

Pursuant to Local Government  
Official Information and Meetings Act 1987  
(Section 44A)

**He Ripoata  
Mōhiohio Whenua**

**No. 2025-717**

**Land Information  
Memorandum**

**The following information is provided to the Applicant in respect of the property  
described as FLAT 1 DP 137395 ON SECS 16 19 RAWENE TOWNSHIP**

Valuation Roll No: 00611-02500-A

Property ID No: 3325987

and located at: 35 Parnell Street, Rawene 0443

LIM-2025-717

# He Ripoata Mōhiohio Whenua Land Information Memorandum

Pursuant to Local Government Official Information and Meetings Act 1987 (Section 44A)

Date Lodged: 05-Mar-2025

Receipt No: 8296290

Issued Date: 14-Mar-2025

## 1. Ōu Taipitopito

### Personal details

Jim Thompson Barrister & Solicitor  
Attn: Michele McGregor  
PO Box 33197  
Takapuna  
Auckland 0740

Email: [michele@jimthompsonlaw.co.nz](mailto:michele@jimthompsonlaw.co.nz)  
[nick@jimthompsonlaw.co.nz](mailto:nick@jimthompsonlaw.co.nz)

*For any queries relating to the contents of this LIM please contact the relevant department in question. Contact information can be found at the end of each section.*

## 2. Ngā Āhuatanga o Te Whenua

### Special Features or Characteristics

Refers to the NZ Land Resource Inventory Worksheet – Land Use Capability Unit 4e6.

Note that this site lies within a zone identified as “Northland Regional Council River Flood Hazard Zone” and “Northland Regional Council Coastal Flood Hazard Zone”. The nature and severity of these hazards are not identified, independent expert advice should be sought if additional information is needed.

a	Slope	Rolling to strongly rolling.
b	Rock Type	Argillite and massive which has been shattered. Argillite complexed with massive sandstone, and/or crushed argillite and/or jointed mudstone and/or ancient volcanics.
c	Soils	Yellow-brown earths on shattered argillites and sandstones. Weakly to strongly leached and weakly podzolised yellow-brown earths of Omu suite, Omanaia suite and Purua suite. Yellow-brown earths occasionally complexed with minor brown granular loams and clays or brown loams.
d	Potential Erosion	Moderate to severe when cultivated.
e	Avulsion / Alluvion	Nil
f	Falling Debris	Nil
g	Subsidence / Slippage	Moderate potential.
hi	Inundation	Nil
i	Hazardous Contaminants	None known
j	Any other	-

**Note:** The above information is generic and may not be site-specific, for more information please [click here](#).

*If you have any queries regarding Section 2, please contact [askus@fndc.govt.nz](mailto:askus@fndc.govt.nz) Subject: LUC query.*

### 3. Te Whakapuaki Rēti mō Tētahi Ripoata Mōhiohio Whenua Disclosure of Rates for the Purposes of a Land Information Memorandum

The Local Government Official Information and Meetings Act requires that Council provide information relating to any rates owing in relation to the land covered by the LIM.

This disclosure document sets out the rate position as at the date shown below. It should be noted that this figure must not be taken as a settlement figure for the payment of outstanding rates as at the time of settlement of any purchase of the property concerned. It remains the responsibility of the vendor and purchaser to determine the final rates figure on the settlement date and ensure that this is paid in accordance with the requirements of the Local Government (Rating) Act 2002.

Valuation Number:		<b>00611-02500-A</b>
Rate Account No:		2425987
Rates Levied for the Current Year:	\$	3,968.95
Date of Disclosure:		06-Mar-2025

<b>2022 Rating Valuation Details</b>		<b>00611-02500-A</b>
Land Value:	\$	185,000
Improvement Value:	\$	335,000
Capital Value:	\$	520,000

If you have any queries regarding Section 3, please contact [rates@fndc.govt.nz](mailto:rates@fndc.govt.nz).

### 4. Ngā Whakaaetanga Consents

<b>Resource Consents</b>	Includes Certificates, Notices and Orders where available.	
01-Jan-1990	79137395-TCPBIC	Plan of Flats on Secs 16 & 19 Town of Rawene (Plan only).
<b>Monitoring</b>	Nil	
<b>Licenses</b>	Nil	

The Council has no current record of a pool or spa pool registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004. Pool barrier information is available [here](#).

If you have any queries regarding Section 4, please contact [planningsupport@fndc.govt.nz](mailto:planningsupport@fndc.govt.nz).

### 5. Ngā Mōhiohio Whare Building Information

Status	Date of Issue	Number	Description
Code Compliance Certificate Issued	05-Nov-2019	CCC-2020-11087/1	Install a Novo ECR Woodsman Free Standing Wood Burner and Flue System.
Building Consent Issued	26-Jul-2019	EBC-2020-11087/0	Install a Novo ECR Woodsman Free Standing Wood Burner and Flue System.

#### Comments:

- Council reserves the right to serve requisitions whenever found necessary.
- Memo attached - "Information Regarding Buildings where Council Holds no Record of Consents".
- Domestic Smoke Alarms Guidance Notes attached.

#### Any known outstanding issues:

None known

#### Are there any unauthorised building works known to Council?

None known

**Note 1:** The Building Act 2004 was implemented from 31 March 2005 and replaced the Building Act 1991. All applications for building consents are now processed under this Act. Code Compliance Certificates do not apply to building permits that were issued prior to the Building Act 1991.

**Note 2:** Where a Code Compliance Certificate (a “CCC”) has not issued, reasons could be that the owner has not requested a final inspection, or that there is further work required to meet compliance.

**Note 3:** The Far North District Council does not copy building plans for Land Information Memoranda. Site and drainage plans are included if on file.

*If you have any queries regarding Section 5, please contact [building.group@fndc.govt.nz](mailto:building.group@fndc.govt.nz).*

## 6. Ngā Tāpaetanga Whakawhanake Development Contributions

From the 1st of July 2015, Council has ceased charging Development Contributions. For the term of this Policy Council will not require Development Contributions.

## 7. Ngā Ratonga Utilities

a)	Drinking Water Supply	Connected / Metered
b)	Drinking Water Supplier	Far North District Council <a href="#">Link to Water Bylaws</a>
c)	Stormwater	See Stormwater management plan
d)	Sewer	Connected

*If you have any queries regarding Section 7, please email [islfrs@ventia.com](mailto:islfrs@ventia.com)*

## 8. Ngā Whakamahinga Whenua Land Uses

### Far North District Plan

Land zoned as **Coastal Residential** under the Far North District Plan.

(Please refer to attached zone rules for Land Use and Subdivision activities).

**Note:** It is suggested that any queries you may have regarding any aspects of the Far North District Plan be referred to the Council's Planning Department, Ph 0800 920 029.

## 9. Ngā Pānui i raro i Tētahi Atu Ture e Whakaputaina ana e Tētahi Whakahaere Kāwanatanga Notices under Other Acts Notified by any Statutory Organisation

Nothing on file.

## 10. Ngā Pānui nā Tētahi Kaiwhakahaere Ratonga Whatunga Notices by any Network Utility Operator

Nothing on file.

## 11. Ngā Take Whakature Rori Road Legalisation Issues

No known roading issues.

*If you have any queries regarding Section 11, please email [infrasupport@fndc.govt.nz](mailto:infrasupport@fndc.govt.nz).*



## 12. Ētahi Atu Mōhiohio

### Other Information

This site is within Outstanding Natural Feature 54 as identified in the Resource Map of the Far North District Plan.

Land Covenant in Leases registered on Title.

The Far North District Council is planning a number of new infrastructure projects across the district. When these projects are completed, the rates for the property subject to this Land Information Memorandum report may increase. These projects, and any associated estimated rates increase, are reported on in the most recent Far North District Council Long Term Plan or Annual Plan document.

See information attached re: Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.



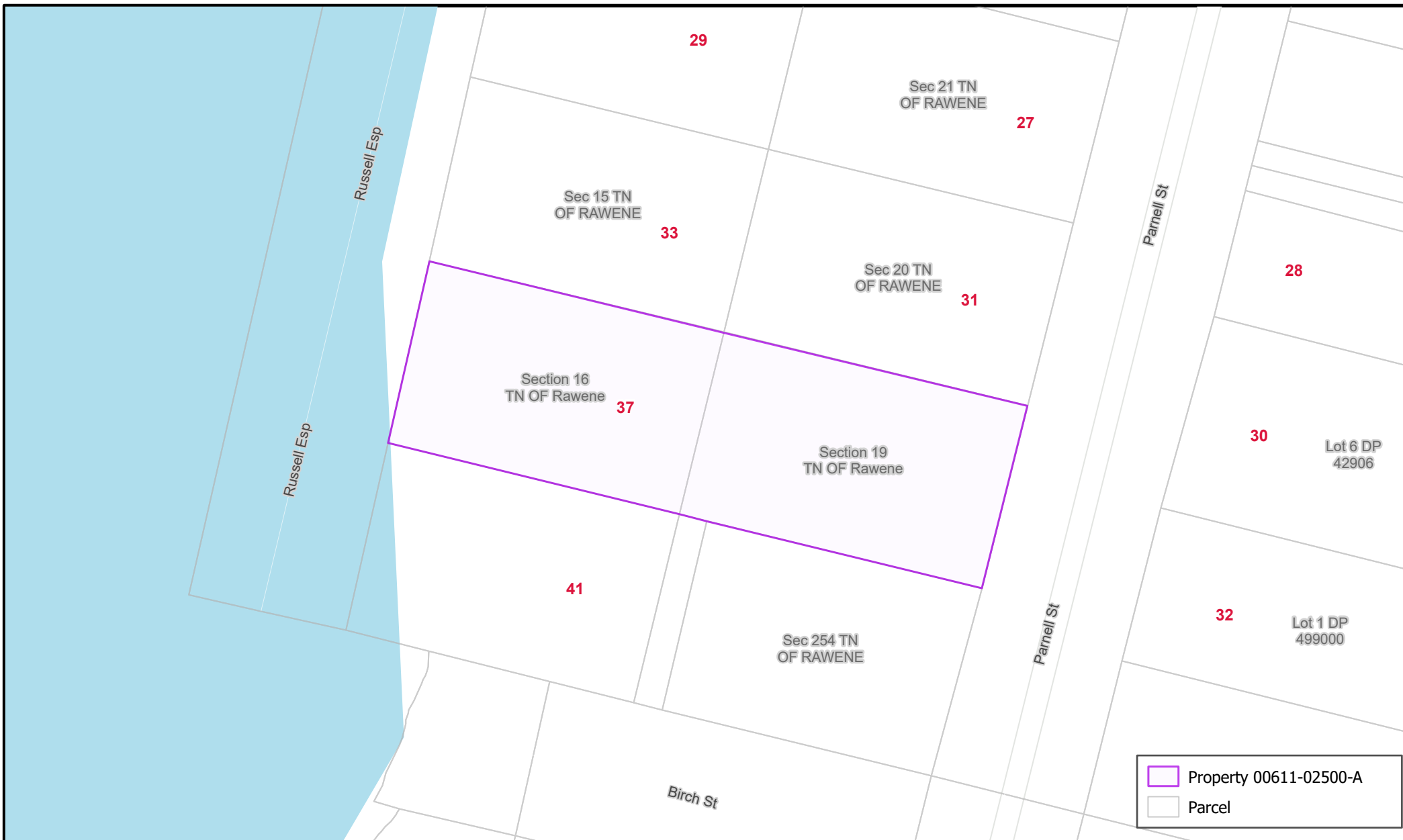
L BRAIN

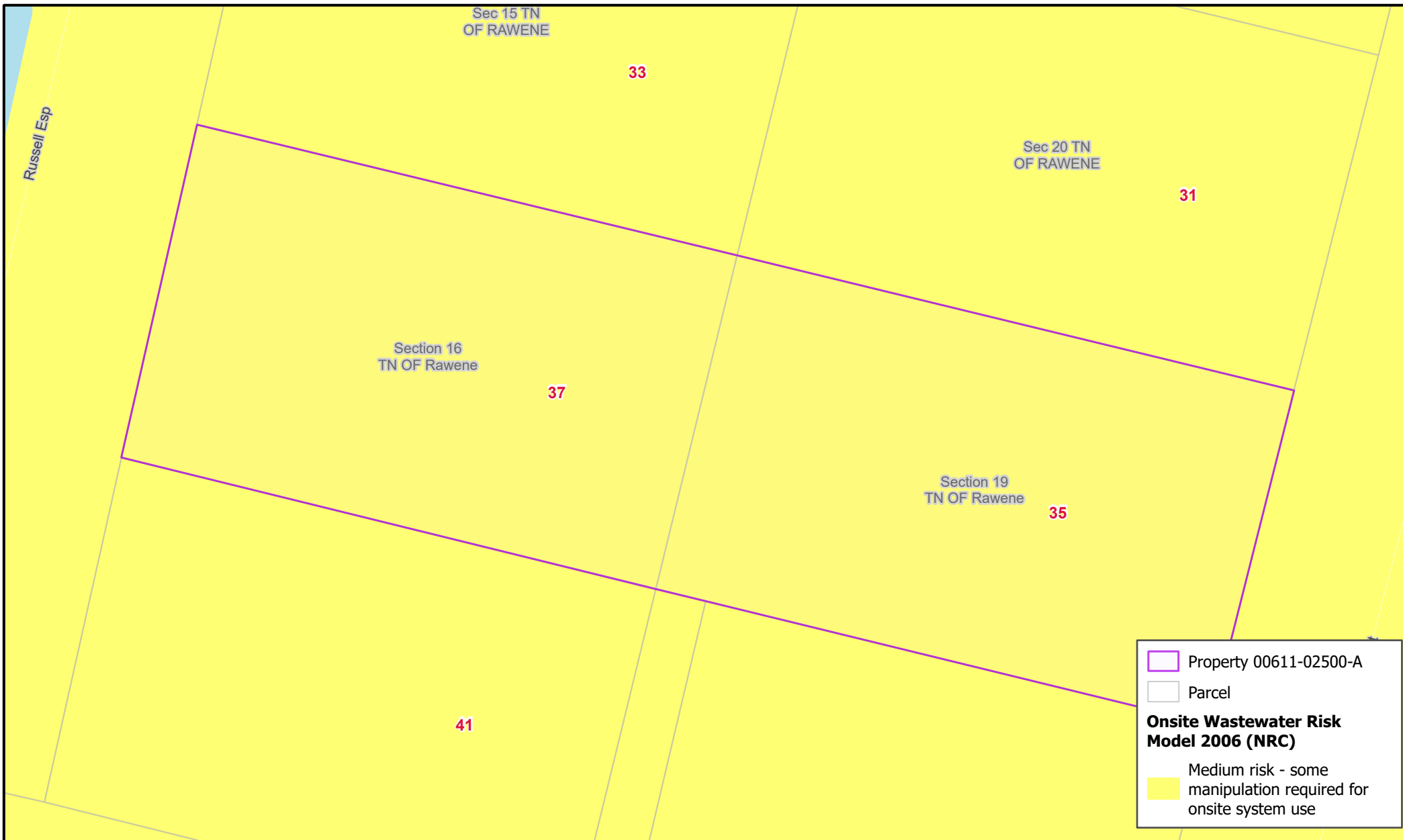
### PROPERTY INFORMATION

**Note for Applicants:** The above information represents the information held by the Far North District Council in respect of any of the categories of information listed. Where the Council has advised 'not known' in respect of any category it is the responsibility of the applicant to undertake any other enquiries. No further comment concerning this property can be made without an inspection by a Council Officer. Such inspection will be carried out if you desire and a charge will be made for this service on a cost basis.

#### **Disclaimer**

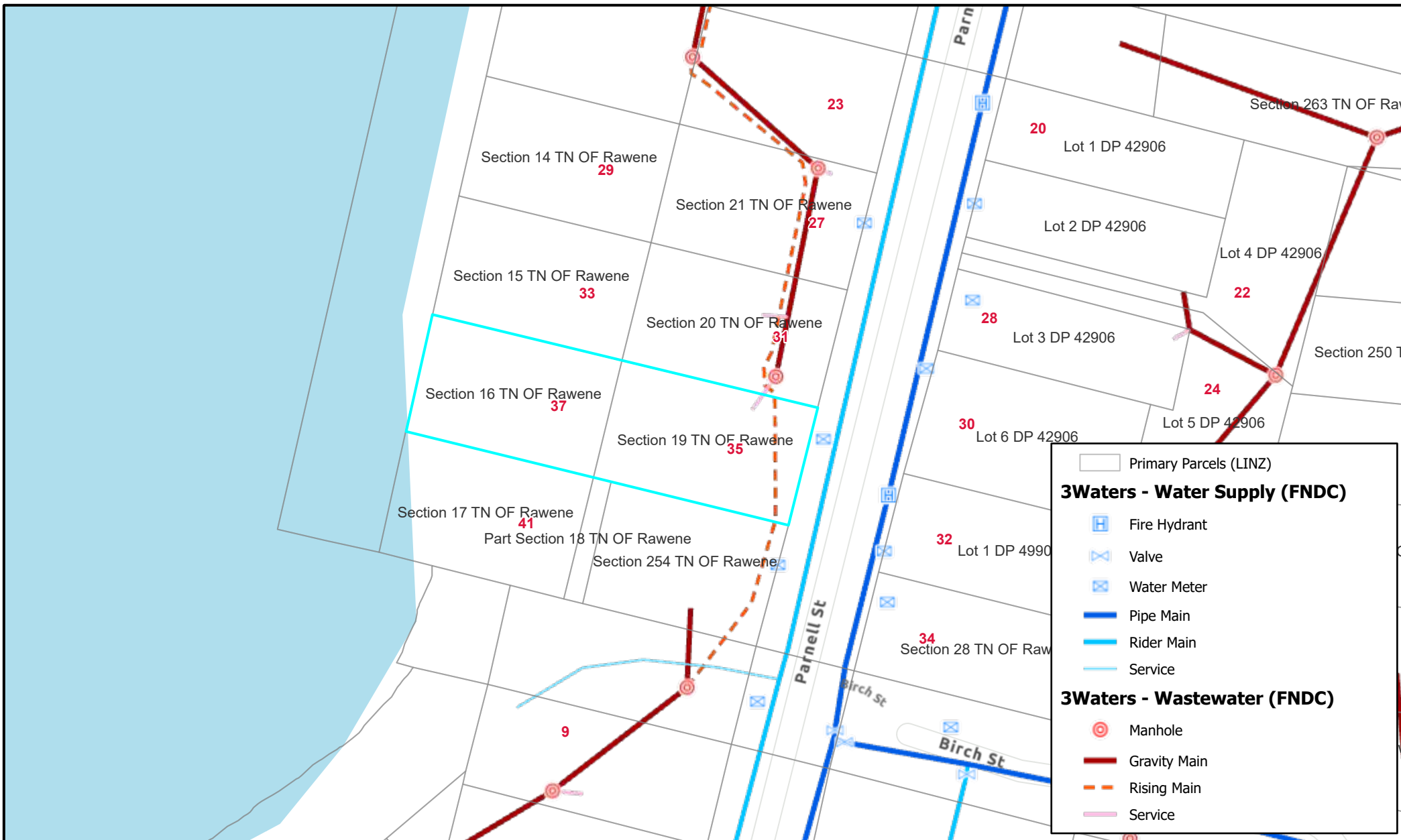
The information in this Memorandum is provided for the use of the applicant alone and is not to be relied on by any third party. The Council assumes no responsibility to any person other than the applicant. Where information has been supplied to Council by a third party it cannot guarantee the accuracy of that information and it is supplied on the understanding that no liability shall arise or be accepted by the Council for any error contained there.





**DISCLAIMER:**

While the Far North District Council strives to keep the data in this service current, it may not be the most recent or most accurate data available. No reliance on the information contained on this map by any person is permitted. FNDC will not be liable for any omissions or errors of information contained on this map. FNDC recommends that persons seek specific advice on individual properties from FNDC and other specialist organisations which may hold more up to date or accurate information.





**Disclaimer:** The information shown on this plan may not be accurate and is indicative only. The Far North District Council accepts no responsibility for incomplete or inaccurate information. Contractors are to verify the exact location of all Council services on site before work commences. Contractors are liable for any damage they may cause to Council services, including any services not identified on this plan.

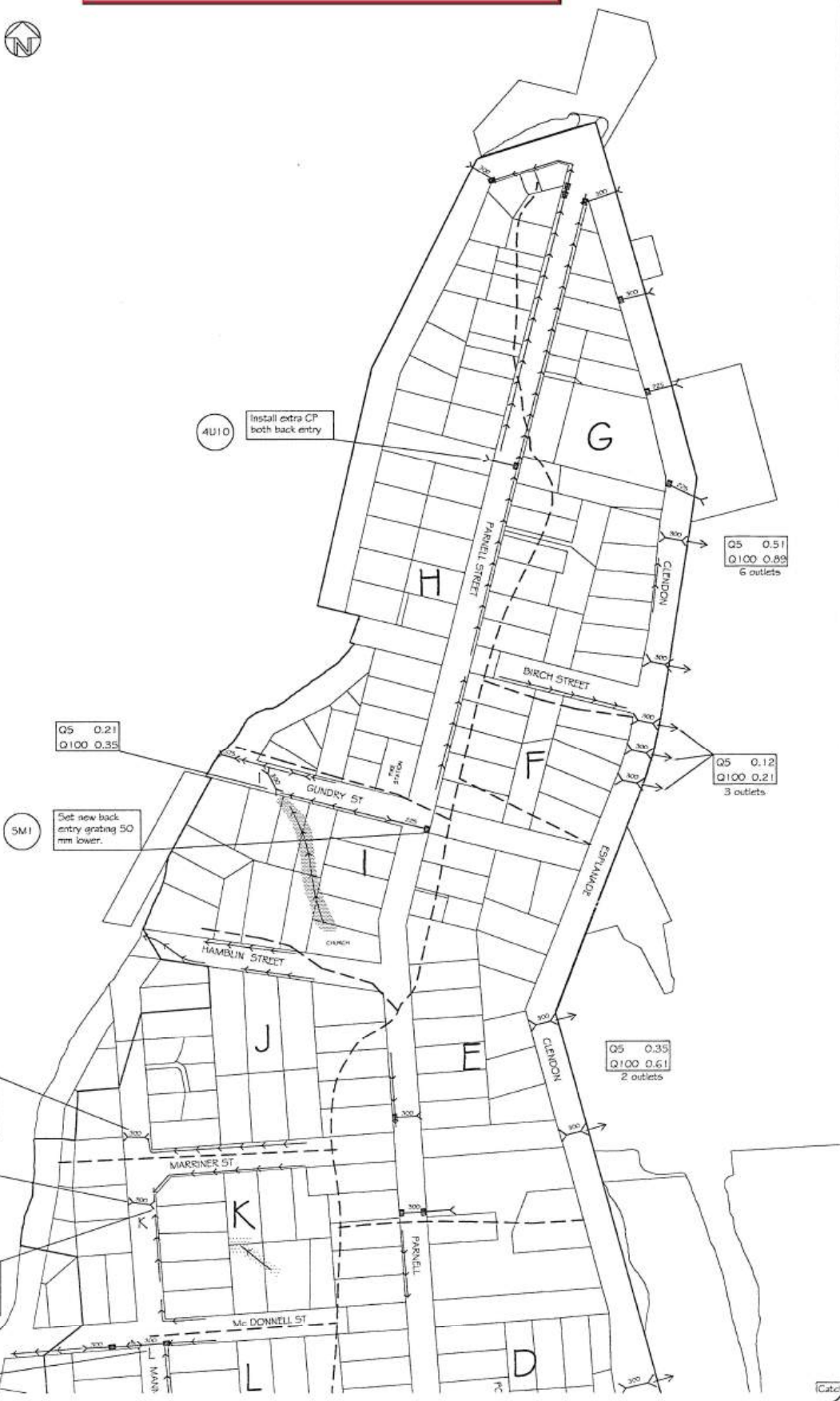
**Key**

- Culvert
- Manhole
- Cess-pit sump
- Open Drain
- Stormwater pipe
- Catchment areas
- Urban stormwater area boundary
- Flow path
- Ponding areas

5 & 100 Year design storm flows for future/ultimate development. (m<sup>3</sup>/sec)

Q5	0.63
Q100	1.53

Work Priorities:  
 1 - Denotes most urgent, and 5 denotes least urgent.  
 Work codes:  
 U - Upgrading  
 P - Piping of open drains  
 M - Maintenance  
 I - Investigate  
 Identification Number: Identifies each work item



HAIGH CONSULTANTS LTD  
 National Bank Building  
 P O Box 89  
 KERIKERI Ph (09) 4078327  
 Fax (09) 4078378

FAR NORTH DISTRICT  
 COUNCIL

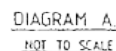
1.2 RAWENE AREA

Urban Stormwater Management Plan

1 Hokianga Community

DRAWN: Pip  
 DATE: 2/03/04  
 SCALE: 1:2000  
 CHECKED:

SHEET:  
 1 of 2  
 REF:  
 01 095

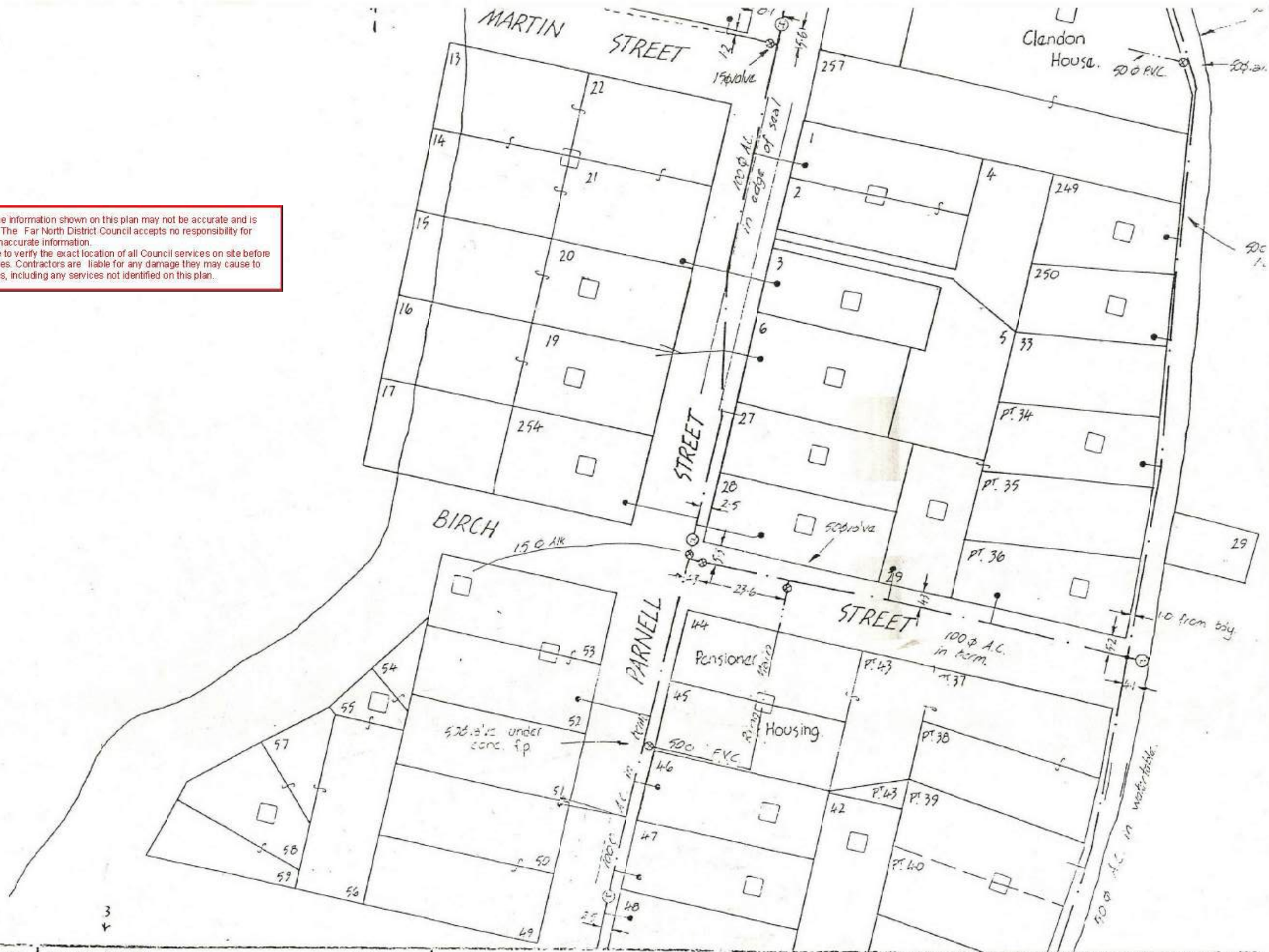


small  
batch  
to be  
removed





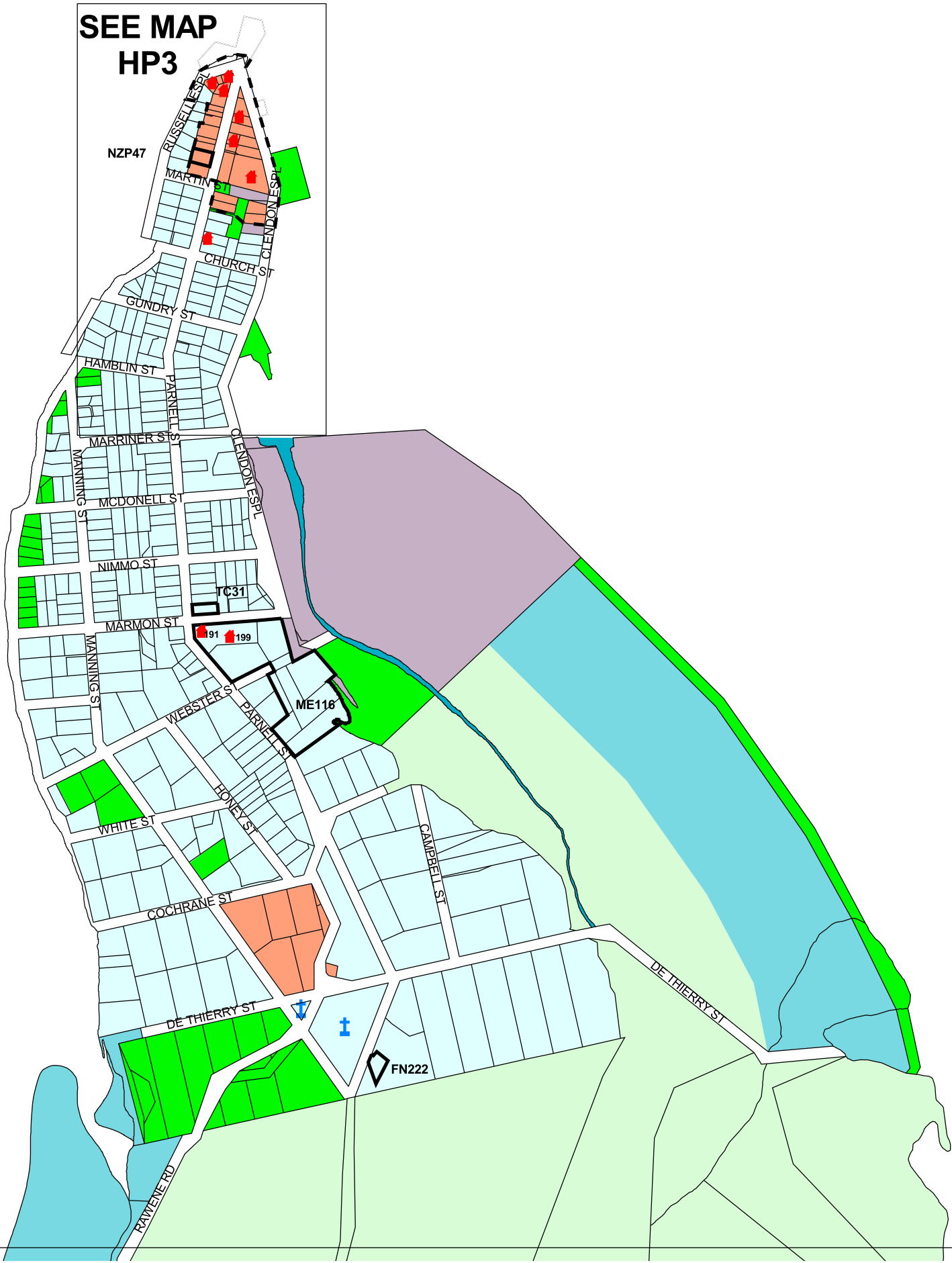
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33N	MAY 91	APPROVED	SCALE 1:1000	ORIG A11
IMPROVEMENTS				

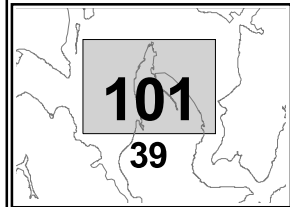
FAR NORTH DISTRICT COUNCIL

RAW20010



- Zone**
- Conservation
  - Coastal Residential
  - Commercial
  - Lakes and Rivers
  - Recreational Activities
  - Rural Production
  - Road
  - Coastal Marine
  - Designations
  - Maritime Exemption Area
  - Cemetery
  - Historic Site
  - Heritage Precinct

Note :-  
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road



Map Index  
**Map 101**  
**RAWENE**



**Far North District Plan - Zone Maps**



0 200 400 600 m

Scale 1:10,000

**DISCLAIMER**

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.

