaw hanga	3
16	Historic Place (Pā w ith Pits)	Within Parahaki Pt No3 Blk, Blk IX Whangārei SD	10
17	Māori Reserve (Burial ground)	Toetoe No6 Blk, Blk XVI Purua SD 0.2220 ha	13
18	Māori Burial Ground	Urupā Toetoe 4B3 Blk, Blk XVI Purua SD 0.0405 ha	13
19	Historic Place (Terrace)	Within Whangaruru-Whakaturia No.3 Blk, Blk III Whangaruru SD	1
20	Māori Reserve	Whangaruru-Whakaturia Pt 1B, Blk II Whangaruru SD 0.1778 ha Gaz 1976 p1469	1



No.	Site	Legal Description	District Plan Resource Maps
21	Māori Reserve	Te Paihere Wāhi Tapu, Whangaruru-Whakaturia 1D2 Blk, Blk II Whangaruru SD 2.6709 ha Gaz 1976 p2505	1
22	Historic Place (Pā w ith Pits)	On Lot DP 66586 Mimiw hangata (at northern point) Blk II Opuaw hanga SD	3
23	Māori Cemetery	Oteaka B Blk, Blk II Whangaruru SD	1
24	Māori Marae	Whangaruru-Whakaturia Pts 1D9A & 1D10A Blks, Blk II Whangaruru SD 4.9918 ha	1
25	Māori Reserve (Ancient Burial Ground)	Kirikiri Pawhaoa A2 Blk, Blk II Whangaruru SD 1.0117 ha Gaz 1970 p893	1
26	Waipapa Māori Reserve (Burial Ground)	Ōakura G Blk, Blk II Whangaruru SD 0.4451 ha Gaz 1963 p1309	1
27	Historic Place	Within Pt Parutahi Blk, Blk II Whangaruru SD	1
28	Māori Reserve (Burial Ground)	Ōakura H Blk (Omutu) Blks II & III Whangaruru SD 0.8499 ha Gaz 1963 p1309	1
29	Historic Place (Pā <u>Site</u>)	On lot DP 66586 Mimiw hangata (Taukaw au Point) Blk II Opuaw hanga SD	3
30	Māori Reserve (Burial Ground)	Ōakura K Blk (Te Kapua) Blk III Whangaruru SD 1.2950 ha Gaz 1963 p1309	1
31	Māori Reserve (Burial Ground)	Ōakura L Blk (Ototorewa & Tarakeoo) Blk III Whangaruru SD 0.8903 ha Gaz 1963 p1309	1
32	Historic Place (Pā <u>Site</u>)	Within Ōakura L Blk, Blk III Whangaruru SD	1
33	Historic Place (Pā with Pits and Midden)	Within Paremata-Mōkau A8B Blk, Blk III Whangaruru SD	1
34	Historic Places (Pits and Terraces)	aces (Pits and Terraces) Te Ruatahi Is & Pt Te Ruatahi 2A Blk, Blk II Opuaw hanga SD	
35	Māori Burial Ground	Oriw a D Blk, Blk IX Opuaw hanga SD 0.2023 ha	6
36	Māori Reserve	Wairahi B2A3 Blk, Blk V Opuawhanga SD 0.3212 ha Gaz 1975 p2940	3
37	Māori Reserve	Tuateanui 2B1A Blk, Blk IV Whangārei SD 0.1772 ha Gaz 1965 p1772	6
38	Burial Reserve	Horahora 1C Blk, Blk IV Whangārei SD 2.0234 ha	11
39	Māori Reserve (Te Karaka Urupā)	Pukahakaha East 5A Blk, Blk XII Whangārei SD 0.3945 ha Gaz 1972 p2292	11
40	Māori Reserve	Lot 1 DP 61426 & Pt Pukahakaha East 5C Blk, Blk XII Whangārei SD	11
41	Māori Reserve (Burial Ground)	Taiharuru 4A Blk, Blk 1 Taiharuru SD 0.4047 ha Gaz 1965 p1205	
42	Historic Place (Pā w ith Midden)	Within Taiharuru Pt No3 Blk, Blk I taiharuru Sd 11	
43	Historic Place (Pā <u>Site</u>)	Within Lot 6 DP 80998 Blk I Taiharuru SD	11
44	Private Burial Ground	Pt Allot 71 Ow hiw a Psh Blk III Ruakākā SD 0.2323 ha	14



No.	Site	Legal Description	District Plan Resource Maps	
45	Māori Reserve (Meeting House)	uhipuhi 5Cd Blk, Blk XII Hükerenui SD 2.0234 ha az 1966 p921		
46	Māori Reserve	Pipiw ai 5G2 Blk, Blk III Mangakāhia SD 0.4729 ha	5	
47	Marae	Pipiw ai Pt 3 No 3 Blk, Blk III Mangakāhia SD	5	
48	Māori Reserve	Mangakow hara B4Q Blk, Blk III Mangakāhia SD 0.8093 ha	5	
49	Marae Hall	Mimitu Ruarei 22E3D Blk, Blk V Mangakāhia SD 1.5808 ha	8	
50	Historic Place (Pā <u>Site</u>)	Within Lot 1 DP 69836 Blk VI Opuaw hanga SD	3	
51	Historic Place (Pā <u>Site</u>)	Within Lot 1 DP 67603 Blk X Opuaw hanga SD	6	
52	Historic Place (Pā <u>Site</u>)	Within Otito Blk, Blk X Opuaw hanga SD	6	
53	Māori Reserve	Whangaroa-Ngaiotonga 4Fl Blk, Blk VIII Russell SD 0.3996 ha Gaz. 1969 p259	1	
54	Māori Reserve (Wāhi tapu)	Mangakow hara B4T Blk, Blk XV Motatau SD 0.6070 ha	5	
55	Māori Reserve	Te Horo 2B1 Blk (within Kaikou 3 No7 Blk) Blk III Mangakāhia SD 0.0384 ha	5	
56	Historic Place (Pā w ith Middens)	Within Horahora 2B1 Blk, Blk VIII Whangārei SD (at river mouth)	11	
57	Māori Reserve (Burial Ground)	All 2A1C Blk VII Purua SD (2A1C) 0.2023 ha Gaz 1975 p2940	10	
58	Māori Reserve	Tangariki Wāhi Tapu Blk II Whangaruru SD 1.6642 ha Gaz 1970 p246	1	
59	Historic Place (Pā with Pits and Midden)	Within Pt Allot Parahaki Psh Blk IX Whangārei SD	10	
60	Reserve	Tutaew hero Eeling Reserve Purua Blk, Blk II Purua SD 1.1533 ha	9	
61	Māori Reserve (Marae)	Mangakāhia 2B2 No.2F2A Blk XVI Mangakāhia SD 1.2140 ha Gaz 1975 p1626	12	
62	Māori Burial Ground	Whatitiri No 6 Blk, Blk XVI Mangakāhia SD 8.0937 ha Gaz 1957 p178	12	
63	Burial Ground	Whatitiri No.9 Blk, Blk IX Purua SD 0.8094 ha Gaz 1960 p1561	9	
64	Burial Ground	Whatitiri No.8 Blk, Blk IX Purua SD 7.2160 ha Gaz 1960 p1561	9	
65	Māori Water Supply	Whatitiri 13Z No.4 Blk, Blk IX Purua SD 0.8094 ha Gaz 1960 p1561	9	
66	St Isaac's Cemetery	Lot 2 DP 117814 Blk XII Hükerenui SD	7	
67	Taumata Oki Oki (Tapu Rock)	Puhipuhi 5C10C Blk XI Hūkerenui SD	7	
68	Waiotu Island	Pts Puhipuhi Sth 4B1 Blk XI Hükerenui SD Balance at 300/336	6	