## 10 COASTAL ENVIRONMENT

### CONTEXT

The Far North District has a long and varied coastline, containing eight major harbour systems. Because of its long coastline the District has a large amount of land in the coastal environment. The coastal environment of the Far North is one of the more valuable resources of the District. The value is related to its landscape, ecology, history, settlement and land use patterns, and consequently its attraction as a place to visit and to live either permanently or temporarily. Much of the coastline and the coastal environment is relatively undeveloped in the sense that there are relatively few buildings, roads or other built development. It therefore has a predominantly natural character, which includes a variety of landscapes ranging from indigenous forest to plantation and pasture. However, the past decade has been witness to an increasing pressure for the development of coastal areas mainly on the east coast of the Far North.

As a result of this development, the natural character of the coastal environment is being changed due to effects of land use activities such as noise, traffic, visual effects of development and (in some places) alterations of vegetation patterns.

The statutory context for the provisions of the coastal environment are found particularly in s6(a) of the Act, the NZ Coastal Policy Statement, the Regional Policy Statement for Northland, the Regional Coastal Plan and any other regional plans. Section 6(a) requires that, in relation to managing the use, development and protection of natural and physical resources, all persons exercising powers and functions under the Act shall recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development as one matter of national importance. The wording of the Act recognises the tension that can exist between land use and land management practices and the sustainable management of natural resources.

Section 6 of the Act also refers to the need to recognise and provide for the protection of outstanding features and landscapes (which can include coastal), protection of significant indigenous vegetation and habitats of indigenous fauna, maintenance and enhancement of public access to the coast, and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, protection of historic heritage from inappropriate subdivision and protection of recognised customary activities.

It is in relation to this context that the provisions of the coastal environment, and in particular the General Coastal Zone, have been developed, noting the emphasis on integrated management and enhancement opportunities for subdivision use and development included in the management plan provisions in **Rule 13.9.2** and the **Integrated Development Rule**.

Natural processes and systems necessary for maintaining coastal landforms, such as vegetation and water quality are also being adversely affected by land use activities, both within and outside the coastal environment.

The increasing amount of development is leading to an increasing demand for access.

Access to areas of the coast suitable for public recreation is insufficient relative to the demand, while other parts which contain sensitive vegetation or habitat for sensitive indigenous fauna, or are subject to natural hazards such as coastal erosion, need to be protected from human access. Although maintenance and enhancement of access to the coast is desirable, public access should not be provided to all parts of the coastline. On some beaches only foot access is appropriate as vehicles may threaten or kill indigenous plants and birds living and nesting within the coastal area. Certain areas may require extra protection.

Council is in the process of developing both an Open Space Strategy and a Coastal Access Strategy which will assist Council in the strategic acquisition and/or development of land for public access purposes. Council has already identified areas in and around Kerikeri which are a priority for public access as part of the 2000 structure planning process. This led to Esplanade Priority Areas for Kerikeri being incorporated into the District Plan (see **Chapter 14**). Once the Open Space and Coastal Access Strategies have been completed, Council will give effect to these through a District Plan Change by incorporating further Esplanade Priority Areas.

Tangata whenua have a close relationship with the coastal environment. Coastal waters were and are still an important source of kaimoana. As a result settlements were established along the coast and these are reflected today in the location of ancestral land (whenua tuku iho). Papakainga housing on ancestral land is acknowledged in the New Zealand Coastal Policy Statement as an activity that should be provided for.

Tangata whenua are, however, unable to gain access to some areas of the coastal environment for traditional kaimoana gathering, fishing, ancestral lands and sites of significance to Maori including waahi tapu.



The cumulative effects of development in coastal areas are significant as these can be viewed from the water, from adjacent land, or from other settlements across the water.

Coastal landscapes encompass a range of values including ecological, natural, cultural, spiritual, amenity, heritage, recreational, social and economic values.

The diversity of coastal types within the District and the way in which the coastal environment has been developed in different areas calls for a resource management regime that provides for that diversity and such differences. For this reason this chapter sets out general objectives and policies that apply throughout the coastal environment of the District policies specific to certain parts of the District, and objectives and policies specific to each of the coastal zones. The objectives include reference to management plans. This is a tool which is set out in detail in subsequent chapters. Management plans provide a method of subdividing land which provides better environmental outcomes and development which is innovative and comprehensively planned.

## 10.1 ISSUES

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- 10.1.1 The Act requires that the natural character of the coastal environment is preserved. Natural character can be adversely affected by inappropriate subdivision, use and development. The preservation of natural character requires that limitations be placed on further development in some of the District's coastal areas. Some areas already compromised by development are not necessarily appropriate for further development.
- 10.1.2 The coastal environment includes areas of both land and sea. Activities on the land within the coastal environment can have effects on the sea and vice versa.
- 10.1.3 Public access to and along the coast is insufficient in places and needs to be enhanced. Public access can have positive effects in terms of recreation, access to seafood, commercial activity and education. The issue is partly addressed in **Chapter 14** of the Plan and/or in the LTCCP. The Council is undertaking work to identify areas where access is inadequate and will be initiating a plan change to give effect to that work. However, public access, and particularly access by vehicles, can also have negative effects in respect to public safety and enjoyment of the coast, the protection of indigenous vegetation and habitats of indigenous species, sensitive cultural and heritage sites and areas, and damage to landforms.
- 10.1.4 Tangata whenua have a close cultural relationship with the coastal environment but often are unable to exercise that relationship, for example because of lack of protection of or limited access to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga. The Act requires that the relationship of Maori and their culture and traditions with their taonga is recognised and provided for. See also **Chapter 2** of the Plan and in particular **Sections 2.5** and **2.6** and Council's "*Tangata Whenua Values and Perspectives (2004)*".
- 10.1.5 While the cumulative effects of development in the coastal environment can and often do detract from its natural character, this is not inevitable. Subdivision, use and development can provide opportunities for restoration and rehabilitation of natural character, and the maintenance and enhancement of amenity (including legal public access to and along the coast), cultural, heritage, landscape and ecological values. More specifically, development can assist to achieve sustainable management because:
- (a) without an input of capital land management practices are unlikely to change in many locations, and subdivision is one way of generating such an input;
  - (b) improved public access to the coast (including access for tangata whenua) is more likely with small lot subdivision which allows Council to take land for esplanade reserves and strips. Council generally cannot afford to acquire such access where land is subdivided in lots of greater than 4ha and compensation is payable if reserves are taken;
  - (c) integrated and innovative subdivision design, especially on a catchment basis, can provide more environmentally sustainable results (but may not be viable in all locations);
  - (d) trade offs are required. Improved access and management of natural resources can be at the expense of more built development.

Such development still needs careful development and controls because:

- (i) the process is not risk free. Care is needed at the time of consenting to ensure that environmental benefits occur through management plans and/or conditions to require such things as pest control and re-vegetation/plant control where appropriate;
- (ii) threats to natural character can arise from too intense development including the spread and intensification of built development with the subdivision of nearby properties (including development under the management plan provisions) and/or ongoing subdivision;

- (iii) non-regulatory methods also have a role e.g. assistance with riparian planting, soil conservation advice, rates relief, negotiated public access.
- 10.1.6 Natural processes and systems in the coastal environment can be compromised by subdivision, use and development that is not sensitive to, or that does not take account of, the susceptibility of those processes and systems.
- 10.1.7 Parts of the coastal environment are subject to natural hazards such as coastal erosion. Careful management of subdivision, use and development in the coastal environment is necessary in order that the effects of natural hazards do not cause hardship and danger to people in the District and to ensure that future subdivision, use and development generally avoids the need for hazard protection works.
- 10.1.8 The nature of the natural character of the coastal environment of the District changes from place to place. The implication of this is that management measures designed to preserve the natural character need to be flexible so they can be tailored to suit particular parts of the coast.
- 10.1.9 Activities within the coastal marine area, particularly in mooring areas and at boat ramps, cause associated demands on land-based resources. These have the potential to cause adverse effects on the environment if not managed appropriately.
- 10.1.10 There is pressure for the expansion of coastal settlements, particularly in the Coastal Residential Zone. Further subdivision, use and development of these settlements can have adverse effects on the natural character of the coastal environment.
- 10.1.11 Activities having a functional need for a coastal location and access to the sea, such as wharves and boat haul-out facilities, can be important for the well being of the community. It is important that these activities are able to be established in a limited range of suitable locations, recognising that there is potential for conflict between activities with a functional need and other activities.
- 10.1.12 Subdivision use and development may lead to an increased demand for water in a part of the District where summer shortfalls are common.
- 10.1.13 The amenity, cultural, heritage, landscape and ecological values of the coastal environment can be reduced through inappropriate subdivision, use and development, including incompatible location of roads and accessways, transmission lines and other forms of infrastructure, and cumulative effects.

## **10.2 ENVIRONMENTAL OUTCOMES EXPECTED**

- 10.2.1 The natural character of the coastal environment is preserved.
- 10.2.2 The landscape and visual qualities of the coastline and the coastal environment are protected from inappropriate subdivision, use and development.
- 10.2.3 Wherever possible, development is consolidated in existing settled areas to provide medium and low density settlements along the coastline.
- 10.2.4 Public access to the coastal marine areas via low impact methods in appropriate locations is improved through increased opportunities for access and through capital expenditure.
- 10.2.5 The relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for in the coastal environment, including improved access for identified cultural and traditional purposes.
- 10.2.6 Areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes and natural features, and land compromised by past land management practices, and the open space and amenity values of the coastal environment are maintained, restored and/or enhanced.
- 10.2.7 Adequate services for the land-based activities associated with maritime facilities including mooring areas and boat ramps are provided.
- 10.2.8 Activities and development occurs in a manner that is compatible with the historic heritage and amenity values of the coastal environment.
- 10.2.9 Non residential activities that have a functional relationship with the coast are provided for in an environmentally appropriate manner.
- 10.2.10 Sufficient water storage is provided to meet the present and likely future needs of coastal communities.

### 10.3 OBJECTIVES

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- 10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.
- 10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:
- (a) the natural character of the coastline and coastal environment;
  - (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (c) outstanding landscapes and natural features;
  - (d) the open space and amenity values of the coastal environment;
  - (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).
- 10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.
- 10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.
- 10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the ***Esplanade Priority Areas*** mapped in the District Plan.
- 10.3.6 To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.
- 10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.
- 10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.
- 10.3.9 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

### 10.4 POLICIES

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- 10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:
- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and
  - (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and
  - (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and
  - (d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and
  - (e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
  - (f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and
  - (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and
  - (h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

- 10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.
- 10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.
- 10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.
- 10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer **Chapter 2**, and in particular **Section 2.5**, and Council's *"Tangata Whenua Values and Perspectives (2004)"*.
- 10.4.6 That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.
- 10.4.7 To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:
- (a) parking;
  - (b) rubbish disposal;
  - (c) waste disposal;
  - (d) dinghy racks.
- 10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.
- 10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.
- 10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.
- 10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:
- (a) the siting of buildings relative to the skyline, ridges, headlands and natural features;
  - (b) the number of buildings and intensity of development;
  - (c) the colour and reflectivity of buildings;
  - (d) the landscaping (including planting) of the site;
  - (e) the location and design of vehicle access, manoeuvring and parking areas.

## 10.5 METHODS OF IMPLEMENTATION

### DISTRICT PLAN METHODS

- 10.5.1 That land be zoned to provide for a level of development that is appropriate to the particular area and is consistent with protection of the coastal environment.
- 10.5.2 Integrated development is provided for in the rules to enable tangata whenua to utilise ancestral land.
- 10.5.3 Low Impact Design principles are preferred in order to avoid and mitigate the adverse environmental effects of runoff from increased areas of impermeable surfaces within or adjoining existing developed areas.
- 10.5.4 The provisions of Chapter 12 (Landscape and Natural Features; Indigenous Flora and Fauna; Lakes, Rivers, Wetlands and the Coastline and Natural Hazards) will achieve Policies 10.4.1(b) and 10.4.3.

- 10.5.5 Control visual obtrusiveness of new development through zone rules.
- 10.5.6 The provisions of Chapter 14 (Financial Contributions) will achieve Policies 10.4.4 and 10.4.5.
- 10.5.7 Acquire suitable locations for public access (including access for Maori to sites of importance for cultural and traditional purposes such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to the coast as opportunities arise.
- 10.5.8 Provide for existing higher density urban areas in the coastal environment through urban zones.
- 10.5.9 The provisions of **Chapter 13 - Subdivision** will help to achieve all of the policies but particularly **Policies 10.4.1, 10.4.2, 10.4.4 and 10.4.10.**

#### OTHER METHODS

- 10.5.10 Priorities will be set for capital expenditure from the Council's reserve accounts for improving access to existing esplanade reserves and unformed Crown roads and for the management and enhancement of the natural character of land administered by the Council in the coastal environment.
- 10.5.11 The Council will consult with tangata whenua to identify suitable locations for tangata whenua access to the coast and will have regard to any iwi resource management plan and regulations relating to the conservation or management of taiapure fisheries, and any customary fisheries regulations and bylaws relating to mataitai fisheries. The Council will also seek the advice of tangata whenua as to the relationships with cultural and traditional values and taonga that should be recognised and provided for. This may result in Plan Changes or in other non-regulatory methods of recognising and protecting these activities and customary values.
- 10.5.12 The Council will establish or review bylaws controlling persons or vehicles on public land within the coastal environment.
- 10.5.13 The Council will liaise with the Northland Regional Council and with the Department of Conservation in order to achieve its objectives for the coastal environment.
- 10.5.14 The Council will, as resources permit, prepare and make available educative and publicity material concerning the preservation, rehabilitation or enhancement of the natural character of the coastal environment.
- 10.5.15 The Council will liaise with the Regional Council to determine the most effective and efficient means of ensuring adverse effects from the land-based demands of marine facilities including mooring areas and boat ramps are avoided, remedied or mitigated.
- 10.5.16 In conjunction with the Northland Regional Council, explore the feasibility of setting up a register of contractors who are specially trained in good environmental practices and licensed to carry out their work in accordance with approved codes of practice. This could result in work undertaken by a licensed contractor that complies with the relevant code of practice not requiring a property-specific resource consent.
- 10.5.17 The Council will investigate the introduction of bylaws requiring on-site water storage to be provided when land is subdivided or developed within the coastal environment notwithstanding that there may be an existing reticulated water supply.
- 10.5.18 The Council will investigate the need for, and opportunities to provide, additional water storage for new and existing coastal settlements.
- 10.5.19 The Council will develop:
  - (a) an Open Space Strategy to ensure appropriate acquisition and/or development of land in a manner that contributes to the recreation strategic direction. This strategy will include consideration of issues related to coastal access and the development of premier parks to contribute to our community's sense of place; and
  - (b) a Coastal Access Strategyto be implemented as a Plan Change to the District Plan.
- 10.5.20 The Council will encourage all applicants to actively engage with Maori in the coastal environment through early dialogue when developing subdivision and land use proposals to ensure that adverse effects on the relationship of Maori with their culture, traditions and taonga are avoided, remedied or mitigated.
- 10.5.21 The Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.



**COMMENTARY**

*Much of the coastal environment is characterised by mainly rural activities. However, the coastal environment has an added dimension due to its proximity to the sea, which means that the resource management methods that apply in the rest of the rural area are not entirely appropriate.*

*The objectives, policies and methods in the coastal environment are therefore necessary in order to achieve the protection of the unique and natural character of the coastal environment, while at the same time, enabling appropriate use and development.*

*In assessing what is appropriate, the objectives, policies and methods recognise the need of people and communities to enjoy the coastal environment, but also to protect it for future generations and also for ecological reasons. Support and encouragement of rehabilitation and enhancement, where this is possible, will assist in achieving the objectives.*

*Impermeable surfaces are inevitable as development continues to occur in the Far North District. Impermeable surfaces generate stormwater run-off that can contribute to flooding, erosion and the release of contaminants into waterways. The use of Low Impact Design principles can reduce the run-off volume and velocity, and filter contaminants. People and communities need to be considerate of the benefits of development that uses Low Impact Design principles.*



## 10.8 COASTAL RESIDENTIAL ZONE

### CONTEXT

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The creation of this zone recognises the need and demand which exists for residential development on the coast. It also recognises that development can have adverse effects on the coastal environment. These effects are managed both through the areal extent of the zone and the rules which it contains.

The Coastal Residential Zone provides for the most intensive development of all the zones in the coastal environment. It is applied in areas where an urban residential style and scale of development exists now. It enables the further development of these areas in a way which retains, as far as possible, the natural character of the coastal environment.

The Coastal Residential Zone is similar to the Residential Zone but has slightly different environmental standards reflecting the character of the small coastal settlements to which it is applied.

### 10.8.1 ISSUES

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These issues supplement those set out in **Section 10.1**.

- 10.8.1.1 Small coastal settlements provide for the well-being of people and communities but can affect the natural character of the coastal environment.
- 10.8.1.2 There is pressure for the expansion of coastal settlements. Further subdivision, use and development of these settlements can have adverse effects on the natural character of the coastal environment.

### 10.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

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These outcomes supplement those set out in **Section 10.2**.

- 10.8.2.1 A Coastal Residential Zone in which urban settlements are designed and located in a way that provides for the welfare of people, and preserves the natural character of the coastal environment.
- 10.8.2.2 A Coastal Residential Zone in which subdivision, use and development is appropriately located in relation to the need to preserve the natural character of the coastal environment.

### 10.8.3 OBJECTIVES

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These objectives supplement those set out in **Section 10.3**.

- 10.8.3.1 To enable the development of residential activity in and around existing coastal settlements.
- 10.8.3.2 To protect the coastline from inappropriate subdivision, use and development.
- 10.8.3.3 To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible.

### 10.8.4 POLICIES

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These policies supplement those set out in **Section 10.4**.

- 10.8.4.1 That standards in the zone enable a range of housing types and forms of accommodation to be provided, recognising the diverse needs of the community and the coastal location of the zone.
- 10.8.4.2 Non-residential activities within the Coastal Residential Zone shall be designed, built, and located so that any effects that are more than minor on the existing character of the residential environment or the scale and intensity of residential activities, are avoided, remedied or mitigated.
- 10.8.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space and sewage disposal.
- 10.8.4.4 That the portion of a site covered in buildings and other impermeable surfaces be limited to enable open space and landscaping around buildings and avoid or mitigate the effects of stormwater runoff on receiving environments
- 10.8.4.5 That provision be made for ensuring sites have adequate access to sunlight and daylight.

- 10.8.4.6 That activities with net effects greater than a single residential unit could be expected to have, be required to minimise adverse effects on the amenity values and general peaceful enjoyment of any adjacent residential activities.
- 10.8.4.7 That provision be made to ensure a reasonable level of privacy and amenity for inhabitants of buildings.

### **COMMENTARY**

*This Plan identifies the need to provide for both additional development in existing coastal settlements, and for expansion of new residential development in coastal settlements in appropriate places.*

*The Council does not see the need, at this stage in the development of the district, to establish elaborate controls for coastal settlements. Generally speaking the objectives and policies are similar to those in the Residential Zone, but the thresholds of the standards are slightly more restrictive because of the need to preserve the natural character of the coastal environment.*

*The aim is to maintain a relatively “low key” or low impact form of development in coastal settlements because this will be most appropriate, in terms of the impact of those settlements, in the coastal environment.*

*There are roads within the District that have comparatively high level of vehicle use (over 1,000 vehicle movements per day). These require particular consideration in terms of the management of traffic effects.*

## **10.8.5 ZONE RULES**

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Activities in the Coastal Residential Zone must comply not only with the zone rules but also with the relevant rules in **Part 3 of the Plan - District Wide Provisions**. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in **Part 3**.

Particular attention is drawn to:

- (a) **Chapter 12 Natural and Physical Resources** (and the **District Plan Maps**);
- (b) **Chapter 13 Subdivision**;
- (c) **Chapter 14 Financial Contributions**;
- (d) **Section 15.1 Traffic, Parking and Access**;
- (e) **Chapter 16 Signs and Lighting**;
- (f) **Chapter 17 Designations and Utility Services** (and the **Zone Maps**).

### **10.8.5.1 PERMITTED ACTIVITIES**

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An activity is a permitted activity in the Coastal Residential Zone if:

- (a) it complies with the standards for permitted activities set out in **Rules 10.8.5.1.1 to 10.8.5.1.16** below; and
- (b) it complies with the relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

#### **10.8.5.1.1 RELOCATED BUILDINGS**

Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Plan, and further provided that where the building is a relocated building all work required to reinstate the exterior including painting and repair of joinery shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

#### **10.8.5.1.2 RESIDENTIAL INTENSITY**

Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 800m<sup>2</sup>

Unsewered sites: 3,000m<sup>2</sup>

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

#### 10.8.5.1.3 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:

2 persons per 800m<sup>2</sup> (sewered)

2 persons per 3,000m<sup>2</sup> (unsewered)

Provided that:

- (a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and
- (b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and
- (c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period to time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

**Exemptions:** The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

#### 10.8.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

#### 10.8.5.1.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**) except that:

- (a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in **Chapter 3 – Definitions**); and
- (b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

#### 10.8.5.1.6 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 50% or 1,000m<sup>2</sup>, whichever is the lesser.

#### 10.8.5.1.7 SETBACK FROM BOUNDARIES

- (a) the minimum building setback from road boundaries shall be 3m; and
- (b) the minimum setback from any boundary apart from a road boundary is 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and
- (c) not less than 50% of that part of the site between the road boundary and a parallel line 2m therefrom shall be landscaped.

Attention is also drawn to the setback from **Lakes, Rivers, Wetlands and the Coastline** provisions in **Chapter 12.7**.

**Note:** Rules in **Chapter 12.4 Natural Hazards** control the location of buildings in the Coastal Hazard Areas.

**Note:** This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in **Chapter 12.7 – Lakes Rivers Wetlands and the Coastline** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the Regional Water and Soil Plan for Northland*, as consent may be required.



#### 10.8.5.1.8 SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES

Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.

#### 10.8.5.1.9 OUTDOOR ACTIVITIES

Any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.

#### 10.8.5.1.10 TRANSPORTATION

Refer to **Chapter 15 – Transportation** for Traffic, Parking and Access rules.

#### 10.8.5.1.11 SITE INTENSITY - NON RESIDENTIAL ACTIVITIES

The maximum net site area of any site for activities other than residential units shall be 1,000m<sup>2</sup> for sewered sites, and 5,000m<sup>2</sup> for unsewered sites, except that this area may be exceeded for public reserves without buildings.

#### 10.8.5.1.12 HOURS OF OPERATION - NON-RESIDENTIAL ACTIVITIES

- (a) The maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and
- (b) Hours of operation shall be limited to between the hours:
  - 0700 - 2000 Monday to Friday
  - 0800 - 2000 Saturday, Sunday and Public Holidays

Provided that this rule does not apply:

- (i) where the entire activity is located within a building; and
- (ii) where each person engaged in the activity outside the above hours resides permanently on the site; and
- (iii) where there are no visitors, clients or deliveries to or from the site outside the above hours.

**Exemptions:** This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.

#### 10.8.5.1.13 KEEPING OF ANIMALS

No site shall be used for factory farming, a boarding or breeding kennel or a cattery.

#### 10.8.5.1.14 NOISE

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone or the Residential or Russell Township Zones, or at or within the notional boundary of any dwelling in a rural or coastal zone:

0700 to 2200 hours	55 dBA L <sub>10</sub>
2200 to 0700 hours	45 dBA L <sub>10</sub> and 70 dBA L <sub>max</sub>

##### Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

##### Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

#### 10.8.5.1.15 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

#### 10.8.5.1.16 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% or 900m<sup>2</sup>, whichever is the lesser, of the gross site area.

#### 10.8.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Coastal Residential Zone if:

- (a) it does not comply with any one of the following **Rules 10.8.5.1.2 Residential Intensity; 10.8.5.1.3 Scale of Activities; 10.8.5.1.4 Building Height; 10.8.5.1.5 Sunlight; 10.8.5.1.6 Stormwater Management; 10.8.5.1.7 Setback from Boundaries; 10.8.5.1.10 Transportation;** and **10.8.5.1.14 Noise** as set out above; but
- (b) it complies with all of the other rules for permitted activities under **Rules 10.8.5.1;** and
- (c) it complies with **Rules 10.8.5.2.1 Residential Intensity; 10.8.5.2.2 Scale of Activities; 10.8.5.2.3 Building Height; 10.8.5.2.4 Sunlight; 10.8.5.2.5 Transportation; 10.8.5.2.6 Setback from Boundaries; 10.8.5.2.7 Noise** and **10.8.5.2.8 Stormwater Management** below; and
- (d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in **Part 3 of the Plan - District Wide Provisions.**

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

##### 10.8.5.2.1 RESIDENTIAL INTENSITY

Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 600m<sup>2</sup>

Unsewered sites: 2,000m<sup>2</sup>

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted, controlled or restricted discretionary activities are complied with.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the character and appearance of building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area;
- (b) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;
- (c) the size, location and design of open space and the extent to which trees and garden plantings are utilised for mitigating adverse effects, and the effect of planting on neighbours;
- (d) the ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic;
- (e) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;
- (f) location in respect of the roading network – sites on local roads are not generally considered appropriate for activities which generate high levels of pedestrian and vehicular activity;
- (g) noise generation and the extent to which reduction measures are used;
- (h) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;
- (i) whether the development is designed in a way that avoids, remedies or mitigates any adverse effects of stormwater discharge from the site into reticulated stormwater systems and/or natural water bodies;
- (j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site;

- (k) the degree to which mitigation measures are proposed for loss of open space and vegetation;
- (l) any adverse effects on the life supporting capacity of soils;
- (m) the suitability of sites for building and access;
- (n) visual effects of site layout on the natural character of the coastal environment;
- (o) the effect on indigenous vegetation and habitats of indigenous fauna.

#### **10.8.5.2.2 SCALE OF ACTIVITIES**

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:

4 persons per 800m<sup>2</sup> (sewered)

4 persons per 3,000m<sup>2</sup> (unsewered)

Provided that:

- (a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and
- (b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and
- (c) this number may be exceeded where persons are visiting marae.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (i) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;
- (ii) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;
- (iii) the extent to which hours of operation are appropriate in terms of the surrounding environment;
- (iv) noise generation and the extent to which reduction measures are used;
- (v) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;
- (vi) where a property is adjacent to a public reserve, the potential impacts on the public use and enjoyment of that reserve.

#### **10.8.5.2.3 BUILDING HEIGHT**

The maximum height of any building shall be 9m.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

#### **10.8.5.2.4 SUNLIGHT**

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**) for a length not exceeding 25% of the relevant boundary.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the location and proximity of adjacent residential units, and the outdoor space used by those units;
- (c) the ability to mitigate any adverse effects of loss of sunlight.

#### **10.8.5.2.5 TRANSPORTATION**

Refer to **Chapter 15 – Transportation** for Traffic, Parking and Access rules.

#### 10.8.5.2.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of **Rule 10.8.5.1.7 Setback from Boundaries** the matters to which the Council will restrict its discretion are:

- (a) the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;
- (b) the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;
- (c) the extent to which the buildings restrict visibility for vehicle manoeuvring;
- (d) the ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting;
- (e) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

#### 10.8.5.2.7 NOISE

In assessing an application resulting from a breach of **Rule 10.8.5.1.14 Noise** the matters to which the Council will restrict its discretion are:

- (a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;
- (b) the hours of operation in relation to the surrounding environment;
- (c) the effectiveness of any noise mitigation measures proposed.

#### 10.8.5.2.8 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 60%, unless Low Impact Design has been used to reduce site impermeability and consent has been obtained from the Northland Regional Council for any stormwater discharge from any area of more than 1,000m<sup>2</sup>.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;
- (b) the extent to which Low Impact Design principles have been used to reduce site impermeability;
- (c) any cumulative effects on total catchment impermeability;
- (d) the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;
- (e) the physical qualities of the soil type;
- (f) any adverse effects on the life supporting capacity of soils;
- (g) the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;
- (h) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;
- (i) the extent to which landscaping and vegetation may reduce adverse effects of run-off;
- (j) any recognised standards promulgated by industry groups;
- (k) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold;
- (l) the extent to which the proposal has considered and provided for climate change.

#### 10.8.5.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Coastal Residential Zone if:

- (a) it complies with **Rules 10.8.5.1.12 Hours of Operation Non-Residential Activities** and **10.8.5.1.13 Keeping of Animals** for permitted activities above; and
- (b) it complies with **Rules 10.8.5.3.1 Building Coverage** and **10.8.5.3.2 Helicopter Landing Area** below; and
- (c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**; but

- (d) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under **Rules 10.8.5.1** and **10.8.5.2** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under **Chapter 11**.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

#### **10.8.5.3.1 BUILDING COVERAGE**

Any new building or alteration/addition to an existing building is a discretionary activity if the total Building Coverage of a site does not exceed 55% of the gross site area.

#### **10.8.5.3.2 HELICOPTER LANDING AREA**

Any helicopter landing area.



## 13 SUBDIVISION

### CONTEXT

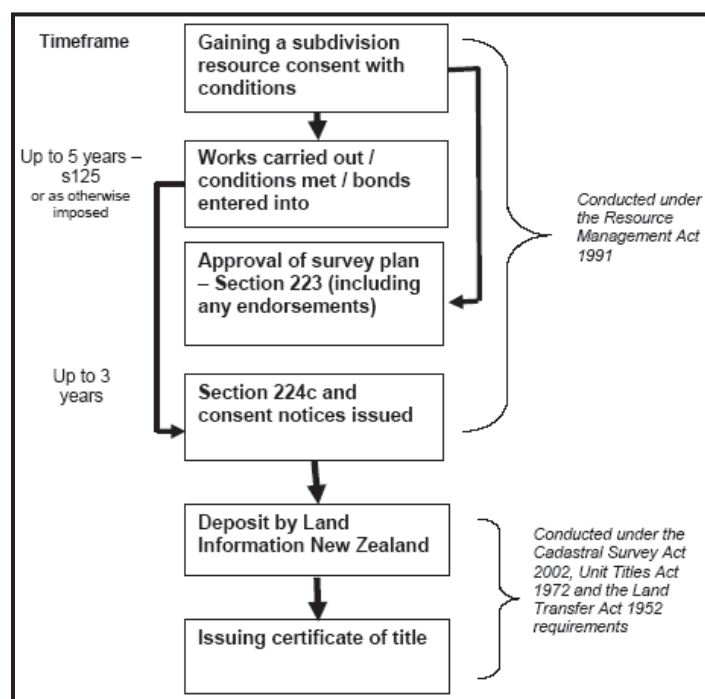
The Far North District Council is responsible for issuing two types of resource consents – land use consents and subdivision consents. In many cases both types of consents must be obtained before a development can proceed. Consents may also be needed from the Northland Regional Council. This chapter deals with subdivision.

Subdivision is essentially a process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Land subdivision creates separate and saleable certificates of title, which can define an existing interest in land (including buildings) and impose limitations on landowners or occupiers for how the land can be used or developed, through conditions and consent notices imposed under sections 108, 220 and 221 of the Resource Management Act 1991. Subdivision also provides the opportunity for Council to require land to be vested, and reserve and other financial contributions to be taken to provide necessary infrastructure.

Figure 1 below shows the subdivision process. [Ministry for the Environment Quality Planning website]

Note that Council does not have control of the whole process.

**FIGURE 1: PROCESS OF SUBDIVISION**



Land subdivision under the RMA includes:

- the creation of separate fee-simple allotments with new certificates of title (freehold);
- the lease of land or buildings or both for 35 years or longer (leasehold);
- the creation of a unit title, company lease, or cross-lease.

**Freehold subdivisions** occur where new allotments (usually referred to as lots) are created under the Land Transfer Act and ownership is held in an estate in fee simple. Fee simple means that the ownership of the land and the buildings on it is held solely by those persons listed on the certificate of title. Freehold is the most common form of subdivision. The boundaries are pegged by licensed cadastral surveyors and a 'guaranteed' title is issued.

**Leasehold subdivisions:** land or buildings or both that are leased for a period exceeding 35 years is defined in the RMA as a subdivision. A leasehold estate is most commonly defined as an estate or interest in land held for a fixed term of years. **Cross-lease subdivisions** (occasionally called composite leasehold and share titles) occur where buildings or dwellings are leased. The cross-lease plan shows the dwellings as 'flats' and is often called a 'flats-plan'. The term 'cross-lease' is used to describe the method whereby the purchaser of a dwelling / flat obtains a lease of that dwelling, generally for a term of 999 years, together with an undivided share in the underlying fee-simple estate. Cross-lease titles usually involve common-use areas (eg, shared driveways) and exclusive or restrictive covenant areas (eg, backyards). The owners agree to use certain areas for their own use without infringing on the areas of the other owners. For any changes to be made to a cross-lease site or building the leaseholder must have regard to the cross-lease documents that may require the consent of all other cross-leasing owners (eg, to erect a garage or add a new room)

**Unit title subdivisions (or strata titles)** generally occur where more than one dwelling or building is built on a single title and separate ownership is required. This includes multi-storey developments and the unit title allows for ownership to be defined in three dimensions. A unit title provides single ownership of a 'principal unit' (the dwelling) and one or more 'accessory units' (eg, garages or outdoor spaces). Each principal and each accessory unit will usually be defined spatially, so that the dwelling and any other buildings or outdoor spaces are contained in compartments of space, which are owned rather than leased. There are usually common areas that provide access for all unit title owners (eg, driveways, lifts and stairwells).

A unit title is made up of two components:

- (a) ownership in the particular unit
- (b) an undivided share in the ownership of the common property.

[quoted from Ministry for the Environment Quality Planning website]

All subdivision requires resource consent except for:

- (a) lots for utility services under the Public Works Act;
- (b) those other situations set out in Section 11 of the Act. The exemptions in s11 anticipate (among other things) the creation of separate titles for natural and historic conservation purposes.

Boundary adjustments are a controlled activity throughout the District, subject to meeting specific criteria. Section 13.7.2, which includes Table 13.7.2.1, sets out the activity status, allotment sizes and dimensions for all other subdivisions throughout the District. The matters, or topics, which the Council will consider in any application for a resource consent for subdivision, and the rules that apply to any such application are set out in section 13.7.3 of this chapter. The rules will ensure that appropriate consideration is given to the relevant elements of subdivision, and that conditions of consent are directed towards those elements.

Attention is drawn to the fact that rules in parts of the Plan other than this chapter may have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with the relevant zone rules or District-wide rules. The provisions of the relevant zone rules and District-wide rules will be relevant for land use activities, which may be associated with subdivisions and which would allow the subdivision to proceed.

**Chapter 2** of this Plan describes in general terms the role of the Maori Land Court in regulating the partition, amalgamation, aggregation and exchange of Maori land. Subdivision of ancestral land does not occur in the ordinary course of events and so there is no special provision in this Plan for it. However, the Council recognises the need to provide for the development of ancestral land and this is included in **Part 2 of the Plan - Environment Provisions**.

For the context of the management plan rule refer to **Rule 13.9.2**.

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## 13.1 ISSUES

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- 13.1.1 Because the type and scale of activities that can occur in the District are often linked to the size of a lot, the effect of subdividing land is reflected in the subsequent development of that land.
- 13.1.2 While subdivision is essentially a mechanistic process, integrated management of resources can be assisted by the imposition of appropriate controls on the way in which subdivision is carried out.
- 13.1.3 The subdivision of land can result in development that has significant effects on natural character.
- 13.1.4 Subdivision of properties containing scheduled heritage resources (as listed in **Appendices 1D, 1E, 1F and 1G**) can result in the alienation of a heritage resource from land closely associated with it and the consequent loss/degradation/diminution of its heritage values.

- 13.1.5 Subdivisions may lead to an increased demand for water in a District where there are summer shortfalls.
- 13.1.6 Subdivision may lead to an increased demand for energy in the District where there is a limited reticulated supply and a reliance on electricity generated outside the District. The adoption of energy efficiency and renewable energy initiatives and technologies will need to be considered in all new subdivisions and related development.
- 13.1.7 The subdivision of land can result in development that has an adverse effect on the sustainable functioning of infrastructure, particularly roads.
- 13.1.8 Inappropriate subdivision, use and development can cause reverse sensitivity effects on the National Grid, compromising its safe and efficient operation, development, maintenance and upgrading.

**Note:** Attention is also drawn to the provisions of **Section 12.9**. This section includes an Issue, Objective and Policy with respect to potential reverse sensitivity effects arising from subdivision, use and development adjacent to consented or existing lawfully established renewable energy projects, including associated transmission activities.

## 13.2 ENVIRONMENTAL OUTCOMES EXPECTED

- 13.2.1 A subdivision pattern that is consistent with:
- (a) existing land uses;
  - (b) the preservation of the natural character of the coastal environment and the restoration or enhancement of areas which may have been compromised by past land management practices;
  - (c) the protection, restoration and/or enhancement of outstanding natural features and landscapes;
  - (d) the protection, restoration and/or enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (e) the maintenance and enhancement of public access to and along the coast and lakes and rivers;
  - (f) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
  - (g) the type of management of natural and physical resources that is provided for in the **Environmental Provisions** (refer to **Part 2**) and elsewhere in the **District Wide Provisions** (refer to **Part 3**) of this Plan;
  - (h) the retention of heritage values of heritage resources (as listed in **Appendices 1D, 1E, 1F and 1G**) through conservation of its immediate context.
- 13.2.2 Sufficient water storage is provided to meet the present and likely future needs of the Community.
- 13.2.3 Subdivisions, land use and development which respond in a sustainable way to the site specific environmental conditions, values and enhancement opportunities, through the use of management plans.
- 13.2.4 A sufficient and secure energy supply is available to meet the present and likely future needs of the District.
- 13.2.5 13.2.5 Where the safe and efficient operation, maintenance, development and upgrading of the existing National Grid operations are protected from the reverse sensitivity effects of other activities.

## 13.3 OBJECTIVES

- 13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.
- 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

- 13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.
- 13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.
- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.
- 13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.
- 13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.
- 13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.
- 13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).
- 13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.
- 13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities

## 13.4 POLICIES

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- 13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:
  - (a) natural character, particularly of the coastal environment;
  - (b) ecological values;
  - (c) landscape values;
  - (d) amenity values;
  - (e) cultural values;
  - (f) heritage values; and
  - (g) existing land uses.
- 13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.
- 13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.
- 13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.
- 13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.
- 13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.
- 13.4.7 That the need for a financial contribution be considered only where the subdivision would:
  - (a) result in increased demands on car parking associated with non-residential activities; or
  - (b) result in increased demand for esplanade areas; or
  - (c) involve adverse effects on riparian areas; or

- (d) depend on the assimilative capacity of the environment external to the site.
- 13.4.8 That the provision of water storage be taken into account in the design of any subdivision.
- 13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.
- 13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.
- 13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.
- 13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.
- 13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:
- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
  - (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
  - (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
  - (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer **Chapter 2** and in particular **Section 2.5** and Council's "*Tangata Whenua Values and Perspectives*" (2004);
  - (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
  - (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.
  - (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.
- 13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of **Part 3** of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.
- 13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:
- (a) development of energy efficient buildings and structures;
  - (b) reduced travel distances and private car usage;
  - (c) encouragement of pedestrian and cycle use;
  - (d) access to alternative transport facilities;
  - (e) domestic or community renewable electricity generation and renewable energy use.
- 13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:
- (a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;
  - (b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and

- (c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.

**Note 1:** Structures and activities located near transmission lines must comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with this plan does not ensure compliance with NZECP34:2001.

**Note 2:** Vegetation to be planted within, or adjacent to, the National Grid Corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

## 13.5 METHODS

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### DISTRICT PLAN METHODS

- 13.5.1 Rules in **Chapter 13** of the Plan impose controls on most forms of subdivision activity.
- 13.5.2 **Chapter 13** provides an alternative to the standard rules, through the implementation of a management plan for subdivision in the Rural Production, General Coastal, Coastal Living, South Kerikeri Inlet and Waimate North Zones.
- 13.5.3 Financial contributions in respect of subdivision are set out in **Chapter 14**.
- 13.5.4 Matters of National Importance specified in s6 of the Act are addressed in various sections of the District Plan, including the following sections in particular:
- (a) preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins is provided for in **Chapter 10** and in **Section 12.7**;
  - (b) protection and enhancement of outstanding natural features and landscapes is provided for in **Section 12.1** and by the restriction on subdivision in the Recreational Activities and Conservation Zones;
  - (c) the protection of significant indigenous vegetation and significant habitats of indigenous fauna is addressed in **Section 12.2**;
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is provided for in **Chapter 10**, **Section 12.7** and **Chapter 14**;
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga are provided for throughout the District Plan but attention is drawn in particular to **Chapter 2**; and
  - (f) the protection of historic heritage is addressed in **Chapter 12.5**.
- The objectives and policies relating to each of the above (where relevant) and those of the applicable zone will be taken into account in assessing applications for subdivision, including applications made under **Rule 13.9.2**.
- 13.5.5 Structure Plans are included as an alternative means of providing for subdivision on a comprehensive basis (**Section 13.12**).
- 13.5.6 Where a subdivision (which includes a boundary adjustment) is proposed on land where a hazardous activity of industry has been, or is more likely than not to have been, or is currently operating, then the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply.
- 13.5.7 Where an application is made for an activity, breaching **Rule 13.8.1** Transpower New Zealand Limited shall be considered an affected party, due to the national significance of the National Grid.

### OTHER METHODS

- 13.5.8 Non-regulatory methods, including brochures and informal contact with applicants will help to promote subdivision activities that are sensitive to the physical environment. In this respect, the Council encourages early consultation with parties who may be affected by a subdivision proposal such as neighbouring landowners, Heritage New Zealand Pouhere Taonga and tangata whenua.
- 13.5.9 The Council encourages applicants to take into account any provisions of any relevant planning documents prepared for the area and recognised by iwi authorities, pursuant to Sections 6(e), 6(g), 7(a) and 7(aa) of the Resource Management Act 1991

### COMMENTARY

*Subdivision of land can have adverse effects on the environment if the design of the subdivision is such that subsequent use and development on the subdivided land is environmentally inappropriate. While it is the*



*use of land, and not the subdivision pattern itself, that has the effects, the subdivision pattern enables the use. Consequently, the control of subdivision is justified because it enables the Council to minimise the risk of activities being established on lots that are too small, too steep, hazard prone, incapable of being serviced, and so on.*

*To this extent the control of subdivision is complementary to the control of land use activities.*

*The Council's approach has therefore been to ensure that the conditions of consent for subdivisions enable appropriate subsequent use and development, and the objectives and policies in this chapter reflect this approach.*

*The Council also recognises the desirability of responding positively to innovative subdivision proposals that, although they may not comply with the rules, offer a good resource management outcome for the development of a property. This chapter provides for such innovation.*

*Applicants can choose whether to apply first for a land use or a subdivision consent, or apply for both together.*

## 13.6 GENERAL RULES

The following rules shall apply, unless specifically stated otherwise, to all applications for subdivision of land.

When preparing subdivision applications, applicants should be mindful of the relevant zoning (refer to **Part 2 - Environment Provisions**), as well as to the provisions elsewhere in **Part 3 - District Wide Provisions**, particularly:

- (a) **Chapter 12 Natural and Physical Resources;**
- (b) **Chapter 14 Financial Contributions;**
- (c) **Chapter 15 Transportation;**
- (d) **Chapter 18 Special Areas.**

### 13.6.1 DEFINITION OF SUBDIVISION OF LAND

The definition of the subdivision of land is set out in s218 of the Act, and this definition is included in a Glossary of Definitions from the Act.

### 13.6.2 RELEVANT SECTIONS OF ACT

All applications are subject to the requirements set out in the Act, with particular reference to s106, s219, s220, and s230 - s237G. S104 and s105 are also relevant, in respect of the assessment of applications, as is the Government Rounding Powers Act 1989

### 13.6.3 RELEVANT SECTIONS OF THE DISTRICT PLAN

All applications will be assessed against the objectives and policies of the applicable zone(s) and those contained in **Chapters 12, 14, 15** and **18** where relevant.

### 13.6.4 OTHER LEGISLATION

All applications shall comply with the relevant requirements contained in other Acts and codes, with particular reference to the Building Act 2004, the Local Government Act 2002, the Local Government Act 1974, the Resource Management (National Environmental Standard for Air Quality) Regulations 2004, the Resource Management (National Environmental Standard for sources of Human Drinking water) Regulations 2007, the Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2008, the Resource Management (National Environmental Standard for Electricity Transmission) Regulations 2010, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and any relevant Regional Plan for Northland.

### 13.6.5 LEGAL ROAD FRONTAGE

All new allotments shall be provided with frontage to a legal road, or to a road to be vested on the application, except where access by a private road or right of way is included, and approved, within the subdivision consent application or where prior consent pursuant to s348 of the Local Government Act 1974 has been obtained

### 13.6.6 BONDS

The Council may require bonds as a condition of a subdivision consent. The bond is repaid on the completion of some specified work or action. The purpose of a bond is to provide an incentive to resource consent holders to give effect to the conditions of consent. A bond also gives the Council the ability to arrange for the work or action required to be carried out even if the resource consent holder does not.

#### **13.6.7 CONSENT NOTICES**

Where there is any on-going condition of a subdivision consent, a consent notice pursuant to s221 of the Act shall be registered against the Certificate of Title to the allotment to which the condition applies. Examples of the matters that may be included in a consent notice could be any encumbrances on the Title and any provision for the protection of transmission lines.

#### **13.6.8 SUBDIVISION CONSENT BEFORE WORK COMMENCES**

Except where prior consent has been obtained to excavate or fill land pursuant to rules under **Section 12.3**, or consent to vegetation clearance has been obtained pursuant to rules under **Sections 12.1 or 12.2**, and/or relevant consents have been obtained from the Regional Council, no work, other than investigatory work, involving the disturbance of the land or clearance of vegetation shall be undertaken until a subdivision consent has been obtained.

When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent. Alternatively, an applicant may apply to add a land use consent application to the subdivision consent application, for any excavation/filling work and/or vegetation clearance. This does not exempt a consent holder from also obtaining any relevant resource consent or approvals from the Regional Council or the Heritage New Zealand Pouhere Taonga for earthworks, vegetation clearance or disturbance of an archaeological site.

#### **13.6.9 ASSESSING RESOURCE CONSENTS**

Where the rules specify that the Council shall consider certain matters in regard to granting consent or imposing conditions, in the case of controlled subdivision activities, the application will only be assessed in terms of possible conditions, and would only be declined pursuant to s106 of the Act (natural hazards and access).

#### **13.6.10 JOINT APPLICATIONS**

Any application arising from non-compliance with zone standards caused by the proposed subdivision shall be considered jointly with the subdivision consent.

#### **13.6.11 JOINT HEARINGS**

Where a subdivision activity also requires a resource consent from Northland Regional Council and both the Regional and District Council consents are subject to public notification, the Council will promote that the applications be heard jointly.

#### **13.6.12 SUITABILITY FOR PROPOSED LAND USE**

Where s106 of the Act applies to any part of the land to be subdivided, or any part of the land contains contamination, it is the applicant's responsibility to provide all information relative to the potential hazard and to show the means whereby the land shall be made suitable for the proposed land use. The Council shall have regard to any appropriate proposals before issuing the subdivision consent, or declining approval pursuant to s106 (relating to natural and other hazards such as subsidence, erosion and flooding, legal and physical access).

### **13.7 CONTROLLED (SUBDIVISION) ACTIVITIES**

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Subdivision is a controlled activity where it complies with the following standards and the standards set out in rules under **13.7.1**, **13.7.2** and **13.7.3**.

Under s106(1) the Council may refuse to grant a subdivision consent if it considers that either:

- (a) any land in respect of which a consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (b) any subsequent use that is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

### 13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

#### Boundary Adjustments Performance Standards

Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

- (a) there is no change in the number and location of any access to the lots involved; and
- (b) there is no increase in the number of certificates of title; and
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer **Table 13.7.2.1**); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in **Rules 13.7.2 to 13.7.10**.

## 13.7.2 ALLOTMENT SIZES, DIMENSIONS AND OTHER STANDARDS

### 13.7.2.1 MINIMUM AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

Every allotment to be created by a subdivision shall comply either with the conditions of a resource consent or with the minimum standards specified as follows in Table 13.7.2.1, and shall comply with all other relevant zone rules, except as provided for in **Rules 13.7.2.4, 13.7.2.5, 13.7.2.6 and 13.7.2.7** below.

**TABLE 13.7.2.1: MINIMUM LOT SIZES**

#### (i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 20ha.</p> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41</b> and <b>HP1</b>), is a discretionary subdivision activity.</p> <p><b>Note 3:</b> Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.</p>	<ol style="list-style-type: none"> <li>1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone;</li> <li>2. The minimum lot size is 12ha; or</li> <li>3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</li> <li>4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;</li> <li>5. Rules under clauses 3 and 4 provide two alternative options for the creation of a specified number of small lots from sites existing at 28 April 2000. Where an application under one of these clauses takes up only part of the total allowance, a subsequent application to take up the remainder of that particular allowance may be considered by Council, notwithstanding that the subsequent application involves a lot which no longer meets the existing at 28 April 2000 criterion.</li> </ol> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41</b> and <b>HP1</b>), is a discretionary subdivision activity.</p>	<ol style="list-style-type: none"> <li>1. The minimum lot size is 4ha; or</li> <li>2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</li> <li>3. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.</li> <li>4. Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41</b> and <b>HP1</b>), is a discretionary subdivision activity.</li> </ol> <p><b>Note 1:</b> There is no restriction on the number of 4ha lots in a subdivision (clause 1).</p> <p><b>Note 2:</b> The effect of the rule under clause 2 is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a non-complying activity unless the lots are part of a Management Plan application.</p>

#### (ii) MINERALS ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
Subdivision is not a controlled activity in this zone		Subdivision is a discretionary activity in this zone

## (iii) WAIMATE NORTH ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000.</p> <p><b>Note:</b> The effect of the above rule is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a non-complying activity unless the lots are part of a Management Plan application.</p>		<p>1. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>2. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.</p> <p><b>Note:</b> Any further subdivision under this alternative (Clause 1) is a Non-complying Activity.</p>

## (iv) RURAL LIVING ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 4,000m<sup>2</sup></p> <p><b>Note 1:</b> There is no restriction on the number of 4,000m<sup>2</sup> lots in a subdivision.</p> <p><b>Note 2:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p>		<p>The minimum lot size is 3,000m<sup>2</sup></p> <p><b>Note:</b> There is no restriction on the number of 3,000m<sup>2</sup> lots in a subdivision.</p>

## (v) RESIDENTIAL ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot sizes are 3,000m<sup>2</sup> (unsewered) and 600m<sup>2</sup> (sewered).</p>		<p>The minimum lot sizes are 2,000m<sup>2</sup> (unsewered) and 300m<sup>2</sup> (sewered).</p>

**(vi) COMMERCIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 250m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewerage lots, provided that servicing of the lot (including car parking, loading etc), can be achieved.

**(vii) INDUSTRIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 500m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewerage sites, provided that servicing of the site (including car parking, loading etc), can be achieved.

**(viii) GENERAL COASTAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Subdivision is not a controlled activity in this zone.	The minimum lot size is 20ha. <b>Note 1:</b> There is no restriction on the number of 20ha lots in a subdivision. <b>Note 2:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b> ).	A subdivision in terms of via a management plan as per <b>Rule 13.9.2</b> may be approved.

**(ix) COASTAL LIVING ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot size is 4ha (with provision for stormwater and wastewater disposal as a necessary part of the application). <b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b> ). <b>Note 2:</b> Subdivision within 100m of the boundary of a Mineral Zone is a restricted discretionary activity.	1. The minimum lot size is 8,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application). 2. Subdivision that complies with the Controlled Activity Standard, but is within 100m of the boundary of the Minerals Zone.	1. The minimum lot size is 5,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application); or 2. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.



**(x) COASTAL RESIDENTIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 800m <sup>2</sup> (sewered).		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) and 600m <sup>2</sup> (sewered).

**(xi) RUSSELL TOWNSHIP ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered); and 1,000m <sup>2</sup> (sewered).		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) and 800m <sup>2</sup> (sewered).

**(xii) SOUTH KERIKERI INLET ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Subdivision is not a controlled activity in this zone.	The minimum lot size is 4 ha in non-sensitive areas (see Map 84).	Subdivision via a management plan only as per Rule 13.9.2 may be approved.

**(xiii) RECREATIONAL ACTIVITIES ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

**(xiv) POINT VERONICA ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
As in accordance with the approved development plan (refer <b>Appendix 6D</b> )		Any subdivision not provided for by way of a controlled activity shall be non-complying.

**(xv) CARRINGTON ESTATE ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Unit title subdivision of the accommodation units and lodge/golf club complex within the Carrington Estate Zone, as identified in the Carrington Estate Development Plan and Schedule ( <b>Appendix 6E</b> in <b>Part 4</b> of the Plan), and as further detailed in Maps Sub 1-9 submitted within the consent applications, and in accordance with the conditions of <b>RC 1990480/A</b> .		Any subdivision not provided for by way of a controlled activity shall be non-complying.

**(xvi) HORTICULTURAL PROCESSING ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Minimum lot size of 4,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ).		Minimum lot size of 2,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ); or for any other activity.

**(xvii) CONSERVATION ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

**(xviii) ORONGO BAY SPECIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 1,000m <sup>2</sup> (sewered) provided the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) provided that the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.

**(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES, AS SHOWN ON THE RESOURCE MAPS - REFER ALSO TO RULE 13.7.2.5**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
<p>The minimum lot size is 20ha except in the General Coastal Zone.</p> <p><b>Note:</b> This standard applies to any part of a lot that is included in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in Appendices 1A and 1B and as shown on the Resource Maps.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (Appendix 1A) or Outstanding Landscape Feature (Appendix 1B) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the Pouerua Heritage Precinct).</p>	The minimum lot size is 20ha in the General Coastal Zone.	<p>1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per <b>Rule 13.9.2</b>;</p> <p>2. For all other zones, the minimum lot size for a discretionary activity in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in <b>Appendices 1A and 1B</b> and as shown on the Resource Maps is the same as the discretionary standard that applies to the zone in which the site is located.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (<b>Appendix 1A</b>) or Outstanding Landscape Feature (<b>Appendix 1B</b>) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the <b>Pouerua Heritage</b></p>

		Precinct).
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**(xx) GOLF LIVING SUB-ZONE OF KAURI CLIFFS ZONE**

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
	<p>Subdivision of up to 60 new lots for residential (golf living) purposes, provided that:</p> <p>(a) no lot is less than 4,000m<sup>2</sup> in area;</p> <p>(b) the subdivision is otherwise undertaken in accordance with <b>Rules 13.7 to 13.11 (Chapter 13 Subdivision)</b>, but excluding <b>Rule 13.7.2.1</b>.</p> <p>(c) on-site treatment and disposal of wastewater is provided for; and</p> <p>(d) the building footprints are specified on an approved plan of subdivision.</p> <p>The provisions of <b>Rule 13.10</b> shall apply when assessing any proposed subdivision within the Golf living sub-zone.</p> <p>Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:</p> <p>(i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;</p> <p>(ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;</p> <p>(iii) the effect on adjoining activities.</p>	Subdivision that does not comply with the Restricted Discretionary Activity Standard.