No.	Site	Legal Description	District Plan Resource Maps
69	Ohaukapua (Pā <u>Site</u>)	Pt Lot 2 DP 368636	6
70	Wāhi tapu	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Puna Wai (sacred springs)	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Soda Springs	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Healing Pond	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Sacred Maunga	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Sacred Hātea River and tributories	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Kahikatea Ngahere	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Ngahere & Mahinga Kai	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Mahinga Kai	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	All stone walls including ruins surrounding Kake land	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Taraire Ngahere	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Ngahere	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Repo	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Urupā (Davis)	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Willow trees	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Harakeke	Pt Pehiaweri Blk Blk V Whangārei SD – Māori Church	10
70	Puriri Ngahere	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Puke tapu (sacred Maunga)	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Soda Springs	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Repo	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
70	Ancient Toka	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10



No.	Site	Legal Description	District Plan Resource Maps
70	Pehiaw eri Marae, Urupā & Church	Pt Pehiaweri Blk Blk V Whangārei SD - Māori Church	10
71	Puketotara Maunga; w āhi tapu	Lot 3 DP 91566 Pt Lot 5 DP 91567 Blk V Whangārei SD Lot 1 DP 93973 Blk V Whangārei SD Lot 4 DP 91566 Blk V Whangārei SD - Scenic Reserve Lot 1 DP 74021 Blk V Whangārei SD Lot 2 DP 91566 Blk V Whangārei SD Lot 1 DP 150726 Whangārei SD Blks XI XII Opuaw hanga SD-TNA Bal at 330/335	10
72	Wāhi Tapu	2H15A, 2H15B, 2H12 Blk VII Mangakāhia SD	9
73	Sacred Tree	Lot 1 DP 95732 Blk XIII Purua SD	12
74	Burial Caves	Whatitiri 13Z9B2 Blk XIII Purua SD	12
		Whatitiri 13Z9C2 Pt Blk XIII Purua SD	
		Whatitiri 1F2A2 1329B1 Blk XIII Purua SD	
75	Ngunguru Sandspit includes midden, battle field, burial place and Pā <u>Site</u>	Horahora 1A4A, 1A4B, 1A4E, 1A4F Whangārei SD	6,11
76	Hui Te Rangiora	Pt Whatitiri 1A Blk XIII Purua SD - Māori Cemetery	12
77	Okoihu Pā	Pt Whatitiri 13P 13z8 Blk XIII Purua SD	12
78	Bush	Pt Whatitiri 13P 13z8 Blk XIII Purua SD	12
79	Whatareinga (Urupā)	Whatitiri 10 Blk XIII Purua SD - Whatareinga	12
80	Waiora (Urupā, Historical <u>Site</u>)	Whatitiri 7 Blk XIII Purua SD	12
81	Pukeatua Pā	Lot 2 DP 173404 Blk XIV Purua SD subj to int in eases	13
82	Henry Walton's Grave	Lot 1 DP 128534 Blk XIV Purua SD	13
83	Urupā	Native Cemetery in Maunu 1E3BSTH2 Blk XV Purua SD	10
84	Pohutukaw a Tree	Lot 36 DP 126453 Blk II Whangaruru SD	1
85	Urupā	Lot 9 DP 65812 Blk II Whangaruru SD (Recreation reserve)	1
86	Pātaua Island	MBlk 3 Pātaua; MBlk 4A Pātaua; MBlk 4C Pātaua; Port. Pt Lot 1 DP 93517 - Pā Site Q07/1030	11



Appendix 5 — Esplanade Areas



This appendix contains details of Esplanade Priority Areas. These areas relating to <u>water bodies</u> (<u>rivers</u> and <u>streams</u>) and indicated on the Planning Maps, have been identified in accordance with the policies in Chapter 11. Rules relating to esplanade areas are in Chapter 61.

Note: This is not an exhaustive list and can be added to if studies identify further areas that comply with the policies and rules relating to esplanade priority areas.

	Area	
	ment, as indicated by the coastline no the 3 port areas mapped in this Appe	
Name of Water Body	Values	Map Ref.
Aw aroa	Outstanding Recreational Outstanding Ecological High Ecological	10, 63, 67, 69
Aw arua	Outstanding Recreational	4
Blacksmith Creek	Outstanding Recreational	14, 43
Haranui	High Ecological	1
Hātea	Outstanding Recreational	10, 60, 63
Kaikou	Outstanding Recreational	4, 5, 78
Kaimamaku	Outstanding Recreational High Ecological	2
Kaimaro	High Ecological	8
Kaitaringa	High Ecological	17
Kareaw hau	High Ecological	1
Mangahahuru	Outstanding Recreational	33
Mangakāhia	Outstanding Recreational High Ecological	4, 10
Mangapai	High Ecological	15
Mangere	Outstanding Recreational High Ecological	11
Matukutuku	High Ecological	11
Mōkau	High Ecological	1
Ngunguru	Outstanding Recreational High Ecological	8





Area

The whole of the coastal <u>environment</u>, as indicated by the coastline notation on the Planning Maps, excluding the 3 port areas mapped in this Appendix.

Maps, excluding the 3 port areas mapped in this Appendix.		
Name of Water Body	Values	Map Ref.
North	Outstanding Recreational	18
	High Ecological	
Otangarei	Outstanding Recreational	36
Okarika	High Ecological	6
Okoihu	High Ecological	11
Omaru	Outstanding Ecological	17
Opouteke	Outstanding Recreational	4, 9
	High Ecological	
Otaika	Outstanding Ecological	45
Otakairangi	High Ecological	2, 6
	High Ecological	
Ow ai	Outstanding Ecological	3
Paranui	High Ecological	36
Piroa	Outstanding Recreational	20
	High Ecological	
Punaruku	Outstanding Recreational	1
	High Ecological	
Raumanga	Outstanding Recreational	12, 37, 38, 39 42, 43
Ruakākā	Outstanding Recreational	56
	High Ecological	
Taheke	Outstanding Recreational	12, 13
	High Ecological	
Taupari	Outstanding Ecological	3
	High Ecological	
Tauraroa	Outstanding Ecological	15, 14
Te Rew a	High Ecological	3
Te Waiti	High Ecological	45
Waiariki	Outstanding Recreational	7
Waiarohia	Outstanding Recreational High Ecological	12, 35, 37, 38, 39, 43





Area

The whole of the coastal <u>environment</u>, as indicated by the coastline notation on the Planning Maps, excluding the 3 port areas mapped in this Appendix.

Maps, excluding the 3 port areas mapped in this Appendix.		
Name of Water Body	Values	Map Ref.
Waihoihoi	High Ecological	58
Waikaraka	Outstanding Recreational	47
Waikokopa	High Ecological	1
Waionehu	High Ecological	58
Waiotira	Outstanding Ecological	17
Waiotu	Outstanding Recreational	2
Waipao	High Ecological	
Waipapa	Outstanding Recreational High Ecological	15, 18
Waiparera	High Ecological	13
Waipū	Outstanding Recreational Outstanding Ecological	19
Waipui	High Ecological	11
Wairahi	High Ecological	3
Wairoa	Outstanding Recreational High Ecological	27
Wairua	Outstanding Recreational High Ecological	6
Waitangata	Outstanding Ecological	3
Waitangi	Outstanding Recreational	7, 8
Waitaua	High Ecological	33
Waro Lake	Outstanding Recreational	28
Whakapara	Outstanding Recreational	7
Unnamed (Bream Head)	Outstanding Ecological	16
Unnamed (Cattlemount Mt)	High Ecological	21
Unnamed (Hails Rd)	Outstanding Ecological	3
	I	





Area

The whole of the coastal <u>environment</u>, as indicated by the coastline notation on the Planning Maps, excluding the 3 port areas mapped in this Appendix.