Provided that any existing development on any new lot in the subdivision must comply with all of the relevant zone rules and the rules in **Part 3 of the Plan - District Wide Provisions** for permitted or controlled activities.

**13.7.2.2 ALLOTMENT DIMENSIONS**

Any allotment created in terms of these rules must be able to accommodate a square building envelope of the minimum dimensions specified below; which does not encroach into the permitted activity boundary setbacks for the relevant zones:

Zone	Minimum Dimension
Residential, Coastal Residential, Russell Township	14m x 14m
Rural Production, Minerals, General Coastal, Coastal Living, South Kerikeri Inlet, Rural Living, Waimate North, Point Veronica and Carrington Estate	30m x 30m

Any allotment created in terms of these rules shall comprise one contiguous parcel of land, except that in the case of land subdivided under the Unit Titles Act 2010, the principal unit and any accessory units shall be deemed to be a contiguous area if they are contained within the same site.

**13.7.2.3 AMALGAMATION OF LAND IN A RURAL ZONE WITH LAND IN AN URBAN OR COASTAL ZONE**

Notwithstanding the provisions of **Rule 13.7.2.1** and **Table 13.7.2.1**, an allotment in a rural zone may be amalgamated into one certificate of title with an adjoining (contiguous) allotment in any urban or coastal zone, but only where that part of the title in the urban or coastal zone meets all the requirements for a separate controlled activity allotment in that zone, as set out in **Table 13.7.2.1** and **Rule 13.7.2.2**, except that in the General Coastal Zone such subdivision will be assessed as a restricted-discretionary activity.

**13.7.2.4 LOTS DIVIDED BY ZONE BOUNDARIES**

Where an allotment is shown on the **Zone Maps** as having two or more zones applicable, a subdivision along a zone boundary shall be a controlled (subdivision) activity, provided that the resulting lot complies with the minimum controlled activity lot size applicable in that zone except in the General Coastal Zone where subdivision will be assessed as a restricted-discretionary activity and provided that any subdivision of a lot divided by a boundary between the Minerals Zone and any other zone is a restricted discretionary activity (refer to **Rule 13.7.2.1** and **Table 13.7.2.1**).

**13.7.2.5 SITES DIVIDED BY AN OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURE OR OUTSTANDING NATURAL FEATURE**

The subdivision rules relating to the size of allotments in areas covered by an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as shown on the Resource Maps, take precedence over the comparable rules for zones.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, for those parts of the site not covered by the landscape or feature, rules relating to allotment size for the particular zone apply as if the legal boundary of the site was located along the boundary of the landscape or feature.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, minimum lot sizes for that part of the site within the landscape or feature is specified within **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, and the area within the landscape or feature is smaller than the lot sizes provided for in **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**, the whole of the site must be taken as Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature and **Rule 13.7.2.1(xix)** applies over the entire site.

**13.7.2.6 ACCESS, UTILITIES, ROADS, RESERVES**

Notwithstanding the standards for minimum net area, there shall be no minimum allotment areas in any zone for allotments created for access, utilities, roads and reserves. Within areas covered by a structure plan, appropriate provision shall be made for access, utilities, roads and reserves in terms of those structure plans.

A consent notice may be registered on the Certificate of Title, pursuant to **Rule 13.6.7**, in respect of any lot occupied by a utility, requiring enforcement of a condition that, in the event of the utility being removed, the lot be amalgamated with an adjoining allotment unless it is a fully complying allotment for the respective zone.

**13.7.2.7 SAVINGS AS TO PREVIOUS APPROVALS**

Notwithstanding the standards for minimum net area in **Rule 13.7.2.1** and **Table 13.7.2.1**, there are no minimum allotment areas in any zone for unit titles where a proposed unit development plan has been granted subdivision consent. This rule applies only to allotments approved by Council prior to 28 April 2000. All relevant rules applicable within the zone must be complied with by the building/s erected, or to be erected, on allotments in terms of this rule.

**13.7.2.8 PROXIMITY TO TOP ENERGY TRANSMISSION LINES**

Where an electricity transmission line (of 110 kV or more) crosses land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to those lines. No activity (including earthworks) or proposed building sites shall be located within 20m of any support structure and no building platform shall be located within a corridor measured 20m from the centre line of the transmission lines.

**13.7.2.9 PROXIMITY TO THE NATIONAL GRID**

Where an electricity transmission line identified on the zone maps as part of the National Grid crosses or adjoins land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to that infrastructure.

**Note:** Attention is also drawn to the provisions of Part 3 of the Plan – District Wide Provisions, which reference the rules relating to development occurring within the National Grid Yard.

**13.7.3 CONTROLLED (SUBDIVISION) ACTIVITIES: OTHER MATTERS TO BE TAKEN INTO ACCOUNT**

Any application for a controlled (subdivision) activity resource consent must also make provision (where relevant) for the matters listed under **Rules 13.7.3.1 to 13.7.3.12** (inclusive), and the Council shall take account of these matters in reaching a decision on the application.

**13.7.3.1 PROPERTY ACCESS** (see **Chapter 15 Transportation**)

A controlled (subdivision) activity application must comply with rules for property access in **Chapter 15**, namely **Rules 15.1.6C.1.1 - 15.1.6C.1.11** (inclusive).

**13.7.3.2 NATURAL AND OTHER HAZARDS**

Any proposed subdivision shall avoid, remedy or mitigate any adverse effects of natural hazards.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.2** the Council will restrict the exercise of its control to the following matters and shall have regard to section 106 of the Resource Management Act 1991:

- (a) the degree to which the proposed subdivision avoids, remedies or mitigates the potential adverse effects of:
  - (i) erosion;
  - (ii) overland flow paths, flooding and inundation;
  - (iii) landslip;
  - (iv) rockfall;
  - (v) alluvion (deposition of alluvium);
  - (vi) avulsion (erosion by streams or rivers);
  - (vii) unconsolidated fill;
  - (viii) soil contamination;
  - (ix) subsidence;
  - (x) fire hazard;
  - (xi) sea level rise

Provided that where **Coastal Hazard Maps** show land as being within a Coastal Hazard 1 Area, any subdivision that will create additional allotments (other than to facilitate the subdivision of land for the purposes of transfer to the Council) shall be a non-complying subdivision activity.

**13.7.3.3 WATER SUPPLY**

All new allotments shall be provided with the ability to connect to a safe potable water supply with an adequate capacity for the respective potential land uses, except where the allotment is for a utility, road, reserve or access purposes, by means of one of the following:

- (a) a lawfully established reticulated water supply system; or
- (b) where no reticulated water supply is available, the ability to provide an individual water supply on the respective allotment.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.3** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;
- (ii) adequacy of water supplies, and access for fire fighting purposes;
- (iii) the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.



#### 13.7.3.4 STORMWATER DISPOSAL

- (a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).
- (b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.
- (c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.
- (d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.
- (d) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "*Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual*" Auckland Regional Council (2003).

In considering a controlled (subdivision) activity application under **Rule 13.7.3.4** the Council will restrict the exercise of its control to the following matters:

- (i) control of water-borne contaminants, litter and sediments;
- (ii) the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);
- (iii) the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles;
- (iv) the location, scale and construction of stormwater infrastructure;
- (v) measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area.

#### 13.7.3.5 SANITARY SEWAGE DISPOSAL

- (a) Where an allotment is situated within a duly gazetted district or drainage area of a lawfully established reticulated sewerage scheme, or within an area to be serviced by a private reticulated sewerage scheme for which Northland Regional Council has issued a consent, each new allotment shall be provided with a piped outfall connected to that scheme and shall be laid at least 600mm into the net area of the allotment.
- (b) Where connection is not available, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewage within the net area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose or activity for which sewerage is not necessary (such as a transformer).

**Note:** Allotments include additional vacant sites on cross lease or unit titles.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.5** the Council will restrict the exercise of its control to the following matters:

- (i) the method and adequacy of sewage disposal where a Council owned reticulated system is not available;
- (ii) the capacity of, and impacts on, the existing reticulated sewage disposal system;
- (iii) the location, capacity and environmental effects of the proposed sanitary sewerage system.

#### 13.7.3.6 ENERGY SUPPLY

All urban allotments (Residential, Commercial, Industrial Zones) including the Coastal Residential, Russell Township, and Rural Living Zones, shall be provided with the ability to connect to an electrical utility system and applications for subdivision consent should indicate how this could be done.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.6** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy and standard of any electrical utility system.

#### **13.7.3.7 TELECOMMUNICATIONS**

All urban allotments (Residential, Commercial, Industrial Zones) including the Coastal Residential, Russell Township, and Rural Living Zones, shall be provided with the ability to connect to a telecommunications system at the boundary of the site.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.7** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy and standard of telecommunication installations.

#### **13.7.3.8 EASEMENTS FOR ANY PURPOSE**

Easements shall be provided where necessary for public works and utility services.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.8** the Council will restrict the exercise of its control to the following matters:

- (a) Easements in gross where a service or access is required by the Council.
- (b) Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title.
- (c) Service easements, whether in gross or private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned and unlikely to require upgrading.
- (d) The need for easements for any of the following purposes:
  - (i) private ways, whether mutual or not;
  - (ii) stormwater, sanitary sewer, water supply, electric power, gas reticulation;
  - (iii) telecommunications;
  - (iv) party walls and floors/ceilings;
  - (v) other utilities.

#### **13.7.3.9 PRESERVATION OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES**

Where any proposed allotment contains one or more of the following:

- (a) a Notable Tree as listed in **Appendix 1D**;
- (b) an Historic Site, Building or Object as listed in **Appendix 1E**;
- (c) a Site of Cultural Significance to Maori as listed in **Appendix 1F**;
- (d) an Outstanding Natural Feature as listed in **Appendix 1A**;
- (e) an Outstanding Landscape Feature as listed in **Appendix 1B**;
- (f) an archaeological site as listed in **Appendix 1G**;
- (g) an area of significant indigenous vegetation or significant habitats of indigenous fauna, as defined in **Method 12.2.5.6**.

The continued preservation of that resource, area or feature shall be an ongoing condition for approval to the subdivision consent.

**Note:** There are many ways in which preservation/protection can be achieved, and the appropriate means will vary according to the circumstance. In some cases physical means (e.g. fencing) may be appropriate. In other cases, a legal means will be preferred instead of (or as well as) physical means.

Council encourages permanent protection by:

- (i) a reserve or covenant under the Reserves Act;
- (ii) a Maori reservation under s338 and s340 of Te Ture Whenua Maori (Maori Land) Act;
- (iii) a conservation covenant with the Department of Conservation or the Council;
- (iv) an open space covenant with the Queen Elizabeth II National Trust;
- (v) a heritage covenant with the Heritage New Zealand Pouhere Taonga.

The Act also provides for a consent notice under s221 in accordance with **Rule 13.6.7**.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.9** the Council will restrict the exercise of its control to the preservation of significant indigenous vegetation and fauna habitats, heritage resources and landscape.

Where an application is made under this provision, the following shall be included as affected parties in terms of s93 and s94 of the Act:

- for an Historic Site, Building or Object, or archaeological site, the Heritage New Zealand Pouhere Taonga and the Department of Conservation;
- for a Site of Cultural Significance to Maori, the tangata whenua for whom the site has significance;
- for an area of significant indigenous vegetation or significant habitat of indigenous fauna, the Department of Conservation.

#### **13.7.3.10 ACCESS TO RESERVES AND WATERWAYS**

Where appropriate and relevant, public access shall be provided in proposed subdivisions, to public reserves, waterways and esplanade reserves.

The Council may decide, on application, that public access to reserves or public areas may be provided in lieu of, or partially in lieu of, any reserves or financial contribution that is required in respect of the subdivision.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.10** the Council will restrict the exercise of its control to the provision of easements or registration of an instrument for the purpose of public access and the provision of public works and utility services.

#### **13.7.3.11 LAND USE COMPATIBILITY**

Subdivision shall avoid, remedy or mitigate any adverse effects of incompatible land uses (reverse sensitivity). In considering a controlled subdivision activity under **Rule 13.7.3.11** the Council will restrict the exercise of its control to the following matters:

- (i) the degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

#### **13.7.3.12 PROXIMITY TO AIRPORTS**

Where applications for subdivision consent relate to land that is situated within 500m of the nearest boundary of land that is used for an airport, the airport operator will be considered by the Council to be an affected party. The written approval of the airport operator to the proposed subdivision must be obtained by the applicant. Where this approval cannot be obtained, the Council will consider the application as a discretionary activity application.

### **13.7.4 SUBDIVISION WITHIN THE NATIONAL GRID CORRIDOR FOR ALL ZONES**

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Subdivision is a controlled activity where:

- (a) The site is within the National Grid Corridor, and every allotment is capable of containing within its net site area a building envelope located entirely outside of the National Grid Yard.

In considering whether or not to grant consent or impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) Whether the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001);
- (ii) Whether the design and construction of any subdivision provides for continued physical access to the National Grid line to provide for inspections, maintenance and upgrading of the transmission network;
- (iii) The extent to which the subdivision design and consequential development (e.g. future building envelope location, outlook of buildings, access location) will avoid, remedy or mitigate the potential reverse sensitivity on the National Grid, while also addressing nuisance effects (e.g. visual amenity) created by the National Grid;
- (iv) The extent to which the design and construction of the subdivision allows for activities to be setback from high voltage transmission lines to ensure adverse effects on and from the National Grid

transmission network and on public safety and property are appropriately avoided, remedied or mitigated e.g. through the location of roads, reserves and building envelopes;

- (v) The nature and location of any proposed vegetation to be planted in the vicinity of any National Grid transmission lines;
- (vi) Provision for the ongoing operation; maintenance and any planned development and upgrade of the existing National Grid;
- (vii) The outcome of any consultation with Transpower in relation to (i)-(v) above;
- (viii) The matters listed in 13.7.3.

Where an application is required because of non-compliance with this rule, Transpower New Zealand Limited shall be considered an affected party in accordance with the Act.

**Note:** If a subdivision activity does not comply with the above rule it becomes a non complying activity in accordance with **Rule 13.11(e)**.

## 13.8 RESTRICTED DISCRETIONARY ACTIVITIES

### 13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

Subdivision is a restricted discretionary activity where:

- (a) the minimum lot size is 12ha; or alternatively
- (b) a maximum of 3 lots in any subdivision, provided that the minimum size of any lot is 4,000m<sup>2</sup> and there is at least one lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or alternatively
- (c) a maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of lots is 2ha, and where the subdivision is created from a lot that existed at or prior to 28 April 2000.

In considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under **13.8.1(a)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under **13.8.1(b)** or **(c)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
  - effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
  - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
  - the mitigation of fire hazards for health and safety of residents.

In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in **13.7.3**;
- (2) the matters listed in **(i)** and **(ii)** above.

For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of harbours is to be established by multiplying the width of the river mouth by five.

### 13.8.2 SUBDIVISION WITHIN 100M OF MINERALS ZONE

Subdivision is a restricted discretionary activity in the Rural Production and Coastal Living Zones where any part of any proposed lot is within 100m of the boundary of a Minerals Zone.

In considering whether or not to grant consent or impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to consideration of the following matters:

- (i) the location of the building site(s) for residential buildings having regard to topography, geology, distance from the boundary of the Minerals Zone, distance from the existing and proposed quarry faces;

- (ii) the likelihood and effects of vibration, dust, noise and flyrock on the identified building site/s;
- (iii) any cumulative adverse effects resulting from the approval of the subdivision;
- (iv) access to the subdivision in relation to the adjoining Minerals Zone;
- (v) the matters listed in **13.7.3**.

### **13.8.3 SUBDIVISION IN THE GOLF LIVING SUB-ZONE (KAURI CLIFFS ZONE)**

Subdivision of up to 60 new lots for residential (golf living) purposes is a restricted discretionary activity in the Golf living sub-zone of the Kauri Cliffs Zone, provided that:

- (a) no lot is less than 4,000m<sup>2</sup> in area;
- (b) the subdivision is otherwise undertaken in accordance with **Rules 13.7 to 13.11 (Chapter 13 Subdivision)**, but excluding **Rule 13.7.2.1**;
- (c) on-site treatment and disposal of wastewater is provided for; and
- (d) the building footprints are specified on an approved plan of subdivision.

The provisions of **Rule 13.10** shall apply when assessing any proposed subdivision within the Golf living sub-zone.

Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:

- (i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;
- (ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;
- (iii) the effect on adjoining activities.

### **13.8.4 SUBDIVISION IN THE GENERAL COASTAL ZONE**

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the General Coastal Zone to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the matters listed in **13.7.3**;
- (g) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (h) whether the effects of earthworks and the provision of services to the subdivision will have an adverse visual effect on the environment and whether these effects can be avoided, remedied or mitigated;
- (i) the maintenance and enhancement of public access to and along the coastal marine area and other water bodies. Refer also to rules in **Chapters 12.7 and 14**.

### **13.8.5 SUBDIVISION IN THE COASTAL LIVING AND SOUTH KERIKERI INLET ZONES**

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the Coastal Living and South Kerikeri Inlet Zones to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the mitigation of fire hazards for health and safety of residents;
- (g) the matters listed in **13.7.3**;



- (h) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (i) whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

Applications for restricted discretionary activities within the South Kerikeri Inlet Zone will be treated as limited notification applications requiring notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

## 13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES

Subdivision is a discretionary activity where:

- (a) it does not comply with one or more of the standards for controlled or restricted-discretionary (subdivision) activities set out in rules under **13.7** and **13.8**, but
- (b) it complies with the rules under **13.9.1**, **13.9.2** or **13.9.3**;
- (c) it is located in the Puerua Heritage Precinct.

Applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity, it will be a non-complying (subdivision) activity.

### 13.9.1 MINIMUM NET AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

Refer to **Table 13.7.2.1** under **Rule 13.7.2.1** column headed "Discretionary Activity Status".

### 13.9.2 MANAGEMENT PLANS

#### CONTEXT

The purpose of management plan subdivision or development is to facilitate the sustainable management of natural and physical resources in an integrated way.

The management plan rule provides a once-off opportunity for integrated subdivision or development which results in superior outcomes to more traditional forms of subdivision, use or development.

Management plans allow subdivision and development where the location, form and scale of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values.

Management plans provide flexibility to create innovative and site specific proposals.

#### 13.9.2.1 CONTENTS OF APPLICATION

An application for a management plan subdivision or development must, to the extent that it is relevant to the site and the proposal, provide within the application, including assessment of environmental effects and accompanying specialist reports, information on the following:

##### (a) Description of the Proposal

- (i) a cadastral plan that shows the parent site(s) in which the management plan is located; the specified portion of the site(s) subject to the management plan; and any balance area, including for the purpose of complying with **Rule 13.9.2.2(c)**;
- (ii) the size and location of the proposed lots on the property and the provision made for roads, accessways, public utilities, proposed reserves (including esplanade reserves, esplanade strips, and access strips), covenanted areas or other encumbrances or restrictions, and information on infrastructure proposed to vest in Council (including road, utilities, and reserves);
- (iii) details of the building envelopes within which all built elements are to be located;
- (iv) details of requirements for earthworks including the management of run-off during construction;
- (v) requirements for vegetation clearance;
- (vi) stormwater and effluent disposal systems;

- (vii) proposals for staging of development including, where a subdivision is to be staged, arrangements for vesting any reserves, access facilities (vehicle and pedestrian) or public utilities required by the resource consent and located in subsequent stages;
- (viii) details of the consultation that has been undertaken and the result(s) of this;
- (ix) how sustainable management is to be achieved including the management objectives, details of what is to happen and where, and how this is to be monitored and reviewed.

**(b) Existing Site Characteristics**

- (i) a description of the shape and location of the property in relation to its wider geographic context and local setting;
- (ii) topography and geography of the property;
- (iii) geotechnical aspects of the property;
- (iv) stormwater channels/overland flow paths and presence of natural hazards (such as flood prone land or land liable to erosion or any fire hazard);
- (v) the property history including past uses and management and any implications for future management;
- (vi) soil types and their classification on the NZ Land Inventory worksheets;
- (vii) the natural character, landscape (including identification of any Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features as shown on the **Resource Maps**), visual and amenity value characteristics of the site, and an assessment of the effects of construction and site development on those characteristics and values. Attention is drawn to the 1995 LA4 Landscape Assessment of the Far North District held by the Council that provides further information on landscape values and characteristics of the District;
- (viii) areas of indigenous vegetation and habitats of indigenous fauna with identification of any such areas which are significant as defined in **Method 12.2.5.6**, and any notable or heritage trees;
- (ix) archaeological sites, historic heritage resources or sites of significance to Maori;
- (x) relevant information regarding adjoining properties;
- (xi) the location and purpose of any public reserve land in the vicinity of the site;
- (xii) any known areas in the vicinity which are being actively managed for pest control or protected or enhanced for conservation benefit;
- (xiii) the District Plan zoning of surrounding land, including any relevant structure plan, Long Term Council Community Plan proposal(s) or other document identified in s74.
- (xiv) the presence of any transmission lines or network utility within, or in the vicinity of, the site.

**(c) Proposed Management Measures**

- (i) measures to protect, manage and enhance indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins, including appropriate means of controlling dogs, cats, rats<sup>1</sup>, mustelids and other animal pests and the means of controlling pest plants;
- (ii) measures to maintain open space in order to retain coastal and/or rural character;
- (iii) measures to protect the life-supporting capacity of soils;
- (iv) measures to protect sites of significance to Maori on the property;
- (v) measures for the ongoing control and management of stormwater and effluent disposal;
- (vi) measures to promote and achieve integrated catchment management;
- (vii) measures to control the placement and visual appearance of dwellings and ancillary buildings such as garages and water tanks;
- (viii) any other measures to internalise adverse effects including measures to avoid reverse sensitivity on existing activities or uses.

The Council may require additional information on aspects of the proposal.

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<sup>1</sup>Kiore are considered a taonga by Ngatiwai Trust Board.

**(d) Draft Management Plan**

The proposal must include a Draft Management Plan (to be finalised in accordance with the conditions of consent) setting out, the extent relevant to the proposal:

- (i) the objectives of the proposal;
- (ii) the mechanisms to ensure that the management plan applies to and binds future owners;
- (iii) where restoration planting and/or other natural resource management works are to be undertaken, performance may be secured by a Council bond on the following basis:
  - bonded work is to be completed within 4 years of the subdivision s224(c) certificate issuing;
  - access to bonding will not be available until one year after planting, where there is evidence to 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 (for example 7,000 stems/ha), seed source, weed clearance/release, pest control, fertiliser application and, at Council's discretion, a requirement for irrigation should conditions require;
  - legally effective post s224 certificate arrangements are required which secure the retention of re-planted vegetation; establish responsibility for continued execution of the management plan until its objectives (be they 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); and ensure 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;
  - Council retains the discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which present a significant risk in its assessment to successful re-establishment or management plan implementation. Evidence of the degree of risk should be included in the information required by **Rule 13.9.2.1.**

**13.9.2.2 MANAGEMENT PLAN STANDARDS**

Management plan subdivision is a discretionary activity in the Rural Production, Waimate North, General Coastal and Coastal Living Zones where it complies with the standards set out below:

- (a) The average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves shall be no less than:
  - (i) 2ha in the Rural Production Zone;
  - (ii) 1ha in the Waimate North Zone;
  - (iii) 6ha in the General Coastal Zone;
  - (iv) 5,000m<sup>2</sup> in the Coastal Living Zone; and
  - (v) 2ha average in the South Kerikeri Inlet Zone.

over that specified portion of the site that is subject to the management plan.
- (b) Only one consent for a discretionary (subdivision) activity in terms of a management plan can be granted in respect of a site or any specified portion of a site provided that the averaging provisions contained within this rule can only be used for each specified portion of the site once.
- (c) Where a management plan subdivision or development is granted in respect of a specified portion of a site, separate title shall be obtained or amalgamated with another adjoining lot not within the management plan application for the portion of the site not subject to the management plan. The portion of a site that is not subject to the management plan shall be no less than:
  - (i) 4ha in the Rural Production Zone;
  - (ii) 4ha in the Waimate North Zone;
  - (iii) 20ha in the General Coastal Zone; and
  - (iv) 4ha in the Coastal Living Zone and South Kerikeri Inlet Zone.

- (d) The Development Bonuses available under **Rules 12.1.6.3.1, 12.2.6.3.2, 12.5.6.3.1 and 18.3.6.4.3** will not be available on any site created by a consent granted under this rule, nor will they be available as part of the process of obtaining such a consent.
- (e) Any further subdivision of any lot contained within a subdivision management plan shall be a non-complying activity.
- (f) The application must include a draft management plan as described in **Rule 13.9.2.1(d)**.

### 13.9.2.3 ASSESSMENT CRITERIA

In assessing an application for discretionary subdivision and development in accordance with a management plan, the Council may require more detail to be provided and will have regard to the following matters (to the extent that these are relevant to the proposal) in addition to other relevant matters set out in **Rule 13.10**:

- (a) the adequacy of the management plan;
- (b) the degree to which the management plan gives effect to the NZ Coastal Policy Statement;
- (c) the degree to which the management plan gives effect to the Regional Policy Statement for Northland and is consistent with the Regional Coastal Plan for Northland;
- (d) the District-wide objectives and policies the objectives and policies of this chapter and those for the particular zone or zones affected by the application; including, where relevant, the objectives and policies applying generally to the coastal environment set out in **Sections 10.3 and 10.4** and the rural environment set out in **Sections 8.3 and 8.4**;
- (e) the degree to which potential adverse effects on the environment have been identified and avoided as far as practicable, and where it is not practicable to avoid any adverse effects, those have been remedied or mitigated;
- (f) the degree to which the proposal represents better sustainable management of natural and physical resources of the land and surrounding environment; (and protects the productive potential of the land);
- (g) where the subdivision is all or partly within the coastal environment (and acknowledging that the management plan provisions also apply elsewhere in the District) the degree to which the proposal preserves the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and protects them from inappropriate subdivision, use and development and enhances the natural character of the coastal environment;
- (h) whether landscape, visual and amenity value characteristics of the site are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);
- (i) whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;
- (j) the adequacy of proposals for rehabilitation or re-establishment of areas of indigenous flora, including the extent to which land which is steep or has stability issues or is of low value for food production is set aside for revegetation;
- (k) the extent to which planting proposals utilise indigenous flora appropriate to the locality and the extent to which local genetic stock is used;
- (l) where relevant, measures to provide public access through the property to and along the coastal marine area, lakes and rivers;
- (m) the proposals to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- (n) the adequacy of any areas proposed to be vested as open space reserve(s) using mechanisms identified in **Rule 13.7.3.9 (i – v)**;
- (o) the degree to which the proposal protects life supporting capacity of soils and provides for continued productive use of the land;
- (p) whether the subdivision proposed by the management plan is likely to have more than a minor adverse effect on the options for a future road network to serve the area, or for water supply, sewerage, and stormwater reticulation, or for reserves or community facilities or for any other utility service;
- (q) effects of the subdivision on the use and management of public land in the vicinity of the site;
- (r) the degree to which the proposal avoids natural hazards including fire hazards;
- (s) whether the proposal has the potential to cause reverse sensitivity issues for existing activities or uses;
- (t) the degree to which the application complies with the Other Matters set out in **Rule 13.7.3**;

- (u) the provisions of any structure plan or other management plan on an adjoining property that has been prepared for the locality;
- (v) whether bonds are necessary to assist in achieving the management plan;
- (w) the extent to which information and proposed management measures are provided by suitably qualified persons;
- (x) the extent to which the proposal creates a large balance lot and protects and, if appropriate, restores it;
- (y) the appropriateness of the location of building platforms and the associated building envelopes;
- (z) the extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:
  - (i) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
  - (ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
  - (iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
  - (iv) access to alternative transport facilities;
  - (v) domestic or community renewable electricity generation;
  - (vi) solar street lighting;
- (aa) any other matter which is determined to be relevant to the application; and in particular:
  - (i) whether further subdivision of all lots within the management plan is prohibited through the use of relevant legal instruments.

### 13.9.3 DEVELOPMENT BONUS

Where any proposed plan of subdivision provides for the formal protection of Outstanding Landscape (as shown on the **Resource Maps**), or Outstanding Landscape Features or Outstanding Natural Features (as listed in **Appendices 1A** and **1B** and shown on the **Resource Maps**), or areas of significant indigenous vegetation or significant habitats of indigenous fauna (refer to criteria in **Method 12.2.5.6** of the Plan), or heritage resources, the Council may grant a development bonus, on application for a resource consent. Notwithstanding the rules referred to below, bonus lots may not be located in Natural Resource Overlay Areas or in the General Coastal Zone.

The rules relating to development bonuses are as follows:

- (a) **12.1.6.3.1** (in respect of landscape and natural features);
- (b) **12.2.6.3.2** (in respect of indigenous flora and fauna);
- (c) **12.5.6.3.1** (in respect of heritage resources); and
- (d) **18.3.6.4.3** (in respect of the Waimate North Zone).

**Note:** Applications under these rules must identify donor and recipient areas and assess environmental effects on those areas.