Name of Water Body	Values	Map Ref.
		<u> </u>
Unnamed	Outstanding Ecological	17
(Hillcrest Rd)	LEate Explanate at	
Unnamed (Huarua Mt)	High Ecological	14
Unnamed	High Ecological	16
(Kauri M Rd)		
Unnamed	High Ecological	16
(Kauri Mountain)		
Unnamed	High Ecological	60
(Langs Beach)		
Unnamed	High Ecological	11
(McKinley Rd)		
Unnamed	Outstanding Ecological	53
(McLeods Bay)		
Unnamed (Milne Rd)	High Ecological	11
Unnamed (Mititai Rd)	Outstanding Ecological	17
Unnamed (Mt Lion)	Outstanding Ecological	16
Unnamed (Mt Manaia)	Outstanding Ecological	16
Unnamed	Outstanding Ecological	16
(Ocean Beach)	High Ecological	
Unnamed (Page Rd)	Outstanding Ecological	
Unnamed	High Ecological	18
(Paparoa-O Rd)		
Unnamed (Pukenui F)	High Ecological	11, 12
Unnamed (Taurikura)	Outstanding Ecological	16
Unnamed (Waiotoi Rd)	Outstanding Recreational	8
	High Ecological	
Unnamed	High Ecological	21
(Waipū Caves Rd)		
Unnamed	High Ecological	18
(Waipū Caves)		
Unnamed	High Ecological	59B
(Waipū Cove)		

Appendix 5 — Esplanade Areas



Ai Gas		
	Area	
The whole of the coastal <u>environment</u> , as indicated by the coastline notation on the Planning Maps, excluding the 3 port areas mapped in this Appendix.		
Name of Water Body	Values	Map Ref.
Unnamed (Waipū State F)	High Ecological	18
Unnamed (Wairua Falls)	High Ecological	11
Unnamed (Whananaki North Rd)	High Ecological	3

Figure A5.1 Port Areas exempt from Esplanade Requirements.



B. Marsden Point

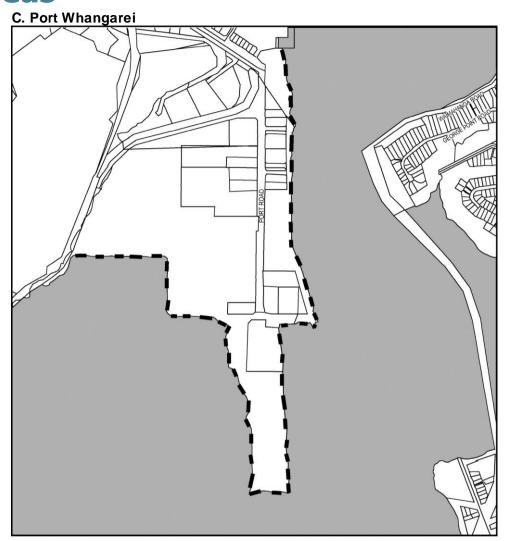
Appendix 5 – Esplanade Areas





Appendix 5 – Esplanade Areas





Appendix 5 – Esplanade Areas





A8.1 Introduction

This Appendix gives <u>effect</u> to the objectives, policies and rules in the <u>Hazardous</u> <u>Substances</u> Chapter.

A8.2 Hazardous Substances - Rules

Permitted activities

A8.3 Hazardous Facilities

A hazardous facility is a permitted activity if:

- a) The activity is one of the following exemptions:
 - i. Retail sale of petrol (up to 100,000 litres <u>storage</u> in underground tanks), diesel (up to 50,000 litres <u>storage</u> in underground tanks) and LPG (up to 2 tonnes) in the Business, Port and Airport Zones, and the <u>storage</u> (and dispensing) of aviation fuel in the Airport Zone, in approved tanks of up to 100,000 litres (total) provided that the Code of Practice for 'Design, Installation and Operation of Underground Petroleum System' published by the Department of Labour, OSH (or similar), or AS/NZ 1596:1997 <u>storage</u> and Handling of LPG (or a more recent edition) or other approved Code of Practice for fuel installation systems, are adhered to;
 - ii. Road construction and improvements with related storage, all within road reserves;
 - iii. Milk <u>storage</u>, provided that measures are taken and/or facilities installed so as to ensure that any spillage is prevented from entering a watercourse or waterbody, or from seeping into groundwater;
 - iv. Any accepted <u>discharge</u> by a network utility operator of trade waste into sewerage and waste treatment facility;
 - v. <u>storage</u> and use of hazardous consumer products for private domestic use contained within original packaging;
 - vi. Retail outlets for the sale of <u>hazardous substances</u> in domestic quantities;
 - vii. Fuel in motor vehicles, boats and small engines such as weed trimmers, lawn mowers, chainsaws etc;
 - viii. Oil, petrol and gas pipelines;



- ix. Any use or <u>storage</u> of radioactive materials with an activity level below that specified as an exempt activity in the Radiation Protection Regulations 1982;
- x. Application of agri-chemicals in a farming, forestry or horticulture situation, provided that NZS 8409:1999 Code of Practice for the Management of Agrichemicals (or a more recent edition) and any applicable regional policies and rules are adhered to;
- xi. The use and <u>storage</u> of <u>hazardous substances</u> associated with <u>Temporary Military Training Activities</u> where this complies with New Zealand Defence Force orders contained within Ammunition and Explosives Regulations Volume One for the <u>storage</u> of ammunition and explosives and New Zealand P2, Safety in Training;
- xii. The use and <u>storage</u> of fuel, of up to 1000 litres of petrol and 5000 litres of diesel, for use on-site for <u>farming</u>, forestry or horticultural operations, provided that these facilities are at least 30.0m away from other <u>storage</u> facilities for <u>hazardous substances</u>, and that suitable measures are provided to prevent any spills to <u>water</u> courses or <u>water</u> bodies, or to ground or groundwater.

Or

b) The total Quantity Ratio for any <u>Effect</u> Group does not exceed the level stated below for the <u>Environment</u> in which the activity is to establish:

Residential Zones, Rural (Urban Expansion) Zone, Rural Living Zone and Rural Village Residential Sub-Zone
Rural Production Zone
City Centre Zone, <u>Mixed Use</u> Zone, Local Centre Zone, Waterfront Zone, Neighbourhood Centre Zone and Rural Village Centre Sub-Zone0.15
Hospital Zone, Light Industrial Zone, Shopping Centre Zone and Commercial Zone
Strategic Rural Industries Zone, Rural Village Industry Sub-Zone, Heavy Industrial Zone and Port Zone
Airport Zone
Open Space and Recreation-Zones

- c) <u>Storage</u> Containers: <u>Storage</u> containers for <u>hazardous substances</u> and waste containing <u>hazardous substances</u> are:
 - Constructed or lined with a material that is resistant to corrosion or embrittlement by the <u>hazardous substance</u>;



- Fitted with an appropriate <u>release</u> mechanism to prevent increases or decreases of pressure, or of an approved design for the substance being stored;
- iii. Designed in a manner that prevents exposure to ignition sources;
- iv. Designed in a manner that prevents unintentional <u>release</u> of the <u>hazardous substance</u> or waste.
- d) Spill Containment: The hazardous substance is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulations, or the site is serviced by a spill containment system that is:
 - Constructed from impervious material resistant to the <u>hazardous</u> <u>substances</u> used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the <u>site</u>;
 - ii. Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half the maximum volume of substances stored;
 - iii. Able to prevent any spill or other unintentional <u>release</u> of <u>hazardous</u> <u>substances</u>, and any <u>stormwater</u> or fire <u>water</u> that has become contaminated, from entering the <u>stormwater</u> drainage system;
 - iv. Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater or fire water that has become contaminated, from discharging into, or onto land or water (including groundwater and potable water supplies), unless permitted by a resource consent.
- e) Site Design: The hazardous substances is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulations, or any part of a site where hazardous substances are used or stored is to be designed, constructed and managed in a manner that prevents:
 - i. Any <u>effects</u> of the intended use from occurring outside of the intended area;
 - ii. The entry or <u>discharge</u> of the <u>hazardous substance</u> into the <u>stormwater</u> drainage or a municipal <u>wastewater</u> system, unless accepted by the network utility operator, and the ultimate <u>discharge</u> of the substance from the utility complies with any relevant <u>discharge</u> permit or plan provisions for <u>discharges</u>;
 - The entry or <u>discharge</u> of the <u>hazardous substance</u> into the <u>stormwater</u> drainage or a municipal <u>wastewater</u> system, in the event of a spill or other unintentional <u>release</u>;
 - iv. The contamination of any <u>land</u> or <u>water</u> (including groundwater and potable <u>water</u> supplies) in the event of a spill or other unintentional release of hazardous substances.