## 13.10 ASSESSMENT CRITERIA

In considering whether or not to grant consent or impose conditions on applications for discretionary (subdivision) activities, the Council will have regard to s104, s105 and s106 of the Act, the objectives and policies of the Plan and to the assessment criteria set out below.

**Note:** Attention is drawn to the need to also refer to **Chapter 15.1** for rules relating to property access.

### 13.10.1 ALLOTMENT SIZES AND DIMENSIONS

- (a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards and any District wide rules for land uses.
- (b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.
- (c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.



- (d) Whether the cumulative and long term implications of proposed subdivisions are sustainable in terms of preservation of the rural and coastal environments.

### 13.10.2 NATURAL AND OTHER HAZARDS

In assessing any subdivision, and for the purposes of s106 of the Act, the Council will have regard to:

- (a) Any information held by the Council or the Northland Regional Council regarding natural hazards, contaminated sites or other hazards.
- (b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- (c) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.
- (d) In relation to inundation from any source, the Council shall have regard to the following factors:
  - (i) the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (ii) flood plain management measures proposed;
  - (iii) the proposed coastal protection mechanisms / techniques / measures and their environmental effects;
  - (iv) any proposed boundary drainage to protect surrounding properties;
  - (v) the adequacy of existing outfalls and any need for upgrading;
  - (vi) any need for retention basins to regulate the rate and volume of surface run-off.
- (e) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title, pursuant to **Rule 13.6.7**.
- (f) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title, pursuant to **Rule 13.6.7**.
- (g) In relation to contaminated sites, any soil tests establishing suitability, and methods to avoid, mitigate or remedy the effects, including removal to approved disposal points.
- (h) In relation to land filling and excavation operations, the following factors:
  - (i) the effects on surrounding properties in terms of dust nuisance, visual detracting, or the potential height of buildings on filled land;
  - (ii) any adverse impacts on the natural pattern of surface drainage both on and outside the site;
  - (iii) the type of, and placement of, fill material in terms of its potential for contamination of land or water, or potential subsidence;
  - (iv) mitigation, or avoidance, of adverse effects caused by filtration affecting neighbouring properties;
  - (v) remedies necessary during emergencies;
  - (vi) the rules contained in **Section 12.3** relating to filling and excavation of land;
  - (vii) the impact of filling or excavation on heritage values, ecological values, cultural values, surface water quality, and access along waterways;
  - (viii) any beneficial effects in terms of waterway enhancement.

Attention is drawn to Northland Regional Council's natural hazards information and to s106 of the Resource Management Act 1991 which allows a consent authority to refuse subdivision consent in certain circumstances.

### 13.10.3 WATER SUPPLY

- (a) Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with *"Drinking Water Standards of New Zealand" (1995)*.
- (b) Whether the provisions of the *"Engineering Standards and Guidelines 2004 – Revised March 2009"* (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.
- (c) Whether the provisions of the Council's *"Engineering Standards and Guidelines" (2004) - Revised March 2009* (to be used in conjunction with NZS 4404:2004) have been met in

respect of installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service and fire hydrants.

- (d) Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision.
- (e) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units.
- (f) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public water supply utility required to be provided.

#### 13.10.4 STORMWATER DISPOSAL

- (a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.
- (b) Whether the application complies with the provisions of the Council's *"Engineering Standards and Guidelines" (2004) - Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.
- (d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.
- (e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.
- (f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.
- (g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.
- (h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.
- (i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.
- (j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.
- (k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.
- (l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipe lines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.
- (m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.
- (n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.
- (o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.
- (p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.
- (q) The need for and extent of any financial contributions to achieve the above matters.
- (r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.

#### 13.10.5 SANITARY SEWAGE DISPOSAL

- (a) Whether the capacity, availability, and accessibility of the reticulated system is adequate to serve the proposed subdivision.

- (b) Whether the application includes the installation of all new reticulation, and complies with the provisions of the Council's *"Engineering Standards and Guidelines" (2004) - Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (c) Whether the existing sanitary sewage disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision.
- (d) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems.  
**Note:** Council consent to install private rising mains within legal roads will be required, under the Local Government Act.
- (e) Where a reticulated system is not available, or a connection is impractical, whether a suitable sewage treatment or other disposal systems is provided in accordance with regional rules or a discharge system in accordance with regional rules or a discharge permit issued by the Northland Regional Council.
- (f) Where a reticulated system is not immediately available but is likely to be in the near future, whether a temporary system is appropriate.  
**Note:** Consent notices may be registered against Certificates of Title pursuant to **Rule 13.6.7** requiring individual allotments to connect with the system when it does become available.
- (g) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from a suitable sewage treatment or other disposal system, together with any consent notices to ensure compliance.
- (h) Whether there is a need for, and the extent of, any development contributions to achieve the above matters.
- (i) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public sewage utility for sanitary disposal purposes required to be provided.
- (j) Whether the subdivision represents the best practical option in respect of the provision that is made for the disposal of sewage and waste water.

#### 13.10.6 ENERGY SUPPLY

- (a) Where the subdivision involves the construction of new roads or formed rights of way, whether an extended reticulation system will be installed (at the subdivider's cost), having regard to the provisions of the Council's *"Engineering Standards and Guidelines 2004 – Revised March 2009* (to be used in conjunction with NZS 4404:2004). The application for subdivision consent should also indicate how lots are to be reticulated.
- (b) Whether the proposed reticulated system to be installed by the subdivider is adequate for the likely development.
- (c) Where the proposed system will serve other land that is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed and the cost of such provision.  
**Note:** Upgrading or cost sharing will be solely a matter for the network operator.
- (d) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future maintenance, in line with the provisions of the Council's *"Engineering Standards and Guidelines" (2004)- Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (e) Whether there is a need for a local purpose reserve to be set aside as a site for any public utility required to be provided.
- (f) Whether there will be potential adverse effects of the proposed reticulation system on amenity values.
- (g) Whether the subdivision design, location of building platforms and proposed electricity supply has had adequate regard to the future adoption of appropriate renewable energy initiatives and technologies.

#### 13.10.7 TOP ENERGY TRANSMISSION LINES

Where it is proposed to subdivide land to create new allotments within an area measured 20m of either side of the centre point of an electrical transmission line designed to operate at or above 50 kV, particular regard shall be had to the following matters:

- (a) The extent to which the subdivision design mitigates the effects of the lines through the location of roads and reserves under the route of the line.

- (b) The ability to carry out maintenance and inspection of transmission lines to avoid risk of injury and/or property damage.
- (c) The outcomes of consultation with the affected utility operator.
- (d) The subdivision design, location of building platforms, location of any proposed tree planting, extent and nature of earthworks.

#### 13.10.8 TELECOMMUNICATIONS

- (a) Where the subdivision involves construction of new roads or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost), having regard to the Council's *"Engineering Standards and Guidelines 2004 – Revised March 2009* (to be used in conjunction with NZS 4404:2004) and *"The National Environmental Standard for Telecommunication Facilities 2008"*.
- (b) Where the proposed system will serve other land which is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed, and the cost of such provision.
- (c) Whether the proposed reticulation system will have potential adverse effects on amenity values.

**Note:** Upgrading or cost-sharing will be solely a matter for the network operator.

#### 13.10.9 EASEMENTS FOR ANY PURPOSE

Whether there is a need for an easement for any of the following purposes:

- (a) Easements in gross where a service or access is required by the Council.
- (b) Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title.
- (c) Service easements, whether in gross or private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned and unlikely to require upgrading.
- (d) Easements for any of the following purposes:
  - (i) private ways, whether mutual or not;
  - (ii) stormwater, sanitary sewer, water supply, electric power, gas reticulation;
  - (iii) telecommunications;
  - (iv) party walls and floors/ceilings.
  - (v) any other network utilities.
- (e) Easements in gross in favour of the Council adjoining banks of rivers, streams, lakes, wetlands or the coastal marine area not subject to an esplanade reserve or strip.
- (f) Stormwater easements passing through esplanade reserves where drainage will be to the adjoining lake or river.

#### 13.10.10 PROVISION OF ACCESS

- (a) Whether provision for access to and within the subdivision, including private roads, has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, including effects on existing roads, visual effects, effects on vegetation and habitats, and natural character.

#### 13.10.11 EFFECT OF EARTHWORKS AND UTILITIES

- (a) Whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

#### 13.10.12 BUILDING LOCATIONS

- (a) Whether the subdivision provides physically suitable building sites.
- (b) Whether or not development on an allotment should be restricted to parts of the site.
- (c) Where a proposed subdivision may be subject to inundation, whether the establishment of minimum floor heights for buildings is necessary in order to avoid or mitigate damage.
- (d) Whether the subdivision design in respect of the orientation and dimensions of new allotments created facilitates the siting and design of buildings able to take advantage of passive solar gain (e.g. through a northerly aspect on an east/west axis).

**Note:** Attention is also drawn to the Visual Amenity rules applying in the General Coastal, South Kerikeri Inlet and Coastal Living Zones and in Outstanding Landscapes (see **Chapter 10** and **Section 11.1**).

**13.10.13 PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES**

- (a) Whether any vegetation, habitats of indigenous fauna, heritage resources and landscape features are of sufficient value in terms of the objectives and policies in **Chapter 12** of the Plan, that they should be protected.
- (b) Whether the means (physical and/or legal) by which ongoing preservation of the resource, area or feature will be achieved is adequate.
- (c) Where there are Sites of Cultural Significance to Maori, (refer to **Appendix 1F** and the **Resource Maps**), whether it is appropriate to require their protection by physical or legal means and/or to provide for access to the site over the land to be subdivided.
- (d) Where a reserve is to be set aside and vested in the Council, whether the value of the reserve land is offset against the assessment of any financial contribution.
- (e) Whether any measures are proposed to protect known high density kiwi habitats from predation by dogs, cats, rats, mustelids, pigs, and other animal pests.
- (f) Whether the subdivision would have an adverse effect on the ability to protect listed historic buildings, places or objects and their setting or surrounds; and the protection of listed notable trees.
- (g) Whether the subdivision will result in the permanent protection and/or enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes, outstanding landscape features or outstanding natural features.
- (h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grow in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

**Note:** There are many ways in which preservation/protection can be achieved, and the appropriate means will vary according to the circumstance. In some cases physical means (e.g. fencing) may be appropriate. In other cases, a legal means will be preferred instead of (or as well as) physical means. Mechanisms other than a Consent Notice which may be acceptable include:

- (i) a Maori reservation under s338 and s340 of Te Ture Whenua Maori (Maori Land) Act;
- (ii) a conservation covenant with the Department of Conservation or the Council;
- (iii) an open space covenant with the Queen Elizabeth II National Trust;
- (iv) a heritage covenant with the Heritage New Zealand Pouhere Taonga;
- (v) a reserve under the Reserves Act.

**13.10.14 SOIL**

- (a) The extent to which any subdivision will contribute to or affect the ability to safeguard the life supporting capability of soil.
- (b) The degree to which the life supporting capacity of the soil may be adversely affected by the subdivision and the degree to which any soils classified as I, II or III in the NZ Land Resource Inventory Worksheets are adversely affected by the subdivision.

**13.10.15 ACCESS TO WATERBODIES**

- (a) Whether the subdivision provides public access to and along the coastal marine area or to and along banks of lakes or rivers, and whether that access is appropriate, given the nature of the land subject to the subdivision application, and the sensitivity of the waterbody to environmental effects resulting from the use of that access by the public.

**13.10.16 LAND USE INCOMPATIBILITY**

- (a) The degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

**13.10.17 PROXIMITY TO AIRPORTS**



- (a) The degree to which the proposal takes into account reverse sensitivity - adverse effects arising from incompatible land use activities arising from being in proximity to an airport (including, but not limited to, the hours of operation, flight paths, noise, vibration, glare and visual intrusion).

#### 13.10.18 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

- (a) The degree to which the proposal takes into account the preservation and/or enhancement of the natural character of the coastal environment.

#### 13.10.19 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE

The extent to which the application promotes energy efficiency and renewable energy development and use through the following initiatives:

- (a) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
- (b) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
- (c) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
- (d) access to alternative transport facilities;
- (e) domestic or community renewable electricity generation;
- (f) solar street lighting.

#### 13.10.20 NATIONAL GRID CORRIDOR

Where it is proposed to have development within the National Grid Corridor particular regard shall be had to the following matters:

- (a) Whether the design and construction of the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
- (b) Provision for the ongoing operation, maintenance and planned upgrade of the National Grid.

Where an application is made for development within the National Grid Corridor as a non complying activity, Transpower New Zealand Limited will be considered an affected party in accordance with the Act.

### 13.11 NON-COMPLYING (SUBDIVISION) ACTIVITIES

Subdivision is a non-complying activity where:

- (a) If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity; or
- (b) the subdivision is in a Coastal Hazard 1 Area, as shown on the **Coastal Hazard Maps**;
- (c) the subdivision is in the Recreational Activities and Conservation Zones. Any application for a subdivision in the Recreational Activities and Conservation Zones will be publicly notified; or
- (d) a new boundary line passes through the Outstanding Natural Feature (**Appendix 1A**) or Outstanding Landscape Feature (**Appendix 1B**) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977. This clause does not apply within the Puerua Heritage Precinct.
- (e) if a subdivision activity does not comply with the standards of Rule 13.8.1 (National Grid Corridor).

The Council will use the assessment criteria in **13.10** as a guide when assessing non-complying subdivision activities in conjunction with the matters set out in Sections 104, 104B, 104D and 106 of the Act.

### 13.12 STRUCTURE PLANS

Structure plans are valuable tools to co-ordinate development carried out by individuals, and particularly urban development on the periphery of existing settlements. Development carried out in accordance with a structure plan will ensure that proper provision is made for roads, reserves, community facilities and public works so that the new area of development is a logical and workable extension of the existing development.

A structure plan will be given effect to through a Proposed Change to the District Plan. The relevant provisions of the Act will apply to any such Proposed Change.

A structure plan may be prepared by the Council or by others as a preliminary to subdivision. The purpose of a structure plan is to establish the broad framework for development in a particular area. The plan will

make provision for the community infrastructure which is needed, and will ensure that individual development decisions and applications in the area covered by the plan are co-ordinated and consistent with the District Plan.

A structure plan will consist of plans and written material and should include information on the following:

- (a) the size and location of the area covered by the structure plan;
- (b) the topography and geography of the structure plan area;
- (c) the classification of the soil;
- (d) the geotechnical aspects of the structure plan area;
- (e) the presence of natural hazards (such as flood prone land or land liable to erosion);
- (f) the identification of any outstanding landscapes and natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna, or heritage resources;
- (g) the proposed roading pattern for the area (including footpaths and cycleways);
- (h) the proposed reserves network for the area;
- (i) the proposed location of community facilities such as halls and community centres;
- (j) the proposed location of rural, residential, commercial and industrial environments;
- (k) the requirements (if any) of network utility operators such as electricity, telecommunications, education and healthcare;
- (l) the Low Impact Design principles utilised to reduce impermeable areas and reduce stormwater runoff volumes and avoid or mitigate adverse effects on receiving environments.

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**Resource**

- Outstanding Landscape
- Outstanding Natural Feature
- Site of Cultural Significance to Maori

**Map Index**

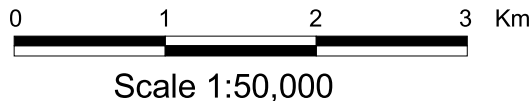
**Map 39**

**DISCLAIMER**

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.



# Far North District Plan - Resource Maps



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## 12 NATURAL AND PHYSICAL RESOURCES

### 12.1 LANDSCAPES AND NATURAL FEATURES

#### **Nga Hua Tawhiti Me Nga Tohu Tuturu o Te Whenua**

He wahi tuturu, he wahi hirahira puta noa i te rohe. Aua enei wahi e whakaitingia e nga mahi whakawehe i nga whenua. Kei a tatou te mahi kia whakauwhia enei wahi hirahira ki te ihi.

#### **Landscapes and Natural Features**

There are many special places which must not be diminished in any way by inappropriate development. Let us make sure that these special places always retain the qualities that make them unique.

### CONTEXT

The over-riding characteristics of the landscapes in the Far North District are diversity and complexity. An extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of landforms have combined with several centuries of human settlement to produce natural features and landscapes that are visually outstanding. These facets also contribute to the amenity values of landscapes that are not outstanding.

In 1995, the Council commissioned a Landscape Assessment (LA4 Landscape Architects) of the whole District. This assessment identified the outstanding landscape features and landscapes, distinguishing landscapes that are coastal from those that are terrestrial, and evaluating all landscapes in terms of a sensitivity rating with seven categories. Any landscape that scored 6 or 7 on the sensitivity rating was classified as outstanding and therefore was deemed worthy of protection as required by s6(b) of the Act. The landscapes identified by the assessment are relatively large areas of terrain that have relatively consistent characteristics, whereas the landscape features are smaller elements such as volcanic peaks or prominent coastal landforms. The LA4 landscape assessment did not comprehensively identify Maori cultural landscapes. S6(e) of the Act requires recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The LA4 assessment relating to Outstanding Landscapes was modified as a result of the submissions to the Proposed District Plan.

A landscape is comprised of many elements, e.g. indigenous vegetation, the pattern of land use, historic buildings, and waterbodies and Maori cultural values. In addition to managing subdivision, use and development in those areas identified as Outstanding Landscapes in order to retain their visual values, the Plan also contains provisions that promote the protection and enhancement of the many individual elements that contribute to visual amenity throughout the District.

The criteria used to determine which landscapes are “outstanding” are as follows:

An area of landscape which is predominantly natural has very distinctive or remarkable characteristics and that displays high levels of most, but not necessarily all of the following criteria:

- (a) geological, topographical, ecological dynamism;
- (b) aesthetic values;
- (c) distinctiveness and memorability;
- (d) clearly recognised signs of the formative processes leading to its creation;
- (e) transient values;
- (f) values that are shared and recognised by the community;
- (g) value to tangata whenua;
- (h) historical associations;
- (i) public visibility;
- (j) accessibility to viewing audience.

An Outstanding Landscape Feature is an element or small portion of landscape which is predominantly natural and has very distinctive or remarkable characteristics that make it a feature of the broader landscape setting.

A large portion of the area identified as “outstanding” is on land administered by the Department of Conservation. The majority of land in private title that has been identified as outstanding is on the District’s coastline. There is also a significant portion that is Maori land and that therefore warrants additional consideration in the Plan. For example, as Maori land is not usually subdivided, incentives and bonuses for landscape protection are not available in the conventional way. Therefore, a flexible



approach and alternative methods of encouragement are required. Recognition must be given to the ability of Maori to appropriately develop their land.

By contrast, in Waimate North, a landscape notable for its heritage values and visual amenity, the majority of the land is privately owned. Here, the Council and the landowners have worked together to develop special provisions that recognise not only the landscape qualities, but all of the values that contribute to the uniqueness of this area (refer to **Section 18.3**). Incentives are a key element of the regulatory approach.

Outstanding Natural Features make a particular contribution to the natural character of the District. These sites are identified from the Geo-Preservation Inventory “*Inventory of Important Geological Sites and Landforms in the Northland Region*”, *Geological Society of New Zealand Miscellaneous Publication No. 67, Kenny JA and Hayward BW, (1993)* and are protected by this Plan. The inventory lists the best examples of the wide diversity of geological phenomena and processes that characterise the District, and record its long geological history, the formation of its landforms and evolution of its unique biota. Many are familiar landmarks.

Whilst many of these Outstanding Natural Features have high landscape values, and are often also recognised as Outstanding Landscape Features, it is their underlying geological and scientific values that set them apart. As a result many Outstanding Natural Features are not visually prominent.

The requirement to protect areas of outstanding landscapes and natural features must be seen in the light of the overarching purpose of the Act (s5), which is “to promote the sustainable management of natural and physical resources”. This includes enabling people and communities to provide for their social, economic and cultural well being, provided that any adverse effects of activities on the environment are avoided, remedied or mitigated.

The focus of this section of the Plan is outstanding natural features and landscapes, as set out in s6(b) of the Act. Whilst the subsequent rules focus solely upon those outstanding types of natural features and landscapes, Council encourages all who manage and provide guardianship to the Far North landscape, to apply the principles conveyed by these policies to landscapes generally.

### 12.1.1 ISSUES

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- 12.1.1.1 Outstanding Landscapes and Outstanding Landscape Features may have a relatively low capacity to accommodate change without appreciable visual impact, and therefore change must be managed to ensure that it retains the character of these special landscapes.
- 12.1.1.2 Buildings and other structures have the capacity to change outstanding landscapes character in a negative way, primarily through the disruption of existing landscape, or their siting on ridgelines.
- 12.1.1.3 The values that make landscapes and natural features outstanding can be adversely affected, or in some cases permanently lost or degraded, as a result of activities such as inappropriate building, excavation or filling, vegetation clearance and the potential masking effects of extensive single species tree planting.
- 12.1.1.4 The cultural, spiritual or amenity values of an outstanding landscape or natural feature can be degraded by development that is inappropriately sited, designed or redecorated.
- 12.1.1.5 The District has a distinctive and diverse landscape values which could be adversely affected by inappropriate land use activities.
- 12.1.1.6 The need to promote landscape diversity through the protection and enhancement of indigenous vegetation.
- 12.1.1.7 Maori cultural landscapes of importance have not been comprehensively identified within the LA4 assessment and therefore the Plan. Where appropriate, consideration of these values associated with those landscapes needs to be incorporated in any assessment of an application.

### 12.1.2 ENVIRONMENTAL OUTCOMES EXPECTED

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- 12.1.2.1 Retention of the diversity, qualities and value of outstanding natural features and outstanding landscapes.
- 12.1.2.2 The management of changes to outstanding natural features and landscapes in a way that ensures that change may alter and enhance, but not diminish, their outstanding character.
- 12.1.2.3 Land uses and buildings that are planned and designed to complement landscape character.



- 12.1.2.4 The relationship of Maori cultural values associated with landscapes are recognised and provided for.

### **12.1.3 OBJECTIVES**

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- 12.1.3.1 To protect outstanding landscapes and natural features from inappropriate, subdivision use and development.
- 12.1.3.2 To protect the scientific and amenity values of outstanding natural features.
- 12.1.3.3 To recognise and provide for the distinctiveness, natural diversity and complexity of landscapes as far as practicable including the complexity found locally within landscapes and the diversity of landscapes across the District.
- 12.1.3.4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.

### **12.1.4 POLICIES**

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- 12.1.4.1 That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.
- 12.1.4.2 That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.
- 12.1.4.3 That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.
- 12.1.4.4 That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent.
- 12.1.4.5 That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.
- 12.1.4.6 That activities avoid or mitigate adverse effects on the scientific and amenity values associated with outstanding natural features.
- 12.1.4.7 That the diversity of outstanding landscapes at a District-wide and local level be maintained and enhanced where practicable.
- 12.1.4.8 That the trend is towards the enhancement rather than the deterioration of landscape values, including the encouragement of the restoration of degraded landscapes.
- 12.1.4.9 That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.
- 12.1.4.10 That landscape values be protected by encouraging development that takes in account:
- (a) the rarity or value of the landscape and/or landscape features;
  - (b) the visibility of the development;
  - (c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area;
  - (d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value;
  - (e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values;
  - (f) Maori cultural values associated with landscapes;
  - (g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

## 12.1.5 METHODS OF IMPLEMENTATION

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### DISTRICT PLAN METHODS

- 12.1.5.1 Rules in the Plan control development in outstanding natural features and landscapes.
- 12.1.5.2 To the extent that areas of significant indigenous vegetation and habitats of indigenous fauna are protected for their ecological significance, their landscape value is also protected (refer also to **Section 12.2**).
- 12.1.5.3 Where resource consents are required for subdivision or development, protection of outstanding natural features and landscapes may be achieved by imposing conditions of consent.
- 12.1.5.4 The subdivision rules in **Chapter 13** that restrict subdivision in Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features, also apply. For controlled subdivision activities the standard contained in these rules are considerably more restrictive than the subdivision standard in the zone rules.
- 12.1.5.5 Development bonuses are provided to encourage greater protection of outstanding natural features and landscapes and their enhancement and active management.

### OTHER METHODS

- 12.1.5.6 Outstanding natural features and landscapes may be afforded permanent legal protection through means such as a covenant or reserve. Such permanent protection will be encouraged.
- 12.1.5.7 Where community groups or individuals advocate for the protection of values the Plan considers important, voluntary measures such as codes of conduct for land development may be agreed and used by Council in its assessment of resource consent applications.
- 12.1.5.8 Education is an important method. The Council may seek assistance from appropriately qualified advisers to will provide information to landowners and the public generally about the intrinsic values of natural features and landscapes and the best ways to manage changes in land use that may affect those values including Maori values associated with landscapes.
- 12.1.5.9 Council will provide guidance to landowners about how to avoid or mitigate effects on outstanding landscape and natural features.
- 12.1.5.10 Landowners will be encouraged to protect the character of outstanding landscapes and natural features in perpetuity.
- 12.1.5.11 Council will encourage the restoration of landscapes especially where landowners and community groups are supportive of such initiatives.

### COMMENTARY

*The mandate for protecting outstanding natural features and landscapes is set out in s6(b) of the Act and addressed in a Variation to the Northland Regional Policy Statement currently being processed. This Variation recognises the methodology used in the Landscape Assessment carried out by LA4 and provides for its application to the evaluation of “outstanding” landscapes in all three districts within the Northland Region. Regionally significant landscapes are not specifically named in the Variation, but it is anticipated that studies to be initiated will lead to their identification and, ultimately, inclusion in district plans. Other references in the Regional Policy Statement recognise the importance of water quantity to scenic values and the retention of the natural character of the coastal environment as an integral part of landscape protection (refer to **Objectives 12.1.3.1** and **12.1.3.2**).*

*A landscape expresses the sum of many individual elements and many ecosystems, each contributing to visual amenity. While s6(b) concentrates on outstanding landscapes, the visual amenity of the whole District can be promoted and enhanced through the Plan. Thus, landscape protection is also the cumulative result of the many provisions of the Plan dealing with zoning, heritage protection, Sites of Cultural Significance to Maori, vegetation clearance, excavation and filling, water quality and air quality. Accordingly, applications for resource consent will not only be evaluated in terms of the effects on outstanding natural features and landscapes, but also on visual amenity and the natural character of the coastal environment (refer to **Objective 12.1.3.1**, **Policy 12.1.4.3**, **Method 12.1.5.2**, **Chapter 10** and **Sections 12.2 - 12.7**).*

*Because Outstanding Landscapes are representative of many elements, the key to their protection, promotion and enhancement lies in the successful management of change. By definition, their visual qualities will always be changing as a consequence of natural processes and human activities. However, those elements that are quintessential can be managed in a way that retains the visual coherence of the whole rather than diminishing it. Hence, the Plan controls vegetation clearance and tree planting in*

*Outstanding Landscapes and the siting, design and appearance of new buildings in the General Coastal and Coastal Living Zones (refer to **Objectives 12.1.3.1** and **12.1.3.2**, **Policy 12.1.4.5**, **Method 12.1.5.1** and **Chapter 10**).*

*In addition, Outstanding Landscape Features and Outstanding Natural Features are unique components of landscape, often located within an Outstanding Landscape, that the Council considers warrant protection. Much like heritage buildings, they are not only individually important for their intrinsic values, but they are also important because they provide an essential part of the historical record, albeit nature's history. Protection entails limiting any disturbance to the feature so that the natural character and/or scientific values are retained (refer to **Objective 12.1.3.2**, **Policies 12.1.4.1**, **12.1.4.2**, **12.1.4.4**, **12.1.4.5** and **12.1.4.6** and **Methods 12.1.5.1** and **12.1.5.3**).*

*The protection of outstanding landscapes has been contentious in the Far North, with many challenges to the methodology for evaluating landscapes and the rankings given to each Outstanding Landscape. A proportion of the terrain that has been identified as outstanding is in private ownership or is Maori land. The support of landowners and their appreciation of the values and sensitivities of outstanding natural features and landscapes is therefore an important facet of sustainable management of the District's landscape resource. The availability of information and promotion of sound landscape management practices will therefore be one of the main methods adopted.*

*Within the coastal environment there are a number of significant landscapes and sensitive ridgelines whose qualities may be threatened by inappropriate development. The indicative extent of the sensitive ridgelines and significant landscapes is provided in the LA4 1995 Landscape Assessment Worksheets which are available from Council on request. There are no rules specifically associated with these significant landscapes and sensitive ridgelines. This information should be taken into account when considering development within the coastal zones together with any site specific landscape assessment.*

*Supporting landowners and providing them with helpful information will gain their co-operation, enabling protection to be achieved by voluntary measures which the Council is keen to foster. This is why the Plan also contains incentives and bonuses for the protection of landscapes. These methods augment the rules by encouraging enhancement and active management of natural features and landscapes (refer **Methods 12.1.5.5**, **12.1.5.6**, **12.1.5.9** and **12.1.5.10**).*

*The Waimate North Zone is an example of one possible outcome when a co-operative approach develops between landowners and the Council (refer **Section 18.3**).*

## **12.1.6 RULES**

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Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to **Part 2 Environment Provisions**), and with other relevant standards in **Part 3 – District Wide Provisions**.

Particular attention is drawn to:

- (a) **Chapters 8-10** in **Part 2**;
- (b) Other sections within **Chapter 12 Natural and Physical Resources** (and the **District Plan Maps**);
- (c) **Chapter 13 Subdivision**;
- (d) **Chapter 14 Financial Contributions**;
- (e) **Section 17.2 Utility Services**.

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

### **12.1.6.1 PERMITTED ACTIVITIES**

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An activity is a permitted activity if:

- (a) it complies with the standards for permitted activities set out in **Rules 12.1.6.1.1** to **12.1.6.1.6** below; and
- (b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (c) it complies with the other relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

#### **12.1.6.1.1 PROTECTION OF OUTSTANDING LANDSCAPE FEATURES**

- (a) no tree planting consisting of more than 50 trees of a single species shall occur on any site in an Outstanding Landscape Feature as listed in **Appendix 1B** in **Part 4**, and shown on the **Resource Maps**;

- (b) above ground utility services shall not be located on or within an Outstanding Landscape Feature as listed in **Appendix 1B** in **Part 4**, and shown on the **Resource Maps**;
- (c) excavation and/or filling shall not occur within an Outstanding Landscape Feature as listed in **Appendix 1B** in **Part 4**, and shown on the **Resource Maps**;
- (d) no vegetation clearance shall occur within an Outstanding Landscape Feature as listed in **Appendix 1B** in **Part 4**, and shown on the **Resource Maps**, except that the clearance of pest plants where the clearance does not involve disturbance of the ground surface, is permitted.

Note: This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

#### 12.1.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES

Notwithstanding any rule in the Plan to the contrary but subject to **Rules 12.5.6.1.1, 12.5.6.1.3** and **12.5.6.2.2** in the Heritage section of this Plan, indigenous vegetation clearance is a permitted activity in an Outstanding Landscape, as shown on the **Resource Maps**, where the clearance is for any of the following purposes:

- (a) to provide for a building platform for a building (where a rule in the Plan provides for this as a permitted activity), and/or access and/or construction of a boundary fence so long as the area cleared for that purpose is no more than 1,000m<sup>2</sup> per site; or
- (b) clearance arising from plantation forestry or the cultivation or harvesting of a plantations or crops including:
  - (i) vegetation that has grown under and/or may have overtopped the plantation species; or
  - (ii) areas of failed planting within the plantation forest in areas that have been cleared and planted within the past 30 years; or
  - (iii) incidental damage and disturbance to indigenous vegetation adjacent to the crop where forestry best practice is followed; or
  - (iv) clearance within 20m of river associated with a river crossing that is provided for by a rule in the Regional Plan for Northland or by a resource consent granted by the Northland Regional Council, provided that the clearance is less than 500m<sup>2</sup> in any one instance;provided that no clearance is permitted of indigenous vegetation more than 10 years old to establish new exotic plantation forest;
- (c) to provide clearance for existing overhead power and telephone lines, provided that no more vegetation is cleared or trimmed than is necessary for the safe operation of the utility service; or
- (d) the removal of trees and other vegetation which, as a result of old age or a natural event such as a storm or erosion, are a risk to the safety of people or property; or
- (e) the maintenance of existing roads, and private accessways and walkways including for the purposes of visibility and road safety; or
- (f) the formation and maintenance of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or
- (g) the maintenance of existing open space within 20m of an existing building; or
- (h) the removal of dead trees, provided that no more vegetation is cleared or trimmed than is necessary for safe removal; or
- (i) the sustainable harvest of plant material for rongoa Maori (customary medicine); or
- (j) the maintenance of existing fence lines, provided that the clearance does not exceed 3.5m in width either side of the fence line; or
- (k) normal gardening activities which result from the maintenance of lawn and gardens; or
- (l) the removal is in accordance with an existing use right; or
- (m) the removal is for a new fence where the purpose of the new fence is to exclude stock and/or pests from the area provided that the clearance does not exceed 3.5m in width either side of the fence line; or
- (n) creation and maintenance of firebreaks provided that no more vegetation is cleared than is necessary to achieve the practical purpose of the firebreak; or

- (o) the harvesting of indigenous timber under the Forests Act 1949 via either a Sustainable Management Plan, permit or approved for personal use (50m<sup>3</sup> over a 10 year period) from the Ministry of Agriculture and Forestry; or
- (p) vegetation clearance of land which has been previously cleared and where the vegetation to be cleared is less than 10 years old; or
- (q) for the maintenance and replacement of existing water supply facilities, including reservoirs, dams, water treatment plants and pipelines, provided that no more vegetation is cleared or trimmed than is necessary for the efficient operation of those facilities.

**Note 1:** Attention is also drawn to rules in **Section 12.2 - Indigenous Flora and Fauna** relating to vegetation clearance, and to the provisions contained in zone rules.

**Note 2:** For the purposes of part (b) above, a plantation includes any tree or trees which have been planted and managed for timber production and, in respect of indigenous plantations any area that is recognised by the Ministry of Agriculture and Forestry as having been planted and managed for timber production.

**Note 3:** For the purposes of part (b) and (h) above, it should be noted that the milling of indigenous forest plantations and fallen trees is subject to the provisions of the Forests Act.

**Note 4:** This rule prevails over the National Environmental Standards for Plantation Forestry (NES PF) pursuant to Regulation 6(2)(a).

#### 12.1.6.1.3 TREE PLANTING IN OUTSTANDING LANDSCAPES

Single species tree planting is permitted in an Outstanding Landscape, as shown on the **Resource Maps**:

- (a) if the species is indigenous; or
- (b) it is replanting an area of established plantation forest; or
- (c) the planting does not exceed 4ha in area on any one site in a rural environment zone, or 2ha in area on any one site in a coastal environment zone.

**Note 1:** Council can provide information on how best to reduce potential visual impacts of single species planting.

**Note 2:** This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

#### 12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE

Excavation and/or filling on any site within an Outstanding Landscape as shown on the **Resource Maps**, is permitted provided that:

- (a) it does not exceed 300m<sup>3</sup> in any 12 month period per site; and
- (b) it does not involve a cut and/or filled face exceeding 1.5m in height i.e. the maximum permitted cut and/or fill height may be 3m; and
- (c) any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction.

**Note 1:** When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

**Note 2:** Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area, more restrictive excavation and filling rules apply (refer to Rules in **12.4**).

**Note 3:** Some normal rural practices that involve excavation and filling, such as maintenance of rural tracks, dams, fences and fence lines, land cultivation, clearing of drains and obtaining roading materials for use on the same production unit, are excluded from the definitions of excavation and filling (refer to **Chapter 3 Definitions**), and are therefore not subject to this rule.

**Note 4:** Attention is also drawn to the provisions of any Regional Water and Soil Plan currently in force.

**Note 5:** This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).



#### 12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

The following are permitted activities in an Outstanding Landscape, as shown on the **Resource Maps**:

- (a) where the zoning of the building platform is General Coastal any new building(s) not for human habitation provided that the gross floor area of any new building or buildings permitted under this rule, does not exceed 25m<sup>2</sup>; and;
- (b) where that building will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore that is within 500m of that building, the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or is constructed of natural materials which fall within this range; or
- (c) any alteration/addition to an existing building where:
  - i. the alteration/addition does not exceed 25m<sup>2</sup> in area or does not exceed 20% of the gross floor area of the existing building which is being altered or added to, whichever is the lesser; and
  - ii. the alteration/addition does not exceed the height of the existing building.
- (d) where the building site is not in the General Coastal Zone construction of one residential dwelling per site, provided that the building is not visible from a public viewing point on a public road, public reserve, or the foreshore that is within 2km of the site;
- (e) where the building site is not in the General Coastal Zone any new building, including relocated buildings, with a gross floor area of less than 25m<sup>2</sup>.

**Note :** Some cladding materials may fail when painted with colours of reflectance value of 40% or less. Please check to ensure that the types of cladding used are suitable for using paints to comply with the above standards.

#### 12.1.6.1.6 UTILITY SERVICES IN OUTSTANDING LANDSCAPES

The installation of utility services is permitted in Outstanding Landscapes as shown on the **Resource Maps**, provided that these services are underground.

#### 12.1.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

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An activity is a restricted discretionary activity if:

- (a) it does not comply with either of the following **Rules 12.1.6.1.4 Excavation and/or Filling within an Outstanding Landscape** and **12.1.6.1.5 Buildings within Outstanding Landscapes** for permitted activities above; but
- (b) it complies with the remainder of the standards under **12.1.6.1 Permitted Activities**; and
- (c) it complies with **Rules 12.1.6.2.1 Buildings within Outstanding Landscapes** and **12.1.6.2.2 Excavation and/or Filling Within an Outstanding Landscape** below; and
- (d) it complies with the relevant standards for permitted, controlled, or restricted discretionary activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (e) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule.

#### 12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

The following are restricted discretionary activities in an Outstanding Landscape, as shown on the **Resource Maps**:

- (a) any new building, including relocated buildings, exceeding a gross floor area of 25m<sup>2</sup>; or
- (b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building.

The Council will restrict the exercise of its discretion to:

- (i) the location of the building; and
- (ii) the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features; and
- (iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values; and
- (iv) the design of the building; and
- (v) the location and design of associated vehicle access, manoeuvring and parking areas; and
- (vi) the extent to which planting can mitigate visual effects; and
- (vii) the means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved, and
- (viii) the cumulative visual effects of all buildings on the site.

#### **12.1.6.2.2 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE**

The following are restricted discretionary activities in an Outstanding Landscape, as shown on the **Resource Maps**:

- (a) any excavation and/or filling that exceeds 300m<sup>3</sup> in any 12 month period; and
- (b) any excavation and/or filling that involves a cut or filled face exceeding 1.5m in height i.e. exceeding a total cut and/or fill height of 3m; and
- (c) it does not meet the permitted activity standards in **12.1.6.1.4(c)**;

The Council will restrict the exercise of its discretion to:

- (i) 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
- (ii) the nature of any avoidance, remedying or mitigation measures proposed, including consideration of alternatives, the profile of cut and fill batters, provisions for revegetation and the likely long-term stability of the works proposed; and
- (iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness and visual value.

**Note 1:** When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required

**Note 2:** Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area, more restrictive excavation and filling rules apply (refer to Rules in **12.4**).

**Note 3:** Some normal rural practices that involve excavation and filling, such as maintenance of rural tracks, dams, fences and fence lines, land cultivation, clearing of drains and obtaining roading materials for use on the same production unit, are excluded from the definitions of excavation and filling (refer to **Chapter 3 Definitions**), and are therefore not subject to this rule.

**Note 4:** Attention is also drawn to the provisions of any Regional Water and Soil Plan currently in force.

#### **12.1.6.3 DISCRETIONARY ACTIVITIES**

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An activity is a discretionary activity if:

- (a) it does not comply with one or more of the rules stated in **Sections 12.1.6.1** and **12.1.6.2** above; and/or
- (b) it complies with **Rules 12.1.6.3.1 Development Bonus**, **12.1.6.3.2 Buildings Within Outstanding Landscapes** or **12.1.6.3.3 Development in an Outstanding Natural Feature** below; and
- (c) it complies with the relevant standards for permitted, controlled, restricted discretionary, or discretionary activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application the Council will have regard to the assessment criteria set out under **Section 12.1.7**.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity.

#### 12.1.6.3.1 DEVELOPMENT BONUS

Where a site is located wholly or partly within an Outstanding Landscape (as shown on the **Resource Maps**), or Outstanding Landscape Feature or Outstanding Natural Feature (as listed in **Appendices 1A** and **1B** in **Part 4**, and as shown on the **Resource Maps**) and:

- (a) Where any or all of the area included within that landscape and/or feature is proposed to be permanently protected, and/or where revegetation and/or enhancement is proposed, within that landscape and/or feature, either:
  - (i) the standards permitted on that site may be increased up to the lower level that corresponds with that provided for discretionary activities in the relevant zone. Where necessary, to give practical effect to this development bonus, the Council will not require compliance with any of the following rules: **Traffic Intensity**, **Scale of Activities** and **Impermeable Surfaces**; or
  - (ii) the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) can be either from the parent title on which the area to be protected, revegetated and/or enhanced is located, or on another title. The new lot(s) may be created in addition to the rights to subdivide which otherwise apply, and may include the area to be protected and/or enhanced. The minimum area of a bonus lot shall be the minimum area provided for as a discretionary subdivision activity in the relevant zone. If the site is located within the Rural Production Zone the minimum discretionary lot size of any bonus lot shall be 4.0 ha. This bonus lot provision cannot apply to the General Coastal Zone as there is no discretionary minimum lot size (management plan subdivision is the only option provided).
- (b) Where there is an ongoing comprehensive pest control programme within that landscape or feature, the Council may allow a bonus of up to 20% more open space and impermeable surface than is allowed as a restricted discretionary standard or alternatively increase the **Scale of Activities** rule up to the lower level that corresponds with that provided for under a discretionary activity in the relevant zone.

The amount of additional development opportunities, or the number of extra lots that are allowed by the Council, will be determined in relation to the degree of protection of the landscape and/or features that is proposed, and to the extent of any revegetation or enhancement within that landscape and/or feature. Preference will be given to locating additional residential intensity or further lots outside of the Outstanding Landscape, Outstanding Natural Feature, or Outstanding Landscape Feature.

The Council will require that a covenant or other legal instrument be registered against the Certificate of Title to record the commitment to protection, revegetation, or enhancement before any bonus can be given effect to.

The Council may impose, as a condition of consent to any application for a development bonus, a requirement that a bond be paid, to be refunded when the Council is satisfied that the conditions attached to that consent have been complied with.

The Council may provide assistance in respect of any such application by waiving resource consent charges and reserve contributions. It may also provide assistance with fencing and fees associated with achieving formal protection.

#### 12.1.6.3.2 BUILDINGS WITHIN OUTSTANDING LANDSCAPE FEATURES

Any new building, or any alteration or extension to an existing building, in an Outstanding Landscape Feature, as listed in **Appendix 1B** and shown on the **Resource Maps** is a discretionary activity.

**Note:** Utility services within Outstanding Landscape Features, as listed in **Appendix 1B**, and shown on the **Resource Maps**, are also a discretionary activity.

#### 12.1.6.3.3 DEVELOPMENT ON AN OUTSTANDING NATURAL FEATURE

Any new building, relocated building, extension or alteration to an existing building, excavating, filling, planting of trees or clearance of vegetation on an Outstanding Natural

Feature, as listed in **Appendix 1A** and shown on the **Resource Maps** is a discretionary activity.

**Note:** This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

### 12.1.7 ASSESSMENT CRITERIA

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The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below, and will also have regard to the Landscape Assessment report, which was prepared for the Council in 1995 and which contains details of the Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features in the Far North District together with any site specific landscape assessment:

- (a) the rarity of the landscape, landscape features or natural features;
- (b) the visibility of outstanding landscapes, outstanding landscape features or outstanding natural features;
- (c) the aesthetic, heritage, cultural and natural values of the outstanding landscapes and natural features;
- (d) the elements which make up the distinctive character of the outstanding landscape or outstanding landscape features;
- (e) the extent of visible change to the landscape which may result from an activity;
- (f) the extent to which adverse effects may be mitigated through screening or other means;
- (g) the degree of visual intrusion in the landscape;
- (h) the siting of the activity in relation to ridgelines or natural landscape features;
- (i) the design of any building, structure, landform or any development;
- (j) the location and design of vehicle access, manoeuvring and parking spaces;
- (k) the potential for more than minor adverse effects on the outstanding natural feature as a result of the proposed activity;
- (l) the extent to which the activity will protect and/or enhance the outstanding natural feature or landscape;
- (m) the extent to which the activity may adversely affect ecological values of indigenous flora and fauna;
- (n) provisions for the permanent legal protection of the Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;
- (o) the environmental effect of the increase in residential intensity and/or the extra lots in relation to the benefits of achieving permanent legal protection of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;
- (p) the extent to which an application proposes revegetation and/or enhancement of the Outstanding Landscape, Outstanding Landscape Feature, or Outstanding Natural Feature, and the measures to secure the long term sustainability of the revegetation and/or enhancement;
- (q) the characteristics of the application site, including its size, shape and topography;
- (r) the effectiveness of any proposed pest control programme;
- (s) the relationship of people and communities with outstanding landscapes, outstanding landscape features and outstanding natural features.

## APPENDIX 1A: SCHEDULE OF OUTSTANDING NATURAL FEATURES

(Reference: **Part 3 District Wide Provisions, Section 12.1 Landscapes and Natural Features** and **Resource Maps**)

The Council is required under the Act to protect outstanding natural features and landscapes from inappropriate subdivision, use and development. There are a wide variety of human activities that may threaten the natural character, or continued existence, of important natural features within the District. In order to retain the scientific, educational and amenity values of sites of outstanding natural and geological significance, the Council has identified such sites in this Schedule and on the **Resource Maps**.

The major source of information has been the *“Inventory (and maps) of Important Geological Sites and Landforms in the Northland Region”*, Geological Society of New Zealand unpublished report 95/2, edited by J Kenny and B Hayward (1995). This Inventory lists the best examples of the wide diversity of physical features and processes that together characterise New Zealand’s long and complex geological history, the formation of its landforms and evolution of its unique biota. It was compiled using the combined knowledge and advice of a large sector of the geological, geomorphological, speleological and soil science community of New Zealand.

The Schedule below gives each site’s name, a brief description, the site’s significance and rating, a grid reference and map number. The rating signifies the site’s importance and vulnerability. Sites are listed in the Schedule under three levels (A-C) of significance:

### **A International**

Site of international scientific importance

### **B National**

Site of national scientific, educational or aesthetic importance

### **C Regional**

Site of regional scientific, educational or aesthetic importance.

Each site has been given a vulnerability classification (1 - 4) depending on its perceived vulnerability 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;
- 4 could be improved by human activity.

Eighty (80) natural landforms have been identified in the Far North District and are listed in this Schedule for their scientific, educational or scenic values. Three (3) sites have been assessed to be of international importance: Motukokako (Piercy) Island scarn with babingtonite and ilvaite; Camp Bay mylonite; and Marble Bay Permian fusulines and corals. A further twenty nine (29) sites have been assessed to be of national importance.

Three (3) sites have been assessed as highly vulnerable to human damage or destruction: Hokianga sand dunes, Te Paki sand dunes and Runaruna mud volcano.

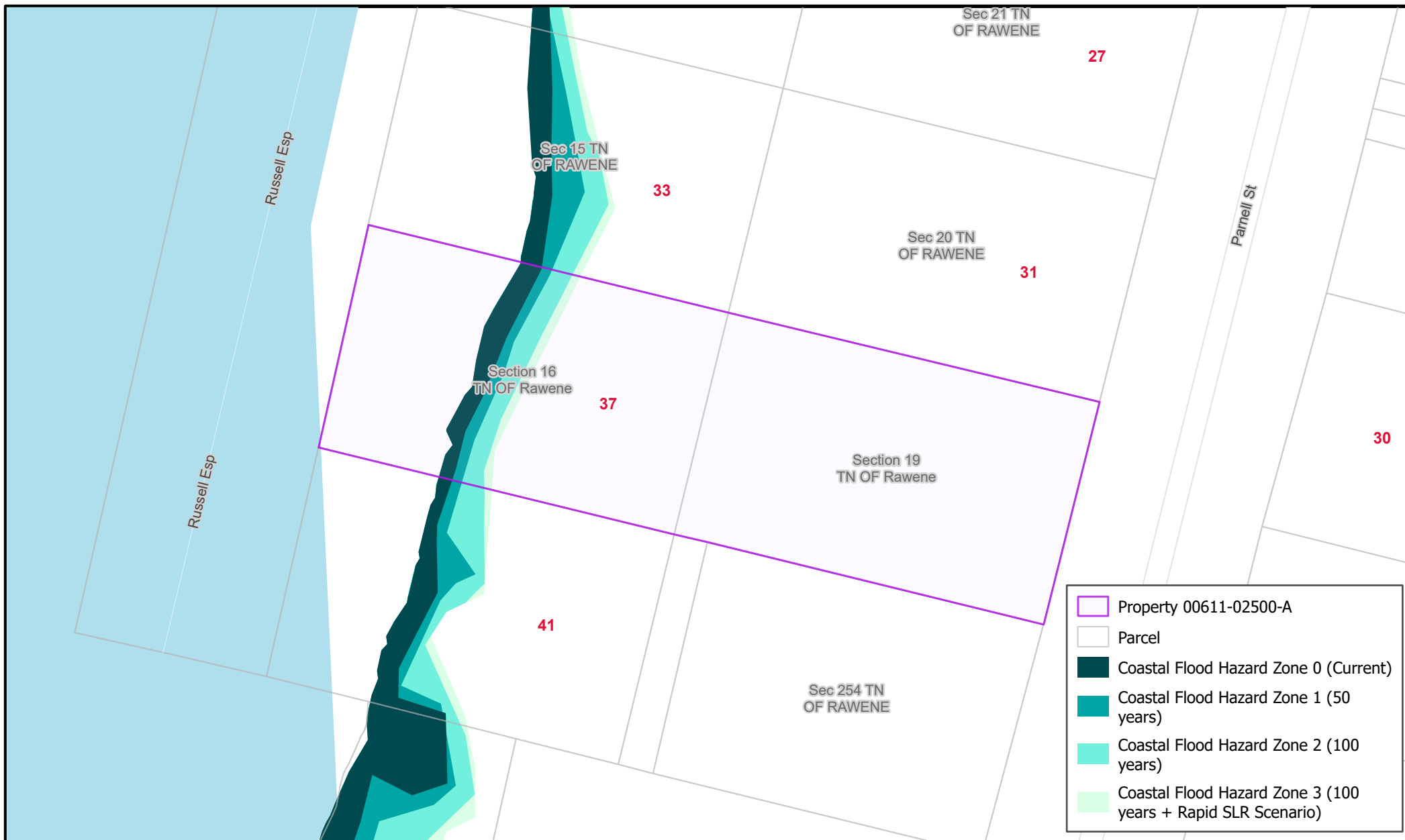
In addition, nineteen (19) sites are considered to be very fragile and should therefore receive maximum protection. These have been marked with a (^) in the Table below.

A number of sites listed are too small to show the exact extent of them on the **Resource Maps**. These sites, marked with a (\*) on the Table below, have been shown as a single “point” feature on the Maps rather than as a defined area.

For more detailed information on the outstanding natural features listed in the Schedule, readers are directed to the Inventory published by the Geological Society of New Zealand (referred to above). This Inventory does not form part of the Plan.



Site	Site Name	Site Description/Significance	Rating	Grid Ref.	Map
51	Putahi rhyolite dome with associated halloysite	Craterless dome rising 90m above underlying basalt plateau (381m ASL) - easily accessible rhyolite dome in contact with a Quaternary basalt flow - one of only two crystalline peralkaline rhyolite domes of Quaternary age in Northland	B4	P05843472	34
52 <sup>*^</sup>	Rainbow Falls	Waterfall held up by an eroding overhanging lava flow - extremely well defined landform of scientific, educational and scenic value (face is <100m across)	C3	P05966648	28
53	Rangiahua autochthonous sediments	Most complete and best exposed autochthonous middle Tertiary sequence beneath the allochthon in Northland	B3	O05685562	33 & 34
54	Rawene Paleocene limestones	Highly disrupted blocks within allochthon - best exposures of deep water Paleocene limestone facies in Northland	C3	O05563449	39
55 <sup>^</sup>	Runaruna mud volcano	3m high mud volcano mound - only active mud volcano in Northland	B1	O05421546	32
57 <sup>*</sup>	St Pauls dome-shaped hill	Prominent dome shaped rocky hilltop visible from many parts of the Whangaroa area - classified as an extremely well defined landform of scenic value (<100m across)	C3	P04792831	16 & 21
59	Tarahi scoria cone	A breached scoria cone thought to be the highest centre in the Kaikohe area - 85m above the surrounding flows, 390m ASL	C2	P05882484	35
60 <sup>*</sup>	Taratara butte	Spectacular flat topped, steep sided hill, the flat top controlled by very gently dipping strata - unusual feature, classified as an extremely well defined landform of scenic value (<200m across)	C3	P04717803	21
61	Tauanui (Taheke III) scoria cone	A well preserved cone in Kaikohe area with a distinct volcanic landform – 150m high, 355m ASL	B2	P06886338	41 & 46
62 <sup>*</sup>	Taupo Bay flow	Best exposed andesite flow within Wairakau Volcanics at Whangaroa (<100m across)	C3	P04773892	16
63	Taupo Bay ring plain deposits	Best example of easily accessible exposures of laharc ring plain breccias	C3	P04765891	16
64 <sup>*</sup>	Tauranga Bay channelised flow	200m wide andesite flow - best exposed easily accessible example of a flow confined within a Miocene ring plain paleogully	C3	P04823878	16
65 <sup>*^</sup>	Tauranga Bay coastal features	Very good examples of shore platforms and sea caves - extremely well defined landforms of scientific and educational value (individual sites <100m across)	C3	P04828883	16
66 <sup>*</sup>	Tauranganui Stream mouth melange	An excellent example of a structural melange between nappes within the Northland Allochthon (<100m across)	B3	O04591939	15
67	Te Ahuahu volcanic cone	Well preserved single circular cone, 500m in diameter, standing 100m above the surrounding plateau - 380m ASL - basaltic bombs can be found in a small quarry at the site	C2	P05872508	35
68	Te Huka Beach and Kuruhaupo Rocks Lower Miocene sediments	Deep water fine-grained sediments - best exposed sequence through most of lower Parengarenga Group	C3	N02057435	2



## **NORTHLAND REGIONAL COUNCIL – Coastal Hazard maps**

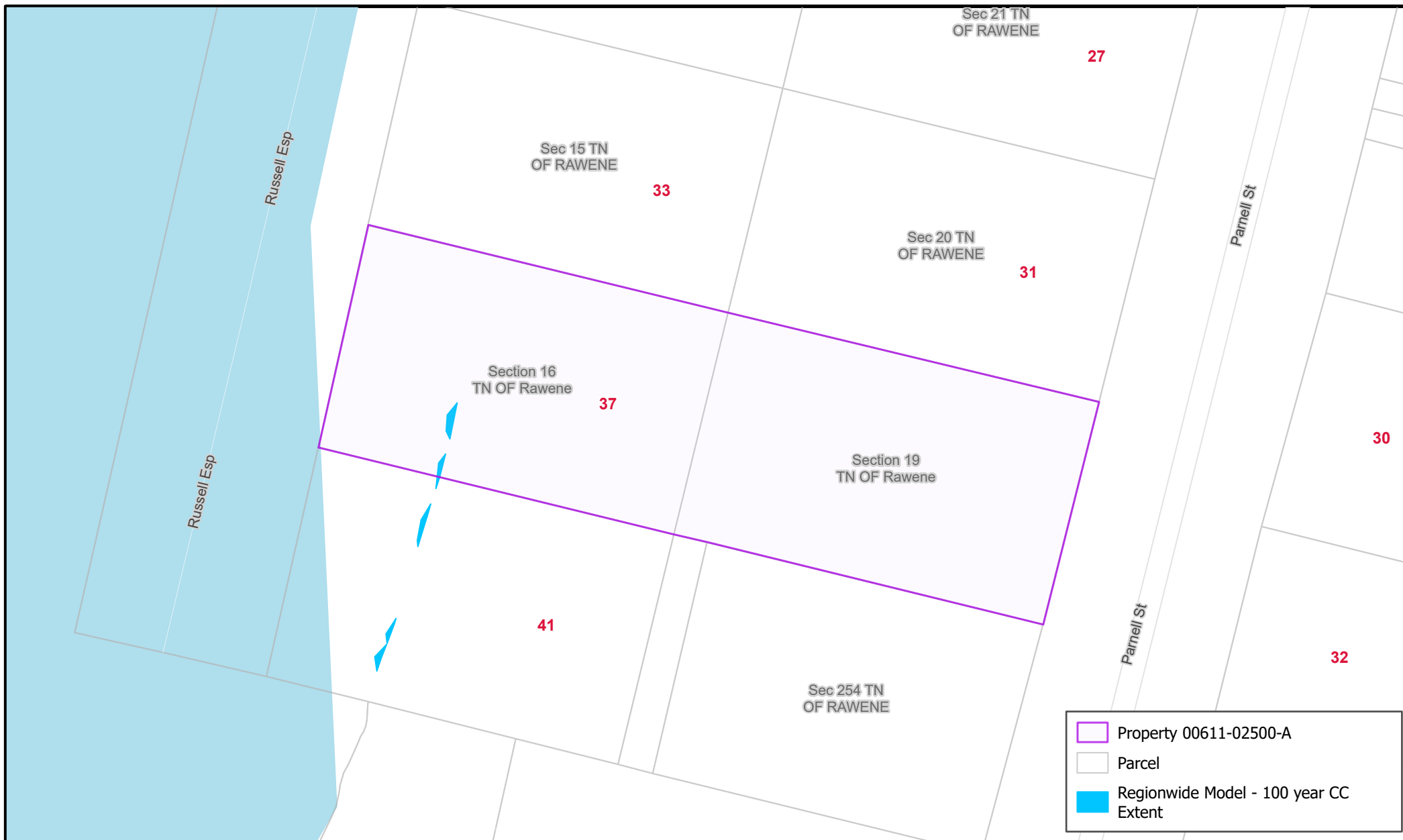
Northland Regional Council (NRC) has updated coastal hazard maps that show areas potentially subject to coastal erosion and coastal flooding considering 50- and 100-year timeframes, including sea level rise projections due to climate change. The updated maps, made available in April 2021, can be viewed via this link - [Natural Hazards \(arcgis.com\)](https://arcgis.com)

The coastal flooding maps show four different scenarios:

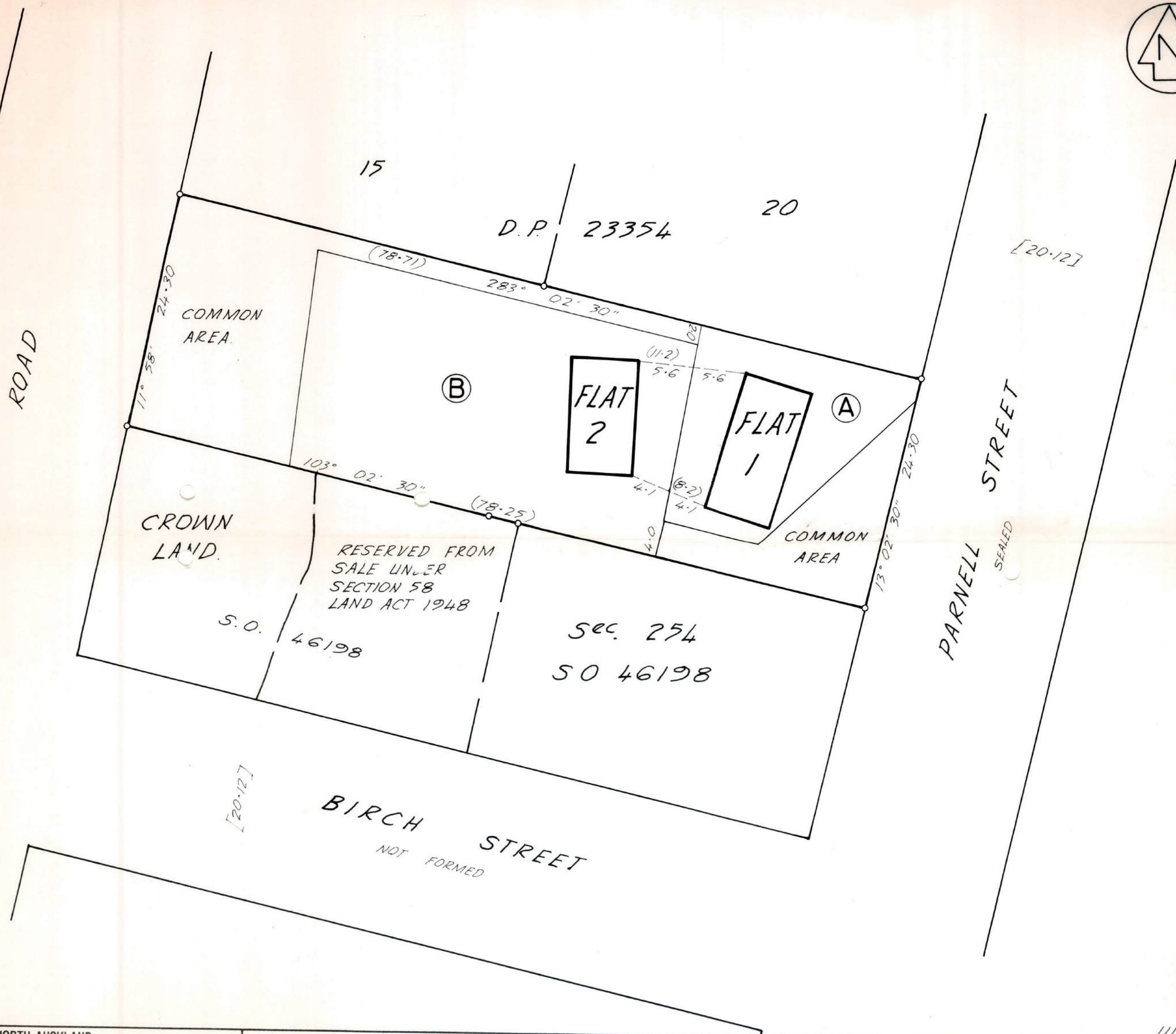
- **Current day** (CFHZ 0): areas currently susceptible to coastal flooding in a 1-in-100-year storm event with no allowance for sea level rise.
- **50-year projection** (CFHZ 1): areas susceptible to coastal flooding in a 1-in-50-year storm event, with a projected sea-level rise of 0.6m by 2080.
- **100-year projection** (CFHZ2): areas susceptible to coastal flooding in a 1-in-100-year storm event, with a projected sea-level rise of 1.2m by 2130.
- **100-year 'rapid sea level rise'** projection (CFHZ 3): areas susceptible to coastal flooding in a 1-in-100-year storm event, with a sea-level rise scenario of 1.5m by 2130. This is representative of a high-emissions scenario where more rapid rates of sea level rise occur due to dynamic ice sheet instabilities.