- f) Stormwater Design: The hazardous substance is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulation, or a site where hazardous substances are used or stored shall be designed, constructed and managed in a manner that any stormwater originating on or collected on the site:
 - Does not transport any <u>hazardous substances</u> that are contaminants to any <u>land</u> or <u>water</u>, unless permitted by any resource consent;
 - ii. Does not enter or <u>discharge</u> into the <u>stormwater</u> drainage or a municipal <u>wastewater</u> system, unless accepted by the network utility operator, and the ultimate <u>discharge</u> of the substance from the utility complies with any relevant <u>discharge</u> permit of plan provisions for <u>discharges</u>.
- German Ge
- h) Signage: Any hazardous facility is signposted to indicate the nature of the substances stored or used. Adherence to the Code of Practice for 'Warning Signs for Premises Storing Hazardous Substances' of the New Zealand Chemical Industry Council or any other Code of Practice approved by the New Zealand Fire Service will be accepted as one method of complying with this condition.
- Waste Management: Any process waste or waste containing <u>hazardous</u> substances shall be managed to prevent:
 - The waste entering or discharging into the <u>stormwater</u> drainage system or into the <u>wastewater</u> system, unless permitted by the <u>wastewater</u> utility operator;
 - The waste discharging into, or onto <u>land</u> and/or <u>water</u> (including groundwater and potable <u>water</u> supplies), unless permitted by a resource consent.

Any facility generating waste containing <u>hazardous substances</u> shall dispose of these wastes to appropriately permitted facilities, or be serviced by a reputable waste disposal contractor.

j) Records: All <u>sites</u> which use or store <u>hazardous substances</u> shall at all times maintain a record of all types and quantities of <u>hazardous substances</u> and wastes produced or stored. This record will also note the method of waste disposal.



k) Emergency and Contingency Plans: All <u>sites</u> which produce, use, store or dispose of <u>hazardous substances</u> shall prepare an emergency and contingency plan which sets out how any spillage or leaks will be contained, cleaned up and disposed of. The plan must identify the elements required to respond to an emergency and define responsibilities and specific tasks in an emergency.

Discretionary activities

A <u>hazardous facility</u> that contravenes a condition for a permitted activity is a **discretionary** activity.

Note: The provisions of the Regional <u>Water</u> and Soil Plan for Northland also apply to <u>discharges</u> from <u>hazardous facilities</u>.

A8.4 Reasons for Rules / Explanations

Use, <u>storage</u> or on-site movement of <u>hazardous substances</u> must comply with the relevant <u>effects</u> ratio, unless it comes within the exemptions in paragraph a) of Rule A8.3 <u>Hazardous Facilities</u>. These exemptions are included to cover common situations where <u>hazardous substances</u> are held in limited quantities, or in conditions where further management of risk is unnecessary. The <u>effects</u> ratios are derived from the <u>Hazardous Facilities</u> Screening Procedure, which has been adopted by many other districts throughout the country. The process by which this procedure was developed involved accepted risk management theory and scientific evidence. The use of <u>effects</u> ratios reflects the philosophy of the Resource Management Act 1991, whereby the method assesses the potential adverse <u>effects</u> of the use, or <u>storage</u> of <u>hazardous substances</u>, in a site-specific context. The various <u>effect</u> ratio levels for each <u>environment</u> reflect the levels of <u>effects</u> beyond which a resource consent application is required. The <u>Hazardous Facilities</u> Screening Procedure methodology is explained in section A8.6 below.

A8.5 Information to be Supplied with Resource Consent Applications

The following information is required to be submitted with an application for a discretionary activity involving the use, or storage of hazardous substances.

Qualitative or Quantitative Risk Assessment

- The risk assessment must be a quantitative risk assessment, if the <u>effects</u> ratio is more that twice the maximum <u>effects</u> ratio for a permitted activity stated in Rule A8.3(b). A qualitative risk assessment applies in all other cases.
- 2. The risk assessment should consider:
 - a) Identification of potential hazards, failure modes and exposure pathways;



- b) The separation distance to neighbouring activities, with emphasis on people-sensitive activities such as childcare facilities, schools, rest homes, hospitals, shopping centres and residential areas;
- c) The location of the facility in relation to the nearest aquifer recharge area, <u>river</u>, coast or other sensitive <u>environment</u>;
- d) The nature of the subsoil and the <u>site</u> geology;
- e) The distance to, and <u>effect</u> on, environmentally sensitive areas such as wildlife habitats or <u>water</u> catchments;
- f) Assessment of the probability and potential consequences of an accident leading to a <u>release</u> of a <u>hazardous substance</u> or loss of control;
- g) Identification of cumulative or synergistic effects;
- h) Fire safety and fire water management;
- Adherence to health and safety or environmental management systems;
- j) Spill contingency and emergency planning, monitoring and maintenance procedures;
- k) <u>Site</u> drainage and off-site infrastructure, including <u>stormwater</u> drainage system, sewer type and capacity;
- I) The transport of <u>hazardous substances</u>;
- m) The disposal of wastes containing <u>hazardous substance</u>.

Risk Mitigation and Management

 The adoption of specific spill contingency plans, emergency procedures, <u>stormwater</u> management and treatment, treatment and disposal procedures for wastes containing <u>hazardous substances</u>, fire safety, monitoring and maintenance procedures, and <u>site</u> management systems. <u>Site</u> management systems include: safety policy; formal descriptions of organisational <u>structure</u> and responsibilities; operating, emergency and monitoring procedures; and performance auditing.

Miscellaneous

- 1. Alternative locations or methods for undertaking the activity, where it is likely that an activity may result in significant adverse effects on the environment.
- 2. Adverse <u>effects</u> on the safety of the operation of the adjoining <u>road</u> network from vehicles transporting <u>hazardous substances</u> in residential areas. Conditions may be imposed that require access along specified routes.

A8.6 Overview of the Hazardous Facilities Screening Procedure

The <u>Hazardous Facility</u> Screening Procedure was prepared on behalf of 36 local authorities in New Zealand. The project was initiated by Environment Waikato and the Auckland Regional Council and was assisted by the Auckland City Council and various consultants who provided the technical support. The technical background to the procedure is outlined in the document <u>Land</u> <u>Use Planning for</u>



<u>Hazardous Facilities</u> - a Resource for Local Authorities and <u>Hazardous Facility</u> Operators (1999) and this can be viewed at the Council.

The <u>Hazardous Facility</u> Screening Procedure focuses on assessing three groups of potential adverse <u>effects</u> (<u>effects</u> groups):

- Effects caused by fire or explosion;
- Effects on human health;
- Environmental <u>effects</u>.

Possible adverse environmental <u>effects</u> of <u>hazardous substances</u> can be predicted by the hazard of the substance and the anticipated consequences of its <u>release</u> to the <u>environment</u>. Adverse <u>effects</u> include:

- Contamination of water, soil and air;
- Short and long-term damage to ecosystems;
- Accumulation of persistent substances in the bodies of humans and animals, resulting in chronic or long-term damage to their health;
- Acute damage to human health through exposure to substances affecting skin, mucus membranes, respiratory and digestive systems;
- Damage to the <u>environment</u>, human health and property through fire and explosion events.

It is important to distinguish between the **hazard** of a substance and the **risk** it poses:

- Hazard is principally defined by the intrinsic properties of the substance, such as its flammability or toxicity;
- The **risk** presented by a substance is defined by the probability of its <u>release</u>, combined with the potential of that <u>release</u>.

The <u>Hazardous Facility</u> Screening Procedure focuses on the potential <u>effects</u> of a <u>hazardous substances</u> <u>release</u>, and thus brings the essential dimension of risk into Council evaluations of <u>hazardous facilities</u> proposals. It works by assessing the quantities and hazard posed by substances on a proposed <u>site</u> in relation to each Council's own assessment of different levels of acceptable risk in different localities. This is stated as the 'Quantity Ratio' for each <u>environment</u> identified in this plan.

Generally, each substance to be used or stored on the <u>site</u> should be assessed for its <u>effects</u> in each of the three <u>Effect</u> Groups. For each substance and in each <u>Effect</u> Group, the Hazardous Facility Screening Procedure has assigned the following:

a) A Base Quantity (B) which is mainly dependent on the substance's intrinsic hazardous properties. The Base Quantity is the amount of substance that has been assessed as generating no significant off-site <u>effects</u> in an industrial area, before <u>site</u> and substance-specific considerations have been taken into account. It is expressed as the weight or volume (for compressed gases), of classes of substances.



b) Adjustment Factors (FF, FH, FE) which have been developed specifically for use with the Hazardous Facility Screening Procedure. These adjust the Base Quantity of substances on the <u>site</u>, to reflect the risk posed by factors which increase or decrease the likelihood and consequences of <u>release</u>, such as the physical state of the substance, the type of <u>storage</u> and activity, <u>site</u> separation distance, and the environmental sensitivity of the location.

Users of the Hazardous Facility Screening Procedure then calculate the following:

- a) An Adjusted Quantity, by multiplying the Base Quantities by the Adjustment Factors. This generates an Adjusted Quantity for each substance in each of the Effect Groups, so as to more realistically reflect the potential effects of the substances on the site.
- b) The Quantity Ratio for each substance in each <u>Effects</u> Group, by dividing the proposed quantity of the substance to be used or stored with the Adjusted Quantity. Where multiple substances are used or stored, the Quantity Ratios for each of the <u>Effect</u> Groups are added up, to indicate the cumulative potential <u>effects</u> of the proposed facility.

The Total Quantity Ratio (i.e. the sum of all <u>Effects</u> Ratios of individual substances within an <u>Effects</u> Group) is used to determine whether or not the activity needs a resource consent. Rule A8.3(b) indicates the Total Quantity Ratio values at which an activity or facility is permitted or discretionary in different Zones.

If the <u>Hazardous Facility</u> Screening Procedure indicates that a proposed facility is discretionary, a more detailed assessment of the risks will be needed. This risk assessment should take account of:

- The probability and effects of potential hazardous substances accidents;
- The proposed measures to mitigate and manage the risk; and
- · Location and characteristics of the proposed site.

The granting of a resource consent would then be considered in terms of whether the off-site risks presented by a hazardous facility are adequately contained and managed. The Hazardous Facility Screening Procedure does not determine the outcome of the resource consent application.

A conceptual overview of the Hazardous Facility Screening Procedure is shown in Figure A8.1.

A8.7 Where the Hazardous Facility Screening Procedure fits into the Range of Controls on Hazardous Facilities

The Hazardous Facility Screening Procedure is simply a tool for determining whether or not an activity needs a resource consent. Therefore it forms only one component of a management strategy containing other essential and complementary elements.



The tools available to regulatory bodies for controlling <u>hazardous substances</u> are as follows:

- a) Locational controls, such as zoning, which determines where activities may locate:
- b) Management and design controls, such as performance standards or rules, that control how activities are undertaken;
- c) <u>Land</u> use controls imposed by way of a <u>land</u> use consent, when the hazardous facilities screening procedure and Rule A8.3(b) screen out facilities which require more specific controls.

A8.9 Rating Hazardous Substances for the Hazardous Facility Screening Procedure

To be able to assess <u>hazardous substances</u> under the HFSP, they must be rated first. The rating criteria, which are broadly based on the HSNO classification criteria, are specified in Table 8.3. For the purpose of the HFSP, each substance receives a hazard rating based on three <u>Effect</u> Types:

- Fire/Explosion <u>Effects</u>: concerned with damage to property, the built <u>environment</u> and safety of people;
- Human Health <u>Effects</u>: concerned with the well-being, health and safety of people;
- Environmental <u>Effects</u>: concerned with damage to ecosystems and <u>natural</u> resources.

Each **Effect** Type is divided into three hazard levels:

- High;
- Medium;
- Low.

The rating of a <u>hazardous substance</u> for the HFSP requires each substance to be assessed in terms of each of the hazard categories listed in Table 8.3. The Council holds information to assist with the process of rating <u>hazardous substances</u> for the Hazardous Facility Screening Procedure.

Where information for the rating of a <u>hazardous substance</u> for the HFSP is not, or is only partially available, a precautionary default rating of 'Medium' for the Fire/Explosion and Human Health <u>Effect</u> Types, and 'High' for the Environmental <u>Effect</u> Type must be applied.

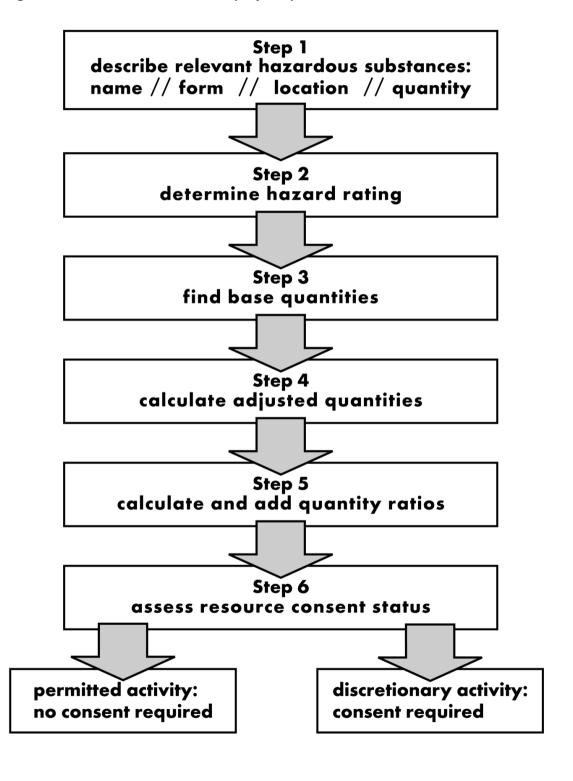
A8.10 Hazardous Facility Screening Procedure - Step-by-Step Guide

This section is a step-by-step guide on how to use the <u>Hazardous Facility</u> Screening Procedure (HFSP), following the steps shown in Figure 8.1. The Council will make available suitable guidance and working materials on the use



and application of the Hazardous Facility Screening Procedure so that people using or storing <u>hazardous substances</u> can make their own calculations.