Further information from NRC about the hazard maps and their method for identifying these hazard areas is available at the web link [Coastal hazards - Northland Regional Council \(nrc.govt.nz\)](https://nrc.govt.nz)

The maps showing potential future areas at risk are based on a conservatively predicted sea level rise scenario assessed by external experts. Information on natural hazards can be considered when applying for building consents or resource consents or undertaking development on a site.







Approvals ROADS SHOWN ARE LEGAL.	
APPROVED.	
----- REGD OWNER.	
PURSUANT TO SECTION 314 OF THE LOCAL GOVERNMENT ACT 1974 I HEREBY CERTIFY THAT CONSTRUCTION OF THE BUILDINGS DEPICTED HEREON COMMENCED ON OR AFTER 1 APRIL 1979 AND A BUILDING PERMIT FOR THE CONSTRUCTION OF THE BUILDINGS DEPICTED HAS BEEN ISSUED BY THE FAR NORTH DISTRICT COUNCIL PURSUANT TO ITS BY LAWS.	
DATED THIS ____ DAY OF _____ 1990	
-----	
I MURRAY ROBERTSON WRIGHT OF KAIKOE REGISTERED SURVEYOR AND HOLDER OF AN ANNUAL PRACTISING CERTIFICATE HEREBY CERTIFY THAT THE BUILDINGS SHOWN HEREON ARE ERECTED IN THE POSITIONS SHOWN AND ARE SITUATED WITHIN THE BOUNDARIES OF C.T. 1090/182 AND THAT THE PLAN IS CORRECT.	
DATED THIS ____ DAY OF _____ 1990	
----- REGD SURVEYOR.	
BOUNDARIES OF AREAS TO BE LEASED ARE TO THE EXTERIOR FACES OF EXTERNAL WALLS AND STRUCTURES.	
AREAS MARKED (A) AND (B) ARE TO BE SUBJECT TO RESTRICTIVE COVENANTS.	
NEW C & T ALLOCATED FLAT 1 - FLAT 2 -	
Total Area 1907m <sup>2</sup>	
Comprised in C.T. 1090/182 (ALL)	
I, Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.	
Dated at	this day of 19 Signature
Field Book	p. Traverse Book p.
Reference Plans	
Examined	Correct
Approved as to Survey	
1	Chief Surveyor
Deposited this	day of 19
District Land Registrar	
File Received Instructions	

11158

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK. & DIST. XIV MANGAMUKA  
NZMS 261 SHT  
RECORD MAP No

PLAN OF FLATS ON SECS 16 & 19 TOWN OF RAWENE

TERRITORIAL AUTHORITY FAR NORTH DISTRICT COUNCIL  
Surveyed by FRASER THOMAS PARTNERS  
Scale 1:300 Date JANUARY 1990





FORM 7

**CODE COMPLIANCE CERTIFICATE**

Section 95, Building Act 2004

**Building Consent Number: EBC-2020-11087/1**

THE BUILDING

Street Address of Building:

35 Parnell Street, Rawene 0443

Legal description of land where building is located:

FLAT 1 DP 137395 ON SECS 16 19

RAWENE TOWNSHIP

Building Name:

Level/Unit Number:

Current, lawfully established, use:

2.0 Housing

Location of Building within site / block number:

Year first constructed:

2019

THE OWNER

Name of Owner:

Housing New Zealand Limited

Contact Person Name:

Mailing Address:

PO Box 74598

Greenlane

Auckland 1546

Street Address / Registered Office:

As Above

Phone Number:

Landline:

09 972 7932

Mobile:

Daytime:

After Hours:

Facsimile Number:

Email Address:

bookings@flamingfires.co.nz

Website:

First point of contact for communications with the building consent authority:

Danielle Cave

Phone: (09) 972 7932

26 Commerce Street

Email: bookings@flamingfires.co.nz

Whangarei

BUILDING WORK

The following building work is authorised and issued by Far North District Council:

Install a Novo ECR Woodsman Free Standing Wood Burner and Flue System

CODE COMPLIANCE

The building consent authority named below is satisfied, on reasonable grounds that the building work complies with the building consent.

Signature:

Dr Dean Myburgh

Position:

General Manager, District Services

On behalf of:

Far North District Council (Building Consent Authority)

Date:

5 November 2019

**FORM 5  
BUILDING CONSENT**

Section 51, Building Act 2004

**Building Consent Number:** EBC-2020-11087/0**THE BUILDING**Street Address  
of Building

35 Parnell Street, Rawene 0443

Building Name:

Level/unit  
number:Legal description of land where building is  
located:FLAT 1 DP 137395 ON SECS 16 19 RAWENE  
TOWNSHIP

Location of Building within site / block number:

**THE OWNER**

Name of Owner:

Housing New Zealand Limited

Contact Person Name:

Danielle Cave

Mailing Address:

C/- Flaming Fires  
148 Lower Dent Street  
Whangarei 0110

Street Address / Registered Office:

Phone Number:

Landline:

Mobile:

09 972 7932

Daytime:

After Hours:

Facsimile Number:

Email Address:

bookings@flamingfires.co.nz

Website:

First point of contact for communications with the building consent authority:

Danielle Cave (details as above)

**BUILDING WORK**

The following building work is authorised by this building consent:

**Install a Novo ECR Woodsman Free Standing Wood Burner and Flue System**

This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building). This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

**THIS BUILDING CONSENT IS SUBJECT TO THE FOLLOWING CONDITION(S)****Section 90 Inspections by the Building Consent Authority**

Agents authorised by the Building Consent Authority are entitled to inspect, at all times during normal working hours or while building work is being done. Inspection means the taking of all reasonable steps to ensure that building work is being carried out in accordance with this building consent. The required inspections are attached to this document.

**COMPLIANCE SCHEDULE**

A compliance schedule is not required for the building.

**ATTACHMENTS**

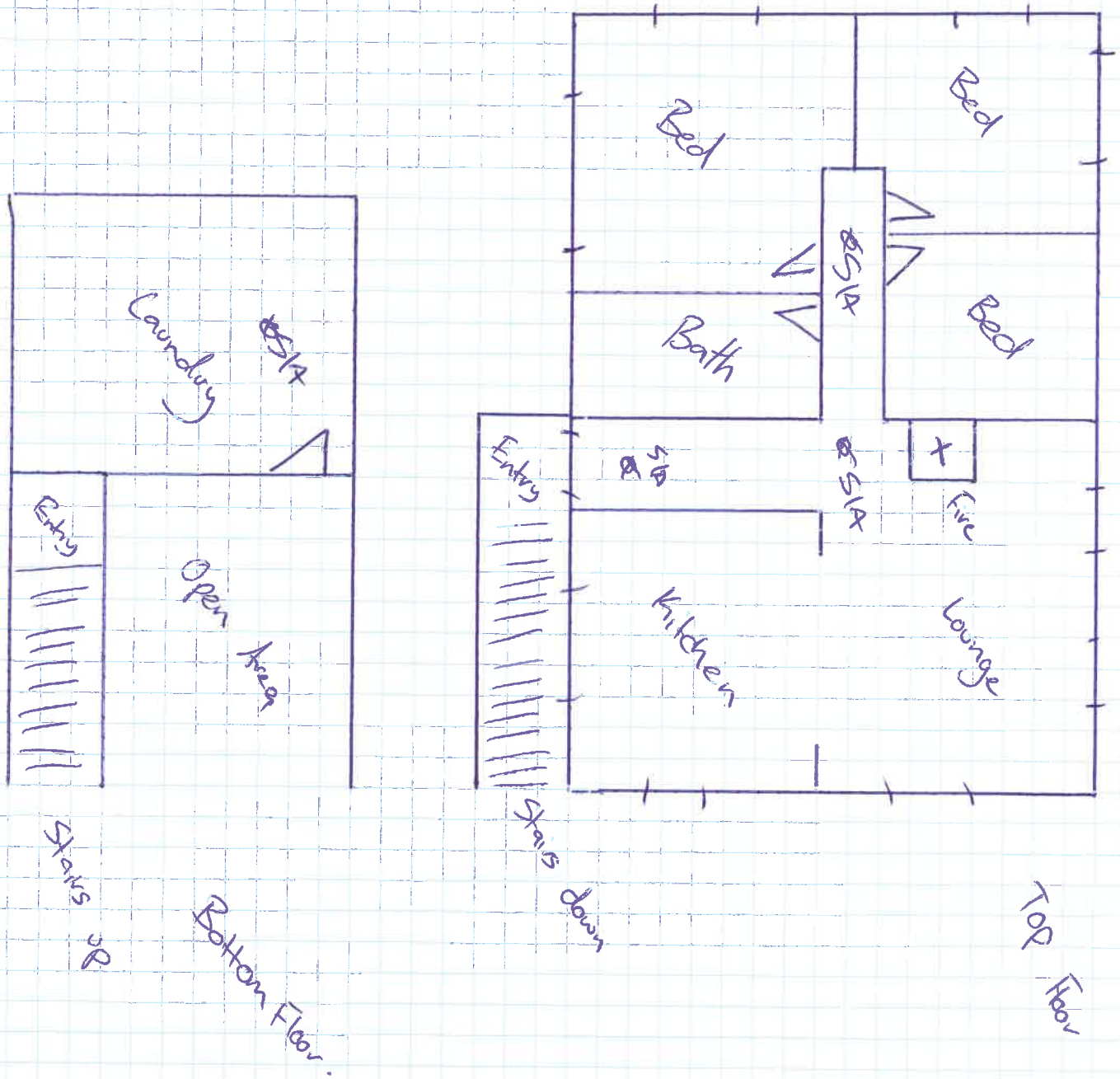
Copies of the following documents are attached to this building consent:

- ☐ Project information memorandum
- ☐ Development contribution notice
- ☐ Notification of requirement to obtain Resource Consent (Form 4)
- ☒ Advice notes, producer statements, certificates and inspections required for this consent



Position:  
On behalf of:  
Date:

Dr Dean Myburgh  
General Manager, District Services  
Far North District Council (Building Consent Authority)  
26-Jul-2019





Received	
<b>Tonkin &amp; Taylor</b>	
24 JAN 2003	
Dept	
ENV	1/0710

ENVIRONMENTAL

24 JAN 2003

RECEIVED

Our Ref: 19985  
23 January 2003Far North District Council  
Private Bag 752  
Memorial Ave  
KAIKOHE

611-025-00-3

Attention: Building Officer

Dear Sir/Madam

**35A and 35B Parnell Street, Rawene  
Stormwater Disposal from downpipes**

Building works have recently been completed at 35B Parnell Street, Rawene, under Building Consent number ABA 20030885.

The works were carried out to protect the dwelling from potential future damage resulting from a landslip that occurred on the property in late June of 2002, and included foundation deepening and private stormwater drainage works. The stormwater works were required as the downpipe from the guttering on the house appeared to be discharging directly into the headscarp area of the landslip, rather than being piped to a safe disposal point.

During an inspection of both 35A and 35B Parnell Street immediately following the landslip, it was noted that the down pipes from 35A discharged onto the ground surface, and the water flowed overland and into the headscarp of the slip below 35B. These down pipes have been temporarily connected to flexible piping laid overland to the base of the slope below 35B to mitigate the risk of further land movements. While a satisfactory temporary solution, these pipes will need to be removed and the down pipes from 35A should be directed to a safe disposal point that does not concentrate water into the slip area below 35B.

We request that you investigate this issue, and instruct the owners of 35A Parnell St to rectify this situation if you see fit. Should you have any queries, please contact the undersigned on 09 355 6000.

Yours faithfully  
TONKIN & TAYLOR LIMITEDGraeme Twose  
Senior Geotechnical Engineer.23-Jan-03  
j:\1998\5grt230103let.doc



## **INFORMATION REGARDING BUILDINGS WHERE COUNCIL HOLDS NO RECORDS OF CONSENTS**

### ***WHAT IF A LIM SHOWS THAT NO RECORDS ARE HELD BY THE COUNCIL BUT THERE ARE BUILDINGS OR STRUCTURES ON THE PROPERTY?***

Land Information Memoranda (LIM's) identify the information held by the Council concerning any Building Consent or Permit for existing buildings or structures. In some instances however, if there is a building in existence, the Council records may be incomplete. The absence of records for Building Consents or Permits may mean one of the following:

- The building was erected without a Building Consent or Permit.
- The original building may have been erected by a Government Department, e.g. Education, Railways, Electricity, and such Permits were kept in their records.
- The Council record was unable to be located.
- Hokianga County Council records prior to November 1987 were lost in a fire which destroyed the Hokianga County Council building.
- Prior to the Building Act 1991, Council was only required to keep documents for not less than ten years (See NSZ1990 Chapter 2). Documents may have been discarded after the expiry of that period.

### ***WHAT IF I BUY A PROPERTY WHICH HAS AN EXISTING BUILDING WITHOUT ANY BUILDING CONSENT OR PERMIT?***

If building work was carried out without a Building Permit prior to the introduction of the Building Act 1991, then there was no authority under that Act, and there is no authority under the Building Act 2004, for Council to retrospectively issue a Building Consent for that work. If this is the situation, Council is generally unlikely to take any action against the current owners of that building unless the building is deemed Dangerous and/or Insanitary pursuant to the Building Act 2004 or the Health Act 1956. This assumes that the buildings comply in all other respects with other statutory requirements.

For post-Building Act 1991 building work, for which Council holds no records, it is likely that the building work was carried out without consent. If so, the property owner and the person that carried out the work may have contravened the Building Act 1991 or the Building Act 2004 and enforcement action may be taken at the Council's discretion.

Council may upon a successful application decide to issue a Certificate of Acceptance (COA) where work has been carried out without consent.

Certificates of Acceptance for unconsented building work can only be made if the work was carried out after 1 July 1992 (Introduction of the Building Act 1991). The value of the COA to the owner or potential purchaser will ultimately depend on the extent to which the building work is able to be inspected. Council may refuse to issue a Certificate of Acceptance if it is unable to determine compliance with the Building Code.

***CAN I AS AN OWNER, PLACE ANY INFORMATION ON THE PROPERTY FILE TO ACKNOWLEDGE BUILDINGS CONSTRUCTED PRIOR TO 1<sup>ST</sup> JULY 1992?***

For building work carried out before 1st July 1992, a Condition Assessment Report (CAR) may be submitted to the council for inclusion on the relevant property file. This service is only available for buildings constructed under the former Building Permit system (pre-1992) where final certificates were not issued. The report should be completed by a Suitably Qualified Professional with appropriate insurance cover such as a Licensed Building Practitioner (LBP), engineer, designer or architect.

The report will need to establish that:

- The work is considered safe (verified by an appropriate trade professional).
- The structure is sanitary (not offensive or likely to be a health risk).
- The structure is not subject to dampness.
- The structure has adequate drinking water or sanitary facilities (where applicable).

**Councils Disclaimer:**

The report records the views of the report writer only. The council has not inspected the building. Placing the report on the property file does not constitute a building consent under the Building Act 2004 or alter the legal status of the building work. The council will not be liable for any damage or loss resulting from reliance on the report by the current or any future owner(s).

## **Domestic Smoke Alarms Guidance Notes 15 April 2003**

### **Building Act**

Section 44(1)(c) of the Building Act has been amended by adding, after the word “dangers”, the words “(other than a warning system for fire that is entirely within a household unit and serves only that unit)”.

### **Building Regulations**

Building Code Clause F7 has been amended as follows:

Clause 7.2 of the First Schedule of the principal regulations is amended by adding the words “in an emergency”.

The First Schedule of the principal regulations is amended by revoking clause F7.3, and substituting:

Limits on application: Performance F7.3 does not apply to *Outbuildings* or *Ancillary buildings*, and

#### **Performance**

**F7.3.1** A means of detection and warning must alert people to the emergency in *adequate* time for them to reach a *safe place*.

**F7.3.2** Appropriate means of detection and warning for fire must be provided within each *household unit*.

**F7.3.3** Appropriate means of warning for fire and other emergencies must be provided in *buildings* as necessary to satisfy the other performance requirements of this code.

The above amendments to the Building Regulations come into force on 24 April 2003.

### **Approved Document F7 Warning Systems**

The above amendments to the Building Act and Building Code enable the Approved Document F7 to require the installation of an automatic smoke detection and alarm system where one is not already required by Table 4.1 of C/AS1. Further it is to obviate the requirement for a compliance schedule where domestic smoke alarms are required under Approved Document F7.

Smoke alarms may be battery powered and are not required to be interconnected. In addition they shall be provided with a hush facility having a minimum duration of 60 seconds.

Smoke alarms shall have a test facility located on the smoke alarm (readily accessible to building occupants).

Smoke alarms shall be listed or approved by a recognized authority as complying with at least one of: UL 217, ULC S531, AS 3786, BS 5446 Part 1.

Smoke alarms shall be located on the escape routes on all levels within the *household unit*. On levels containing the sleeping spaces, the smoke alarms shall be located either:

- a) In every sleeping space, or
- b) Within 3.0 m of every sleeping space door. In this case the smoke alarms must be audible to sleeping occupants on the other side of the closed doors.

Smoke alarms shall be installed on or near the ceiling in accordance with AS 1670.6 and the manufacture's instructions.

Recommended maintenance procedures are:

- a) In-situ annual cleaning with a vacuum cleaner (no disassembly of smoke alarm).
- b) Monthly testing by use of the smoke alarm's test facility.

Note that under the Approved Documents there is no intention that increases in travel distances should be allowed because domestic smoke alarms are installed. Further, alternations under section 38 and change of use under section 46 will trigger the requirement to install domestic smoke alarms.

Approved Document F7 will be available in limited supply on Thursday 17 April 2003. Otherwise it will be generally available from Wednesday 23 April 2003 from:

Victoria University Book Centre  
PO Box 12 337  
Wellington

Phone: 0800 370 370  
Fax: 04 463 5510  
Email: [enquiries@bookcentre.co.nz](mailto:enquiries@bookcentre.co.nz)  
Web: [www.bookcentre.co.nz](http://www.bookcentre.co.nz)

## **Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

All landowners need to be aware of the introduction from 1 January 2012 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011.

These regulations provide a national environmental standard for activities on pieces of land where the soil may be contaminated in such a way as to be a risk to human health.

The identified activities are:

- removing or replacing a fuel storage system;
- sampling the soil, disturbing the soil;
- subdividing land; and
- changing the use of the piece of land.

Depending on the level of soil contamination and the proposed remedial action to be taken any of the above activities will be either a permitted activity, a controlled activity, a restricted discretionary activity, or a discretionary activity and may require an application for resource consent.

The land covered by the regulations is land which is being used, or has been used, or more likely than not is being used or has been used for any of the activities or industries, as identified in the current edition of the *Hazardous Activities and Industries List* (HAIL) Ministry for the Environment under the following categories:

**Chemical manufacture, application and bulk storage**

**Electrical and electronic works, power generation and transmission**

**Explosives and ordnance production, storage and use**

**Metal extraction, refining and reprocessing, storage and use**

**Vehicle refuelling, service and repair**

**Cemeteries and waste recycling, treatment and disposal**

Council records cannot confirm whether the subject land is, has been or may be a HAIL site and it is recommended that landowners or potential owners make their own enquiries.

*(The full Hazardous Activities and Industries List has been attached for your information)*



## Attachment 1

**THIS LIST IS CURRENT TO DATE OF PUBLICATION OF RESOURCE MANAGEMENT (NATIONAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011 - refer MfE website for the most up to date edition.**

### **Hazardous Activities and Industries List (HAIL) October 2011**

#### **A Chemical manufacture, application and bulk storage**

1. Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application
2. Chemical manufacture, formulation or bulk storage
3. Commercial analytical laboratory sites
4. Corrosives including formulation or bulk storage
5. Dry-cleaning plants including dry-cleaning premises or the bulk storage of dry-cleaning solvents
6. Fertiliser manufacture or bulk storage
7. Gasworks including the manufacture of gas from coal or oil feedstocks
8. Livestock dip or spray race operations
9. Paint manufacture or formulation (excluding retail paint stores)
10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds
11. Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application
12. Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides
13. Petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground
14. Pharmaceutical manufacture including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies or the manufacturing of illicit drugs with the potential for environmental discharges
15. Printing including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops)
16. Skin or wool processing including a tannery or fellmongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products
17. Storage tanks or drums for fuel, chemicals or liquid waste
18. Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside

#### **B Electrical and electronic works, power generation and transmission**

1. Batteries including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores)
2. Electrical transformers including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment
3. Electronics including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices
4. Power stations, substations or switchyards

#### **C Explosives and ordnance production, storage and use**

1. Explosive or ordnance production, maintenance, dismantling, disposal, bulk storage or re-packaging

2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors
3. Training areas set aside exclusively or primarily for the detonation of explosive ammunition

**D Metal extraction, refining and reprocessing, storage and use**

1. Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material
2. Foundry operations including the commercial production of metal products by injecting or pouring molten metal into moulds
3. Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds
4. Metalliferous ore processing including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals
5. Engineering workshops with metal fabrication

**E Mineral extraction, refining and reprocessing, storage and use**

1. Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition
2. Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
3. Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process
4. Commercial concrete manufacture or commercial cement storage
5. Coal or coke yards
6. Hydrocarbon exploration or production including well sites or flare pits
7. Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings

**F Vehicle refuelling, service and repair**

1. Airports including fuel storage, workshops, wash-down areas, or fire practice areas
2. Brake lining manufacturers, repairers or recyclers
3. Engine reconditioning workshops
4. Motor vehicle workshops
5. Port activities including dry docks or marine vessel maintenance facilities
6. Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas
7. Service stations including retail or commercial refuelling facilities
8. Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

**G Cemeteries and waste recycling, treatment and disposal**

1. Cemeteries
2. Drum or tank reconditioning or recycling
3. Landfill sites
4. Scrap yards including automotive dismantling, wrecking or scrap metal yards
5. Waste disposal to land (excluding where bio-solids have been used as soil conditioners)
6. Waste recycling or waste or wastewater treatment

**H Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment**

**I Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment**

# **Far North**

# **Proposed District Plan**

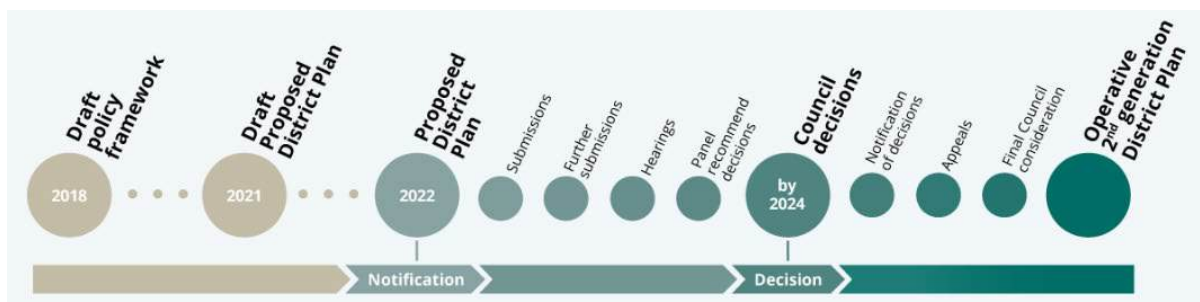
# **2022**

# **General Information**

## Far North Proposed District Plan 2022 - overview

The Far North Proposed District Plan (PDP) will bring about changes to the current operative plan that you should be aware of. [Proposed district plan | Far North District Council](#)

Upon public notification on 27<sup>th</sup> July 2022 some rules in the Proposed District Plan will have immediate legal effect (these are attached but can also be identified on the link below) and must be complied with under the Resource Management Act 1991. The majority of the PDP however will not immediately apply until Council decisions on the whole plan are made (refer to the diagram below). This may also mean that rules with immediate effect may also be subject to change in the final plan.



## What's new to your LIM report

- A map will be printed from the PDP showing zoning and overlays applicable to the property. Zoning does not have immediate legal effect, but some overlays do such as notable trees or heritage items.
- LIM reports will contain rules with immediate legal effect from 27 July 2022. These are attached as a whole, so refer to the relevant chapters of the PDP to determine if any rules with immediate legal effect apply to the property or an activity you may be wanting to undertake. To help with this refer to the attached map.
- It is important to remember that rules with immediate legal effect and all other parts of the PDP (e.g zoning, other rules that do not have immediate legal effect) may change through submissions, hearings and appeals. Therefore it is important to check what rules are applicable at the time of undertaking any development, while we work with two district plans.

Please note: For all properties on State Highways - State Highway Designation rules may impact your property. Please check the Proposed District Plan and associated State Highway Designation rules.

We advise you seek further advice from the District Planning team if you require further information on the PDP. They can be contacted at [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz) or 0800 920 029. If you would like to discuss whether you would require a resource consent under the current operative district plan and any rule that has immediate legal effect under the PDP please contact Councils Duty Planner at [duty.planner@fndc.govt.nz](mailto:duty.planner@fndc.govt.nz) or 0800 920 029.

The current operative Far North District Plan 2007 is still included in your LIM and still applies to the property and any activity you may want to undertake. [District Plan Far North District Council \(fndc.govt.nz\)](#)

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

Subdivision is the process of dividing an allotment or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape is important as it not only determines the quality and character of development, but it also impacts on surrounding sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that are unlikely to be reversed.