Figure 8.1: Overview of the Step-by-Step Guide to the HFSP





STEPS	HFSP CALCULATIONS				EXPLANATION
1. Describe the hazardous facility Prior to using the HFSP, it is necessary to compile a full description of the hazardous facility in question. This includes the creation of an inventory of hazardous substances held on the site, including: Names of the hazardous substances; Quantities of the hazardous substances; The physical form of the substances at 20°C and 101.3 kPa;	Substance Name Substance 1 Substance 2 Substance 10	Substance Form (liquid, solid, gas)	Location of substances on <u>site</u>	Proposed Quantity (P) (tonnes or m³)	The HFSP uses standard units of tonnes (t) (for solids, liquids and liquefied gases) and cubic metres (m³) (for compressed gases). In some cases, it may therefore be necessary to convert substance quantities to these units. In the case of liquids, specific gravity (or density) must be taken into consideration when converting litres or m³ to tonnes (i.e., volume of liquid (litres) x specific gravity = tonnes). 1000 Adjustments to quantities are also necessary where
The location of use or storage on the site, including separation distances from the site boundary and neighbouring hazardous facilities (on-site and off-site). The description should also include site-specific details, including neighbouring land uses and the surrounding environment, with a focus on sensitive land uses and receptors (e.g. retirement accommodation, aquifers or indigenous wetlands).	Petrol	EXAI Liquid	MPLE <30.0m	50 t	a substance is diluted with <u>water</u> or mixed with another substance. In this instance, only the percentage quantity of the <u>hazardous substance</u> , or product in the dilution or mixture is assessed for the purposes of HFSP calculations (unless a mixture is more hazardous than its components, in which case data on the mixture needs to be used). An exception to this is products or brands that already constitute dilutions or mixtures of <u>hazardous substances</u> and which have been classified in terms of their hazardous properties as the 'w hole' dilution or mixture for life cycle management purposes. Examples of this are corrosives, oxidising substances and pesticides, which are often sold commercially as standard solutions or strengths. In these cases, quantity adjustments are only applied when these commercially supplied concentrations are further diluted or mixed.



STEPS	HFSP CALCULATIONS			EXPLANATION	
2. Determine Hazard Rating For the purposes of the HFSP, the effects of substances are categorised into three	Substance Name Substance 1	Fire/	Hazard Rating Human	Environment	The HFSP rates <u>hazardous substances</u> in terms of each of the three <u>Effect</u> Types as having a high, medium or low hazard. The Hazard Rating of a substance is derived
 Effect Types: Fire/Explosion Effect Type: addressing damage to the built environment and 	Substance 2 Substance	Explosion High (H)	Health High (H)	High (H)	from: 1. The list of HFSP-rated hazardous substances in Appendix 8c.
 safety of people; Human Health <u>Effect</u> Type: addressing adverse <u>effects</u> on the well-being, health and safety of people; 	10	or Medium (M)	or Medium (M)	or Medium (M)	The HSNO classification (refer Appendix A). Once a substance has been classified under HSNO, Hazard Ratings can be assigned for each Effect
Environmental <u>Effect</u> Type: addressing adverse <u>effects</u> on ecosystems and <u>natural resources</u> .		Or Low (L)	Or Low (L)	Or Low (L)	Type, as shown in Appendix A. 3. Where a substance is neither found in Appendix B nor the HSNO databases
Each <u>Effect</u> Type is divided into three Hazard Rating Levels: ◆ High ◆ Medium ◆ Low	Petrol	EXAM High	MPLE -	Hiah	on the MfE/ERMA websites, default ratings should be used (Fire/Explosion Effect Type: Medium , Human Health Effect Type: Medium and Environment Effect Type: High).
The rating levels are based predominantly on the HSNO classification system.					



STEPS	HFSP CALCULATIONS				EXPLANATION
3. Find Base Quantities The Base Quantity (B) is pre-calibrated. It is the amount of a substance that has been assessed as generating no significant offsite effects in a heavy industrial area before site- and substance-specific considerations have been taken into account (refer Step 4). Base Quantities for different hazardous properties, and hazard ratings in each Effect Type, are listed in Table 8.1.	Substance Name Substance 1 Substance 2 Substance 1	Fire/ Explosion B ₁ B ₂ B ₁₀	Human Health B ₁ B ₂ B ₁₀	Environment B ₁ B ₂ B ₁₀	For example, in the Fire/Explosion Effect Type [Sub-category Flammables], non- significant off-site effects in a heavy industrial area are represented by a Base Quantity of: • 100 tonnes of a HSNO Category D flammable liquid which has a low hazard level for the Fire/Explosion Effect Type. • 30 tonnes of a HSNO Category C flammable liquid, which has a medium hazard level for the Fire/Explosion Effect Type.
	Petrol	10 t	-	1 t	



STEPS	HFSP CALCULATIONS			EXPLANATION	
4. Calculate Adjusted Quantity (A)	Substance	Adi	ı usted Quantiti	ies (Δ)	Different Adjustment Factors are applied for
The pre-calibrated Adjustment Factors (FF, HF, EF) are multiplied with the Base Quantities (B) to account for substance properties and site-specific environmental circumstances. This multiplication yields the Adjusted Quantity (A). Adjustment Factors differ for each of the Effect Types, and take into account the following considerations:	Name Substance 1 Substance 2 Substance 10	Fire/ Explosion A ₁ A ₂	Human Health A ₁ A ₂ 	Environment A ₁ A ₂	each <u>Effect</u> Type. For example, for the Fire/Explosion <u>Effect</u> Type, the temperature is relevant, while for the Human Health <u>Effect</u> Type, proximity to a potable <u>water</u> resource is important. In some instances, more than one Adjustment Factor within each <u>Effect</u> Type must be applied, which then need to be multiplied with each other to yield the total Adjustment Factor for the <u>Effect</u> Type. When the Adjustment Factors for each
 The physical state of the substance; The type of storage; The type of activity or use; Separation distances to the site boundary; The environmental sensitivity of the site location. The Adjustment Factors are listed in Table 4. 	Petrol	100 t (10 tonnes x 10)	MPLE -	3 t (1 tonne x 3)	Effect Type have been calculated, they in turn are multiplied with the Base Quantity to yield the Adjusted Quantity). In the example given, the following parameters have been assumed: • <30m to site boundary; • Not adjacent to water body; • Underground storage.

Appendix 8b – Use, Storage and On Site Movements of Hazardous Substances – Procedures



STEPS		HFSP CAL	CULATIONS		EXPLANATION
5. Calculate and add Quantity Ratios (FQ, HQ, EQ) This step requires the calculation of the	Substance Name	Quanti Fire/ Explosion	ty Ratios (FQ, Human Health	HQ, EQ) Environment	By using the dimensionless ratio of the Proposed Quantity of a hazardous substance over the Adjusted Quantity, it is possible to aggregate the effects presented
Quantity Ratio for each <u>hazardous</u> <u>substance</u> in question. The Quantity Ratio	Substance 1	FQ ₁	HQ₁	EQ ₁	by multiple substances held on the same site. Hence, it becomes possible to
is a dimensionless number. It is obtained by dividing the quantity of a substance that	Substance 2	FQ_2	HQ ₂	EQ ₂	assess the cumulative potential <u>effects</u> which may be created by several
is proposed to be used or stored on a <u>site</u> , i.e. the Proposed Quantity (P) by the					substances present on the same <u>site</u> .
Adjusted Quantity (A). If several hazardous substances are used or stored on a site , the Quantity Ratios calculated for each of these substances are added up for each Effect Type.	Substance 10	FQ ₁₀	HQ ₁₀	EQ ₁₀	
Note that FQ/HQ/EQ _{Total} stands for the total sum of Quantity Ratio values from all		EXA	MPLE		
assessed <u>hazardous substances</u> , within each <u>Effect</u> Type.					
	Petrol (50	0.50 onnes / 100 tonne	- s) (50 to	16.67 nnes / 3 tonnes)	

Appendix 8b – Use, Storage and On Site Movements of Hazardous Substances – Procedures



STEPS		HFSP CAL	CULATIONS		EXPLANATION
Assess resource consent status of hazardous facility When assessing the resource consent status of a particular hazardous facility, the	Substance Name Substance 1	Con Fire/	Quantity Rationsent Status In		When examining total Quantity Ratios against applicable Consent Status Indices, one or several substances may trigger a resource consent. This highlights the fact that when assessing hazardous facilities, it
added Quantity Ratios for each Effect Type are compared with relevant Consent Status Indices in the Resource Consent Matrix in the District Plan. If they are exceeded, a resource consent is required.	Substance 2 Substance 10	Explosion YES/NO	Health YES/NO	YES/NO	is often sufficient to assess just a few hazardous substances to start off with, mainly those that are either highly hazardous or are used/stored in high quantities.
		EXA	AMPLE		
	Petrol	In a typical inc	dustrial zone:	YES	

Appendix 8b – Use, Storage and On Site Movements of Hazardous Substances – Procedures



STEPS	HFSP CAL	CULATIONS	EXPLANATION

Table 8.1: Base Quantities (B) fo warm garei Effect Types and Hazard Ratings

Table 8.1: Base Quantities (B) for all Effect Types and Hazard Ratings

HSNO Category	UN Class Equivalent	Hazard Level	Unit	Ва	ase Quantit	y (B)
			Tonnes or cubic metres	Fire/ Explosion	Human Health	Environment
Exp	olosiveness					
1.1	Class 1.1	High	t	0.1	-	-
1.2	Class 1.2	Medium	t	1	-	-
1.3	Class 1.3	Low	t	3	-	-
Fla	mmable gase	s				
2.1 A+B (LPG)	Class 2.1	Medium	t	30	-	-
2.1 A+B (excluding LPG)	Class 2.1	High	m³	10,000*	-	-
Fla	mmable liqui	ds				
3 A and 3 B	Class 3PGI and 3PGII	High	t	10	-	-
3 C	Class 3PGIII	Medium	t	30	-	-
3 D		Low	t	100	-	-
Fla	mmable solid	S				
4.1 (all categories)	Class 4.1	Medium	t	10	-	-
4.2 (all categories)	Class 4.2	High	t	1	-	-
4.3 (all categories)	Class 4.3	High	t	1	-	-
Oxi	dising gases,	liquids ar	nd solids			
5.1 (all categories)	Class 5.1	Medium	t (m ³)	10 (10,000*)	-	-
5.2 (all categories)	Class 5.2	High	t	1	-	-
Тох	ic gases, liqu	ids and so	olids			
6.1 A and 6.1 B	Class 6.1 PGI and PGII	High	t	-	0.5	-
	i			<u> </u>		<u> </u>

Table 8.1: Base Quantities (B) fo printing arei District Council Effect Types and Hazard Ratings

HSNO Category	UN Class Equivalent	Hazard Level	Unit	Base Quantity (B)					
			Tonnes or cubic metres	Fire/ Explosion	Human Health	Environment			
6.1 A and 6.1 B	Class 2.3	High	m ³	-	30*	-			
6.1 B	PGI and PGII								
6.1 C	Class 6.1 PGIII	Medium	t	-	10	-			
6.1 C	Class 2.3 PGIII	Medium	m ³	-	50*	-			
6.7-6.9 (chronic toxicity categories)	OECD	Medium	t	-	10	-			
6.1 D		Low	t	-	30	-			
6.1 D		Low	m ³	-	500*	-			
Cor	rosive gases,	liquids ar	nd solids						
(8A) 6.3-6.4 (corrosives, all categories)	Class 8	Medium	t (m³)	-	10	-			
Eco	Ecotoxic gases, liquids and solids								
9.1-9.4A	(OECD 1)	High	t (m³)	-	-	1 (30*)			
9.1-9.4B	(OECD 2)	Medium	t (m³)	-	-	30 (50*)			
9.1-9.4C	(OECD 3)	Low	<i>t</i> (m ³)	-	-	100 (500*)			

^{*} Quantity Threshold in m3 at 101.3 kPA and 20 0C for permanent or compressed gases.

Table 8.1: Base Quantities (B) fo warm garei Effect Types and Hazard Ratings

Table 8.2: Adjustment Factors

Adjı	Adjustment Factors for All <u>Effect</u> Types							
Fire/ Explosion	Human Health	<u>Environment</u>						
FF1: substance form	FH1: substance form	FE1: substance form						
Solid = 1	Solid = 3	Solid = 3						
Liquid, pow der = 1	Liquid, pow der = 1	Liquid, pow der = 1						
Gas (101.3 kPA and 20°C) = 0.1	Gas (101.3 kPA and 20°C)= 0.1	Gas (101.3 kPA and 20°C)= 0.1						
FF2: separation distance from site boundary (sub-facility)	FH2: separation distance from site boundary (subfacility)	FE2: environmental sensitivity						
	(gases only)							
< 30 m = 1	< 30 m = 1	Normal = 1						
> 30 m (>60 m) ¹ = 3	$> 30 \text{ m} (>60 \text{ m})^2 = 3$	Adjacent to water resource ² = 0.3						
FF3: type of activity	FH3: type of activity	FE3: type of activity						
Use = 0.3	Use = 0.3	Use = 0.3						
Above-ground storage = 1	Above-ground storage = 1	Above-ground storage = 1						
Underground storage ³ = 10	Underground storage ³ = 10	Underground storage ³ = 3						
Final Fire/Explosion	Final Human Health	Final Environment						
Adjustment Factor Adjustment Factor Adjustment Factor		Adjustment Factor						
FF = FF1 x FF2 x FF3	FH = FH1 x FH2 x FH3	FE = FE1 x FE2 x FE3						

If the facility is assessed as a sub-facility, the distance to the neighbouring sub-facility must be more than 60 metres (ie, 2 x 30 metres) to qualify for an Adjustment Factor of 3 (a hazardous.sub-facility is a hazardous.facility that is separated by more than 30 metres from any other hazardous facility on the same site).

Water resources include aquifers and water supplies, streams, springs, lakes, indigenous wetlands, estuaries and the sea, but do not include entry points to the stormwater drainage network. 'Adjacent' must be defined in respective district plans and will depend on the type of water resource potentially affected (adjacent is variably defined as between 30 and 100 metres).

Applicable to Class 3 substances (flammable liquids) only.

Table 8.1: Base Quantities (B) fo paragarei District Council Effect Types and Hazard Ratings



Table 8.3: HFSP Rating Criteria For Hazardous Substances

The full description of HSNO Classes, Sub-classes and Categories is contained in the HSNO Regulations.

Hazard	HSNO Class & Category	(UN Division)	Description	<u>Effect</u> Type	Hazard Rating
Explosiveness	1.1	1.1	Articles and substances having a mass explosion hazard.	Fire/Explosion	High
	1.2	1.2	Articles and substances having a projection hazard, but not a mass explosion hazard.	Fire/Explosion	Medium
	1.3	1.3	Articles and substances having a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. This division comprises articles and substances that:	Fire/Explosion	Low
			give rise to considerable radiant heat, or		
			burn one after another, producing minor blast and/or projection effects.		
	1.4, 1.5, 1.6	1.4, 1.5, 1.6	Not applicable.		
Flammable	2.1A, 2.1B	2.1	Flammable gases:	Fire/Explosion	High
Gases			 i) gases w hich at 20oC and a standard pressure of 101.3 kPa: are ignitable w hen in a mixture of 13% or less by volume w ith air, or have a flammable range w ith air of at least 12% regardless of the low er flammability limit; or, ii) gases or gas mixtures, other than those of (i) above, that at 20oC and a standard pressure of 101.3 kPa have a flammable range in mixture in air. Flammable aerosols, being a pressurised mixture of containing gas, compressed, liquified, or dissolved under pressure, w ith or w ithout a liquid, paste or pow der; comprising at least 45% by mass of flammable ingredients, under a pressure greater than 100 kPa, w hich can be released in a finely divided spray. 		



Hazard	HSNO Class & Category	(UN Division)	Description	<u>Effect</u> Type	Hazard Rating
		LPG	LPG	Fire/Explosion	Medium
		2.2	Not applicable.		
Explosiveness	1.1	1.1	Articles and substances having a mass explosion hazard.	Fire/Explosion	High
	1.2	1.2	Articles and substances having a projection hazard, but not a mass explosion hazard.	Fire/Explosion	Medium
	1.3	1.3	Articles and substances having a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. This division comprises articles and substances that:	Fire/Explosion	Low
			give rise to considerable radiant heat, or		
			burn one after another, producing minor blast and/or projection effects.		
	1.4, 1.5, 1.6	1.4, 1.5, 1.6	Not applicable.		
Flammable	2.1A, 2.1B	2.1	Flammable gases:	Fire/Explosion	High
Gases			(i) gases which at 20°C and a standard pressure of 101.3 kPa:		
			 are ignitable when in a mixture of 13% or less by volume with air, or 		
			 have a flammable range with air of at least 12% regardless of the lower flammability limit; or, 		
			(ii) gases or gas mixtures, other than those of (i) above, that at 20°C and a standard pressure of 101.3 kPa have a flammable range in mixture in air.		
			Flammable aerosols, being a pressurised mixture of containing gas, compressed, liquified, or dissolved under pressure, with or without a liquid, paste or powder; comprising at least 45 % by mass of flammable ingredients, under a pressure greater than 100 kPa, which can be released in a finely divided spray.		
		LPG	LPG	Fire/Explosion	Medium
		2.2	Not applicable.		



Flammable Liquids			Flammable liquids comprising liquids, mixtures of liquids, or liquids containing solids in suspension which give off a flammable vapour at specific temperatures.		
	3A	3 PGI	Flash point: < 23°C Initial boiling point: < 35°C	Fire/Explosion	High
	3B	3 PGII	Flash point: < 23°C Initial boiling point: > 35°C	Fire/Explosion	High
	3C	3 PGIII	 (a) Flash point: 23°C; 60°C (b) Flash point: > 60°C, but liquid is manufactured, stored, transported or used (except deliberate burning) at a temperature at or above its flash point. 	Fire/Explosion	Medium
	3D	Combustible Liquids	Flash point: > 60°C but 93°C	Fire/Explosion	Low
Flammable Solids	4.1 All Categories	4.1	 Flammable solids that are readily combustible or may cause fire easily through an ignition source or friction. Self-reacting substances that are thermally unstable and are liable to undergo a strongly exothermic decomposition even without the participation of oxygen (and related substances). Desensitised explosives: substances which are wetted with water or alcohol or diluted with other substances to suppress their explosive properties. 	Fire/Explosion	Medium
	4.2 All Categories	4.2	Substances liable to spontaneous combustion: Pyrophoric substances: liquid or solid substances which, even in small quantities, ignite within 5 minutes of coming in contact with air; Self-heating substances: solid substances which generate heat when in contact with with air without additional energy supply.	Fire/Explosion	High
	4.3 All Categories	4.3	Substances which, in contact with water, become spontaneously flammable, or emit flammable gases.	Fire/Explosion	High



Hazard	HSNO Class & Category	(UN Division)	Description		Effect Type	Hazard Rating
Oxidising Capacity	5.1 All categories	5.1	Oxidising substances: substances which in the combustible, but may cause or contribute to the coyielding oxygen.	Fire/Explosion	Medium	
	5.2 All categories	5.2	Organic peroxides: organic substances that are ther exothermic, self-accelerating decomposition. They m		Fire/Explosion	High
			 Be liable to explosive decomposition; 			
			Burn rapidly;			
			 Be sensitive to impact or friction; 			
			 React dangerously with other substances; 			
			Cause damage to the eyes.			
Toxicity		6.1	Substances which are liable to cause death or injusw allowed, inhaled, or contacted by the skin.	jury or to harm human health if		
	6.1A	6.1 PGI	Oral toxicity LD ₅₀ (mg/kg): 5		Human Health	High
			Dermal toxicity LD ₅₀ (mg/kg): 50	0		
			Inhalation toxicity dust/mist LC ₅₀ (mg/l): 0.0	.05		
	6.1B	6.1 PGII	Oral toxicity LD ₅₀ (mg/kg): >5	5 - 50	Human Health	High
			Dermal toxicity LD ₅₀ (mg/kg): >5	50 - 200		
			Inhalation toxicity dust/mist LC ₅₀ (mg/l): >0	0.05 - 0.5		
	6.1C	6.1 PGIII	Oral toxicity LD ₅₀ (mg/kg): >5	50 - 300	Human Health	Medium
			Dermal toxicity LD ₅₀ (mg/kg): >2	200 – 1,000		
			Inhalation toxicity dust/mist LC ₅₀ (mg/l): >0	0.5 – 1		
	6.1 D		Oral toxicity LD ₅₀ (mg/kg): >3	300 – 2,000	Human Health	Low
			Dermal toxicity LD ₅₀ (mg/kg): >1	1000 – 2,000		
			Inhalation toxicity dust/mist LC ₅₀ (mg/l): >1	1 - 5		
		2.3	Toxic gases: gases which are known to be toxic or on the hazard to health. This division is divided into the follows:			



Hazard	HSNO Class & Category	(UN Division)	Description	<u>Effect</u> Type	Hazard Rating
	6.1A		a) Inhalation toxicity gases LC ₅₀ : < 100 ppm, vapours LC ₅₀ : < 0.5 mg/l	Human Health	High
Toxicity (continued)	6.1B		b) Inhalation toxicity gases LC $_{50}$: >100 ppm - 500 ppm, vapours LC $_{50}$: >0.5 mg/l $-$ 2 mg/l	Human Health	High
	6.1C		c) Inhalation toxicity gases LC_{50} : >500 ppm - 2,500 ppm, vapours LC_{50} : >2 mg/l - 10 mg/l	Human Health	Medium
	6.1D		d) Inhalation toxicity gases LC $_{50}$: >2,500 ppm – 5,00 ppm, vapours LC $_{50}$: >10 mg/l – 20 mg/l	Human Health	Low
	(8) 6.4	8	Eye Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5.	Human Health	Medium
	All categories		Effect: Draize Grade 1 for either corneal opacity or iritis or Grade 2 for either conjunctival redness or chemosis		
	(8) 6.3	8	Skin Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5.	Human Health	Medium
	All categories		Effect: Draize Grade 1.5 for erythema or oedema		
	6.4	(OECD 1 & 2)	Respiratory or contact sensitiser.	Human Health	Medium
	6.7A, 6.7B	(OECD 1 & 2)	Carcinogenicity: Suspected or presumed carcinogen.	Human Health	Medium
	6.9A, 6.9B	(OECD 1 & 2)	Know n, presumed or suspected human target organ toxicity.	Human Health	Medium
	6.6A, 6.6B	(OECD 1 & 2)	Substances know n or regarded as mutagenic; OR	Human Health	Medium
			Substances which cause concern for man owing to the possibility that they may induce heritable mutations in the germ cells of human.		
	6.8A, 6.8B	(OECD 1 & 2)	 Known, or presumed Human Reproductive or Developmental Toxicant; OR Suspected Human Reproductive or Developmental Toxicant. 	Human Health	Medium



Hazard	HSNO Class & Category	(UN Division)	Description	<u>Effect</u> Type	Hazard Rating
	6.8C	(OECD)	Effects on or via lactation: Data show ing: i) A likelihood that the substance would be present in potentially toxic levels in human breast milk; AND/OR ii) Clearly defined adverse effect in the offspring of animals due to transfer in the milk; OR clearly defined adverse effect on the quality of the milk in animals; AND/OR iii) Human evidence indicating a hazard to babies during the lactation period.	Human Health	Medium
		6.2	Not applicable.		
Ecotoxicity			Ecotoxic substances: any substance exhibiting a toxic effect on ecosystems. This division is divided into three categories.		
	9.1A 9.2A 9.3A 9.4A	(OECD1)	a) Very toxic to the aquatic environment; Very toxic to the terrestrial environment; Very toxic to terrestrial vertebrates; Very toxic to beneficial invertebrates.	Environment	High
	9.1B 9.2B 9.3B 9.4B	(OECD2)	b) Toxic to the aquatic environment; Toxic to the terrestrial environment; Toxic to terrestrial vertebrates; Toxic to beneficial invertebrates.	Environment	Medium
	9.1C 9.2C 9.3C 9.4C	(OECD3)	c) Harmful to the aquatic environment; Harmful to the terrestrial environment; Harmful to terrestrial vertebrates; Harmful to beneficial invertebrates.	Environment	Low