Subdivisions should be designed in an integrated way that contributes to a sense of place, supports connectivity and provides well-designed, accessible and safe spaces. It should not result in reverse sensitivity effects that cause land to be sterilised and result in the inability to undertake the activities enabled in the relevant zone. The subdivision process also provides the opportunity to create esplanade reserves or strips adjacent to the coast and rivers to enable public access and recreation, or to manage conservation values.

The Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the Act and these are administered by the Māori Land Court. However, full partitions are subject to the subdivision provisions.

Subdivision of land that contains an identified feature or resource overlay may be subject to additional provisions. Regard should be given to the relevant chapter managing that feature/ resource, including its objectives and policies. Zone rules may also have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with rules in the Plan due to the change in allotment size. Other sections of the Plan will be relevant for land use activities, which may be associated with and/or required to implement the subdivision e.g. earthworks or the formation of roads.

Consent for subdivision or land use may also be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), unless it can be demonstrated that the NESCS does not apply to the application site.

Council has a responsibility under the RMA and the Northland Regional Policy Statement to ensure that there is sufficient land available to meet the future demands of the district, that development is in the right location, and manage the rural land resource to provide for the economic, social and cultural well-being of people and communities while managing adverse effects on natural and physical, historic heritage and cultural values, natural features and landscapes or indigenous biodiversity.

Objectives	
<b>SUB-01</b>	Subdivision results in the efficient use of land, which: <ol style="list-style-type: none"> <li>achieves the objectives of each relevant zone, overlays and district wide provisions;</li> <li>contributes to the local character and sense of place;</li> <li>avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;</li> <li>avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;</li> <li>does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and</li> <li>manages adverse effects on the environment.</li> </ol>
<b>SUB-02</b>	Subdivision provides for the: <ol style="list-style-type: none"> <li>Protection of highly productive land; and</li> <li>Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.</li> </ol>
<b>SUB-03</b>	Infrastructure is planned to service the proposed subdivision and development where: <ol style="list-style-type: none"> <li>there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and</li> <li>where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.</li> </ol>
<b>SUB-04</b>	Subdivision is accessible, connected, and integrated with the surrounding environment and provides for: <ol style="list-style-type: none"> <li>public open spaces;</li> <li>esplanade where land adjoins the coastal marine area; and</li> <li>esplanade where land adjoins other qualifying waterbodies.</li> </ol>



Policies	
<b>SUB-P1</b>	Enable boundary adjustments that: <ol style="list-style-type: none"> <li>do not alter:               <ol style="list-style-type: none"> <li>the degree of non compliance with District Plan rules and standards;</li> <li>the number and location of any access; and</li> <li>the number of certificates of title; and</li> </ol> </li> <li>are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.</li> </ol>
<b>SUB-P2</b>	Enable subdivision for the purpose of public works, infrastructure, reserves or access.
<b>SUB-P3</b>	Provide for subdivision where it results in allotments that: <ol style="list-style-type: none"> <li>are consistent with the purpose, characteristics and qualities of the zone;</li> <li>comply with the minimum allotment sizes for each zone;</li> <li>have an adequate size and appropriate shape to contain a building platform; and</li> <li>have legal and physical access.</li> </ol>
<b>SUB-P4</b>	Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan
<b>SUB-P5</b>	Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by: <ol style="list-style-type: none"> <li>minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;</li> <li>avoid cul-de-sac development unless the site or the topography prevents future public access and connections;</li> <li>providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;</li> <li>contributing to a well connected transport network that safeguards future roading connections; and</li> <li>maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.</li> </ol>
<b>SUB-P6</b>	Require infrastructure to be provided in an integrated and comprehensive manner by: <ol style="list-style-type: none"> <li>demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and</li> <li>ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.</li> </ol>
<b>SUB- P7</b>	Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.
<b>SUB-P8</b>	Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision: <ol style="list-style-type: none"> <li>will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and</li> <li>will not result in the loss of versatile soils for primary production activities.</li> </ol>
<b>SUB-P9</b>	Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.
<b>SUB-P10</b>	To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.
<b>SUB-P11</b>	Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application: <ol style="list-style-type: none"> <li>consistency with the scale, density, design and character of the environment and purpose of the zone;</li> <li>the location, scale and design of buildings and structures;</li> <li>the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</li> <li>managing natural hazards;</li> <li>Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and</li> <li>any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ol>

## Rules

**Notes:**

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. Subdivision of land within the Treaty Settlement Overlay is subject to the subdivision rules and standards for the underlying zone
3. Where a site has a split zoning the more restrictive rules relating to minimum allotment sizes will apply.
4. Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion including an assessment of whether the site includes an area of land susceptible to instability.

SUB-R1	Boundary adjustments	
All zones (except Open Space zones, Motorua Island zone, and Airport zone)	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b></p> <ol style="list-style-type: none"> <li>1. The boundary adjustment complies with standards: <ul style="list-style-type: none"> <li>SUB-S1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;</li> <li>SUB-S2 Requirements for building platforms for each allotment;</li> <li>SUB-S3 Water supply;</li> <li>SUB-S4 Stormwater management;</li> <li>SUB-S5 Wastewater disposal;</li> <li>SUB-S6 Telecommunications and power supply; and</li> <li>SUB-S7 Easements for any purpose;</li> </ul> </li> </ol> <p><b>CON-2</b></p> <ol style="list-style-type: none"> <li>1. the boundary adjustment does not alter: <ol style="list-style-type: none"> <li>i. the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;</li> <li>ii. the degree of non compliance with zone or district wide standards;</li> <li>iii. the number and location of any access; and</li> <li>iv. the number of certificates of title.</li> </ol> </li> </ol> <p><b>CON-3</b></p> <ol style="list-style-type: none"> <li>1. The boundary adjustment complies with standard: SUB -S8 Esplanades.</li> </ol> <p><b>Matters of control are limited to:</b></p> <ol style="list-style-type: none"> <li>a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;</li> <li>b. the provision of easements or registration of an instrument for the purpose of public access and reserves;</li> <li>c. the effects of development phase works on the surrounding area;</li> <li>d. extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga;</li> <li>e. adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the</li> </ol>	<p><b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. matters of any infringed standard; and</li> <li>b. any relevant matters of control.</li> </ol> <p><b>Activity status where compliance not achieved with CON-2 and CON-3: Discretionary</b></p>

	<p>New Zealand Threat Classification system lists;</p> <ul style="list-style-type: none"> <li>f. natural hazards or geotechnical constraints;</li> <li>g. where relevant compliance with Far North District Council Engineering Standards April 2022; and</li> <li>h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</li> </ul> <p><b>NOTE:</b> If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
<p><b>Natural Open Space zone</b></p> <p><b>Open Space zone</b></p> <p><b>Sport and Active Recreation zone</b></p> <p><b>Motorua Island zone</b></p> <p><b>Airport zone</b></p>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SUB-R2</b>	<b>Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access</b>	
<b>All zones</b>	<p><b>Activity status: Controlled</b></p> <p><b>Matters of control are limited to:</b></p> <ul style="list-style-type: none"> <li>a. the size, design and layout of lots for the purpose of public works, infrastructure, reserves or access;</li> <li>b. the provision of easements or registration of an instrument for the purpose of public access and reserves;</li> <li>c. the effects of development phase works on the surrounding area;</li> <li>d. the effects on cultural values;</li> <li>e. preservation of the natural character of the coastal environment and the margins of lakes, rivers and wetlands;</li> <li>f. protection of natural features/landforms, waterbodies, indigenous vegetation, indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists, historic heritage, sites of significance to tangata whenua, archaeological site or identified feature;</li> <li>g. natural hazards or geotechnical constraints;</li> <li>h. where relevant compliance with Far North District Council Engineering Standards April 2022;</li> <li>i. effects on notable trees within or adjoining the site; and</li> <li>j. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</li> </ul> <p><b>NOTE:</b></p>	

	If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.	
<b>SUB-R3</b>	<b>Subdivision of land to create a new allotment</b>	
<b>Rural Production</b>  <b>Rural Lifestyle</b>  <b>Rural Residential</b>  <b>General Residential zone</b>  <b>Kororāreka Russell Township zone</b>  <b>Settlement zone</b>  <b>Mixed Use zone</b>  <b>Light Industrial zone</b>  <b>Heavy Industrial zone</b>  <b>Horticulture zone</b>  <b>Horticulture Processing zone</b>  <b>Hospital zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b></p> <p>1. The subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose.</p> <p><b>CON-2</b></p> <p>1. The subdivision complies with standards: SUB-S1 Minimum allotment sizes; and SUB-S8 Esplanades.</p> <p><b>Matters of control are limited to:</b></p> <p>a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; b. the provision of easements or registration of an instrument for the purpose of public access and reserves; c. the effects of development phase works on the surrounding area; d. extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; e. adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; f. natural hazards or geotechnical constraints; g. where relevant compliance with Far North District Council Engineering Standards April 2022; and h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</p> <p><b>NOTE:</b> If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	<p><b>Activity status where compliance not achieved with CON- 1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. matters of any infringed standard; and b. any relevant matters of control.</p> <p><b>Activity status where compliance not achieved with CON-2: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b></p> <p>1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved</p> <p><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></p>
<b>Orongo Bay zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1:</b></p> <p>1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal;</p>	<p><b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3.</p>

	<p>SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose.</p> <p><b>CON-2</b></p> <p>1. The subdivision complies with standard: SUB-S8 Esplanades.</p> <p><b>CON- 3</b></p> <p>1. The subdivision complies with the following table:</p> <table><tr><td>Orongo Bay zone</td><td><p>1. the minimum lot sizes are:</p><ul style="list-style-type: none"><li>• 3,000m<sub>2</sub> (onsite sewerage disposal);</li><li>• 1,000m<sub>2</sub> (reticulated sewerage disposal);</li></ul><p>2. the subdivision is part of an approved Comprehensive Development Plan; and</p><p>3. Maximum number of separate titles created shall not exceed seven.</p></td></tr></table> <p><b>Matters of control are limited to:</b></p> <p>a. Matters on control in SUB-R3.</p>	Orongo Bay zone	<p>1. the minimum lot sizes are:</p> <ul style="list-style-type: none"><li>• 3,000m<sub>2</sub> (onsite sewerage disposal);</li><li>• 1,000m<sub>2</sub> (reticulated sewerage disposal);</li></ul> <p>2. the subdivision is part of an approved Comprehensive Development Plan; and</p> <p>3. Maximum number of separate titles created shall not exceed seven.</p>	<p><b>Activity status where compliance not achieved with CON-2: Discretionary</b></p> <p><b>Activity status where compliance not achieved with CON-3: Non-complying</b></p>
Orongo Bay zone	<p>1. the minimum lot sizes are:</p> <ul style="list-style-type: none"><li>• 3,000m<sub>2</sub> (onsite sewerage disposal);</li><li>• 1,000m<sub>2</sub> (reticulated sewerage disposal);</li></ul> <p>2. the subdivision is part of an approved Comprehensive Development Plan; and</p> <p>3. Maximum number of separate titles created shall not exceed seven.</p>			
<b>Carrington Estate zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1:</b></p> <p>1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose.</p> <p><b>CON-2</b></p> <p>1. The subdivision complies with standard: SUB-S8 Esplanades.</p> <p><b>CON-3:</b></p> <p>1. The subdivision is a Unit title subdivision of the accommodation units and lodge/golf club complex, as identified in the Carrington Estate Development Plan.</p> <p><b>Matters of control are limited to:</b></p> <p>a. Matters on control in SUB-R3</p>	<p><b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3.</p> <p><b>Activity status where compliance not achieved with CON-2: Discretionary</b></p> <p><b>Activity status where compliance not achieved with CON-3: Non-complying</b></p>		
<b>Kauri Cliffs zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1:</b></p> <p>1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose;and SUB-S8 Esplanades.</p>	<p><b>Activity status where compliance not achieved with RDIS-1: Discretionary</b></p> <p><b>Activity status where compliance not achieved with RDIS-2: Discretionary</b></p>		

	<p><b>RDIS-2:</b></p> <ol style="list-style-type: none"> <li>1. Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: <ol style="list-style-type: none"> <li>i. no lot is less than 4,000m<sup>2</sup> in area;</li> <li>ii. on-site treatment and disposal of wastewater is provided for; and</li> <li>iii. the building footprints are specified on an approved plan of subdivision.</li> </ol> </li> </ol> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. matters of control in SUB-R3;</li> <li>b. the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;</li> <li>c. the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and</li> <li>d. the effect on adjoining activities.</li> </ol> <p><b>NOTE:</b> Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.</p>	
<p><b>Māori Purpose zone</b></p> <p><b>Ngawha Innovation and Enterprise Park</b></p>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<p><b>Open space zones</b></p> <p><b>Motorua Island zone</b></p> <p><b>Quail Ridge zone</b></p> <p><b>Airport zone</b></p>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SUB-R4</b>	<b>Subdivision that creates a private accessway</b>	
<b>All zones</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON -1</b></p> <ol style="list-style-type: none"> <li>1. A private accessway serves a maximum of 8 sites.</li> </ol> <p><b>CON-2</b></p> <ol style="list-style-type: none"> <li>1. Where a subdivision serves 9 or more sites, access shall be by public road.</li> </ol>	<b>Activity status where compliance not achieved with CON-1 and CON-2: Discretionary</b>
<b>SUB-R5</b>	<b>Subdivision around an approved multi-unit development</b>	
<b>General Residential zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b></p>	<b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b>



	<p>1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose.</p> <p><b>CON-2</b> 1. Subdivision complies with standards SUB-S1 Minimum allotment sizes - Controlled activity; and SUB-S8 Esplanades</p> <p><b>CON-3</b> 1. The multi-unit development has already been constructed or the subdivision is proposed around a multi-unit development that has been approved by way of resource consent.</p> <p><b>Matters of control are limited to:</b></p> <ol style="list-style-type: none"> <li>the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;</li> <li>the provision of easements or registration of an instrument for the purpose of public access and reserves;</li> <li>the effects of development phase works on the surrounding area;</li> <li>extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga;</li> <li>adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists;</li> <li>natural hazards or geotechnical constraints;</li> <li>where relevant compliance with Far North District Council Engineering Standards 2022; and</li> <li>adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</li> </ol> <p><b>NOTE:</b> If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>matters of any infringed standard; and</li> <li>any relevant matters of control in SUB-R4.</li> </ol> <p><b>Activity status where compliance not achieved with CON-2: Discretionary</b></p> <p><b>Activity status where compliance not achieved with CON-3: Non-complying</b></p>
<b>SUB-R6</b>	<b>Environmental benefit subdivision</b>	
<b>Rural Production zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS -1</b> 1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management;</p>	<p><b>Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary</b></p> <p><b>Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying</b></p>

SUB-S5 Wastewater disposal;  
 SUB-S6 Telecommunications and power supply;  
 SUB-S7 Easements for any purpose; and  
 SUB-S8 Esplanades.

#### **RDIS -2**

The Environmental benefit subdivision complies with either Table 1 or Table 2 as follows:

**Table 1.**

<b>Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title</b>	<b>Maximum Number of additional lots that can be created on an individual Record of Title</b>
Greater than 4ha — less than 10ha	1
Greater than 10ha — less than 20ha	2
Greater than 20ha	3

**Table 2.**

<b>Total area of natural wetland to be legally protected on an individual Record of Title</b>	<b>Maximum Number of additional lots that can be created on an individual Record of Title</b>
Greater than 0.5ha (5,000m <sup>2</sup> ) — less than 1ha	1
Greater than 1ha — less than 2ha	2
Greater than 2ha	3

#### **RDIS-2**

Each separate area of significant indigenous vegetation, significant indigenous habitat or natural wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).

#### **RDIS-3**

The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.

#### **RDIS-4**

The subdivision proposes to protect all areas of indigenous vegetation, indigenous habitat or natural wetland by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977.

#### **RDIS-5**

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. Fencing requirements for the covenant area;
2. Ongoing pest plant and animal control; and
3. Any enhancement or edge planting required within the covenant area

	<p><b>RDIS-6</b> All proposed new environmental allotments are to be a minimum size of 2ha in area and the balance lot must be greater than 40ha.</p> <p><b>RDIS-7</b> This rule has not been used previously to gain an additional subdivision entitlement.</p> <p><b>RDIS-8</b> Where the land to be subdivided contains versatile soil (as determined by a property scale site specific Land Use Capability Classification prepared by a suitably qualified person), the proposed new allotments created by the new environmental benefit lot subdivision, exclusive of the balance area, must not individually contain more than 15% versatile soils within the allotment.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>subdivision design and layout and proximity to the significant indigenous vegetation, significant indigenous habitat or natural wetland being protected;</li> <li>the ecological benefits that will result from the subdivision and level of protection and enhancement proposed;</li> <li>matters contained in the ecological management plan for the covenant area;</li> <li>effects of the subdivision on rural character and amenity values;</li> <li>the extent of earthworks including earthworks for the location of building platforms and access ways;</li> <li>effects on rural productivity and the availability and productivity capacity of versatile soils;</li> <li>potential for reverse sensitivity effects;</li> <li>how the subdivision layout and design may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; and</li> <li>any relevant matters of control in SUB -R3.</li> </ol> <p><b>NOTE:</b> If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
<b>SUB-R7</b>	<b>Management plan subdivision</b>	
<p><b>Rural Production zone</b></p> <p><b>Rural Lifestyle zone</b></p>	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b></p> <ol style="list-style-type: none"> <li>the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than 2ha in the Rural Production zone and 5,000m<sup>2</sup> in the Rural Lifestyle zone;</li> <li>This is the only management plan subdivision for the specified portion of a site;</li> <li>The portion of a site that is not subject to the management plan shall be no less than 8ha in the Rural Production and 2ha Rural Lifestyle zone; and</li> <li>The application contains the information listed in APP3- Subdivision management plan criteria.</li> </ol>	<p><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></p>

**Note:**

Rules SUB-R8 — SUB-R20 are specific rules relating to subdivision of land in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan and apply in addition to SUB-R1 — SUB-R7.

SUB-R8	Subdivision of a site containing land susceptible to land instability	
All zones	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The proposed development area, including the building platform and any area that is required for access and services, is located wholly outside of any area on the site that is identified as being land susceptible to land instability.</p> <p><b>Matters of control are limited to:</b></p> <ol style="list-style-type: none"> <li>the location of lots, building platforms, access and services;</li> <li>the management of the land instability hazard to enable the intended use of the land and protect other property; and</li> <li>the feasibility and integrity of any physical mitigation measures required so that land instability hazard risk to the subject site or other property is not increased.</li> </ol>	Activity status where compliance not achieved with CON-1: Discretionary
SUB-R9	Subdivision of a site within the National Grid Corridor	
All zones	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS- 1</b> Proposed building platforms are identified for each allotment and located wholly outside of the National Grid Yard (except where the allotments are for roads, esplanades, accessways and infrastructure).</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading;</li> <li>the location of any future building platform as it relates to the National Grid Yard;</li> <li>the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the National Grid;</li> <li>the nature and location of any vegetation to be planted in the vicinity of the National Grid;</li> <li>the ability of future development to comply with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances;</li> <li>the risk of electrical hazards affecting public or individual safety, and the risk of public and private property damage; and</li> <li>the outcome of any consultation with the owner and operator of the National Grid.</li> </ol>	Activity status where compliance not achieved with RDIS-1: Non-complying
SUB-R10	Subdivision of site within 32m of the centre line of a Critical Electricity Line	
All zones	Activity status: Restricted Discretionary	Activity status where compliance not achieved: Not applicable

	<b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>the safe and efficient operation and maintenance of the electricity supply network;</li> <li>the location of any future building platform and access as it relates to the critical electricity line;</li> <li>effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes;</li> <li>the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line;</li> <li>the mature size, growth rate, location, and fall zone of any associated tree planting;</li> <li>including landscape planting and shelterbelts;</li> <li>compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances;</li> <li>effects on public health and safety; and</li> <li>the outcome of any consultation with the owner and operator of the potentially affected infrastructure.</li> </ol>	
<b>SUB-R11</b>	<b>Subdivision of a site within flood hazard areas</b>	
<b>All zones</b>	<b>Activity status: Restricted Discretionary</b>  <b>Where:</b>  <b>RDIS -1</b> <ol style="list-style-type: none"> <li>Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain;</li> <li>Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and</li> <li>Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level.</li> </ol> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>location of suitable and stable building platforms, access and servicing, including on-site wastewater/ stormwater disposal where applicable;</li> <li>the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone, and the vulnerability of the uses to flood hazard events;</li> <li>the degree to which there may be material damage, through inundation or erosion, in a 1 in 100 year flood event;</li> <li>the provision of safe access and egress to and within the created lots during a flood event, including consideration of depth and velocity of flood water over private roads and accessways;</li> <li>effects on the functions of floodplains and overland flow paths;</li> <li>the effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and</li> <li>the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard.</li> </ol>	<b>Activity status where compliance not achieved with RDIS-1: Non-complying</b>
<b>SUB-R12</b>	<b>Subdivision of a site within coastal hazard areas</b>	
<b>All zones</b>	<b>Activity status: Restricted Discretionary</b>  <b>Where:</b>	<b>Activity status where compliance not achieved with RDIS-1: Non-complying</b>



	<p><b>RDIS-1</b> All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards;</li> <li>the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone and the vulnerability of these uses to coastal storm inundation and erosion events;</li> <li>the effects of any proposed hazard mitigation works including any earthworks on public access, landscape and other environmental values; and</li> <li>the proposed use of, necessity for and design of hard protection structures to mitigate hazards.</li> </ol>	
<b>SUB-R13</b>	<b>Subdivision of a site within a heritage area overlay</b>	
<p><b>All zones</b></p> <p><b>All Heritage Area overlays</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the heritage values of the Heritage Area Overlay;</li> <li>whether the allotments are of a size that will ensure sufficient land is provided around any scheduled Heritage Resource to provide a suitable heritage setting and protect associated heritage values;</li> <li>whether there are measures to minimise obstruction of views of any scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development;</li> <li>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and</li> <li>provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.</li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>SUB-R14</b>	<b>Subdivision of a site that contains a scheduled heritage resource</b>	
<b>All zones</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the particular heritage values associated with the scheduled Heritage Resource;</li> <li>whether sufficient land is provided around the scheduled Heritage Resource to protect its heritage values;</li> <li>whether the allotments are of a size that will continue to provide the scheduled Heritage Resource with a suitable setting to maintain, protect or enhance the associated heritage values;</li> <li>whether there are measures to minimise obstruction of views of the scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development;</li> <li>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and</li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>

	f. provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.	
<b>SUB- R15</b>	<b>Subdivision of a site containing a scheduled site and area of significance to Māori</b>	
<b>All zones</b>	<b>Activity status: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>the particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected;</li> <li>whether sufficient land is provided around the Site and area of significance to Māori to protect associated cultural, spiritual and/or historical values, interests or associations;</li> <li>consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect the site;</li> <li>opportunities for the relationship of tangata whenua with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms to access, use and maintain the identified site; and</li> <li>whether the allotments are of a size that will continue to provide the Site or Area of Significance to Māori with a suitable cultural setting to maintain, protect or enhance the associated cultural values.</li> </ol>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SUB-R16</b>	<b>Subdivision of a site containing a mineral extraction overlay</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>  <b>Where:</b>  <b>DIS-1</b> A building platform for each allotment can be setback 100m or more from the Mineral extraction overlay.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>SUB-R17</b>	<b>Subdivision of a site containing a scheduled SNA</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>  <b>Where:</b>  <b>DIS-1</b> The site is located outside the coastal environment.  <b>DIS-2</b> The subdivision does not divide an SNA.	<b>Activity status where compliance not achieved with DIS-1 and DIS-2: Non-complying</b>
<b>SUB-R18</b>	<b>Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SUB-R19</b>	<b>Subdivision of a site within wetland, lake and river margins</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SUB-R20</b>	<b>Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not</b>

		achieved: Not applicable
<b>SUB-R21</b>	<b>Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>

Standards			
SUB-S1	Minimum allotment sizes		
Zone		Controlled Activity	Discretionary Activity
Rural Production		40ha	8ha
Rural Residential		4,000m <sup>2</sup>	2,000m <sup>2</sup>
Rural Lifestyle		4ha	2ha
General Residential		600m <sup>2</sup>	300m <sup>2</sup>
Mixed Use		2,000m <sup>2</sup> onsite wastewater disposal 250m <sup>2</sup> reticulated wastewater disposal	no minimum lot size
Light Industrial		2,000m <sup>2</sup> onsite wastewater disposal 500m <sup>2</sup> reticulated wastewater disposal	no minimum lot size
Heavy Industrial		2ha	5,000m <sup>2</sup>
Horticulture Processing Facility		2ha	5,000m <sup>2</sup>
Horticulture		10ha	4ha
Settlement		3,000m <sup>2</sup>	1,500m <sup>2</sup>
Kororāreka Russell Township		1,000m <sup>2</sup>	800m <sup>2</sup>
All other zones		N/A	N/A
All allotments created for public works, network utilities, reserves or access		No minimum lot size	no minimum lot size
SUB-S2	Requirements for building platforms for each allotment		
General Residential zone  Kororāreka Russell Township zone  Settlement zone  Rural Production zone  Horticulture zone  Rural Lifestyle zone  Rural Residential zone	Allotments created must be able to accommodate a square building envelope of the minimum dimensions specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zone or into an area that does not allow a building to be located.		Matters of discretion are restricted to:  a. allotment area and dimensions for intended purpose or land use, having regard to the relevant zone standards and any district wide rules for land uses; b. allotment sizes and dimensions are sufficient for operational and maintenance requirements; c. compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements; d. any physical constraints; and e. whether a suitable alternative building platform can be provided.
	Zone	Minimum dimensions	
	General Residential, Kororāreka Russell Township, Settlement	14m x 14m	
	Rural Production, Horticulture, Rural Lifestyle, Rural Residential	30m x 30m	

<b>zone</b>		
<b>SUB-S3</b>	<b>Water supply</b>	
<b>All zones</b>	<p>1. All new allotments shall have the ability to connect to a safe potable water supply with a capacity that is adequate for the anticipated potential land uses;</p> <p>2. Where a connection to Council's reticulated water supply systems is available, all allotments must connect;</p> <p>3. Where a connection to Council's reticulated water systems is not available all allotments must provide a water supply system; and</p> <p>4. All new allotments must have access to sufficient water supplies for fire fighting consistent with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</p> <p><b>Note:</b> This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which water supply is not necessary.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. adequacy of the supply of water to every allotment, and its suitability for the likely land use;</li> <li>b. adequacy of water supplies, and access for fire fighting purposes; and</li> <li>c. the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.</li> </ul>
<b>SUB-S4</b>	<b>Stormwater management</b>	
<b>All zones</b>	<p>1. All allotments shall be provided, within their site area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impermeable surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP); and</p> <p>2. All stormwater management shall be in accordance with Far North District Council Engineering Standards April 2022.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. control of water-borne contaminants, litter and sediments;</li> <li>b. the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);</li> <li>c. the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles;</li> <li>d. the location, scale and construction of stormwater infrastructure; and</li> <li>e. measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area.</li> </ul>
<b>SUB-S5</b>	<b>Wastewater disposal</b>	
<b>All zones</b>	<p>1. Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect;</p> <p>2. Where connection is not available, all allotments shall be provided with a means of disposing of wastewater within the site area of the allotment; and</p> <p>3. All wastewater disposal shall be in accordance with Far North District Council Engineering Standards April 2022.</p> <p><b>Note:</b> This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which wastewater disposal is not necessary.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the method and adequacy of wastewater disposal where a Council owned reticulated system is not available;</li> <li>b. the capacity of, and impacts on, the existing reticulated wastewater disposal system; and</li> <li>c. the location, capacity and environmental effects of the proposed wastewater disposal system.</li> </ul>
<b>SUB-S6</b>	<b>Telecommunications and power supply</b>	
<b>General</b>	Connections shall be provided at the boundary of the	<b>Matters of discretion are restricted to :</b>

<b>Residential zone</b> <b>Kororāreka Russell Township zone</b> <b>Mixed Use zone</b> <b>Light Industrial zone</b> <b>Heavy Industrial zone</b> <b>Settlement zone</b> <b>Rural Residential zone</b> <b>Horticulture Processing Facility zone</b>	<p>site area of the allotment for:</p> <ol style="list-style-type: none"> <li>telecommunications               <ol style="list-style-type: none"> <li>Fibre where it is available; or</li> <li>Copper where fibre is not available; and</li> </ol> </li> <li>Electricity supply through the local electricity distribution network.</li> </ol> <p><b>Note:</b> This standard does not apply to allotments for a utility, road, reserve or for access purposes.</p>	<p>a. alternative provision of telecommunication and electricity supply.</p>
<b>SUB-S7</b>	<b>Easements for any purpose</b>	
<b>All zones</b>	<p>Easements shall be provided where necessary for:</p> <ol style="list-style-type: none"> <li>public works and utility services;</li> <li>easements in gross where a service or access is required by the Council;</li> <li>easements in favour of nominated allotments or adjoining Certificates of Title;</li> <li>Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement of services. Centre line easements shall apply when the line is privately owned; and</li> <li>The need for easements for any of the following purposes:               <ol style="list-style-type: none"> <li>accessways, whether shared or not;</li> <li>stormwater, wastewater disposal, water supply, utilities;</li> <li>party walls and floor/ceilings; and</li> <li>other utilities.</li> </ol> </li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <p>a. whether the easement is located appropriately for its purpose and users.</p>
<b>SUB-S8</b>	<b>Esplanades</b>	
<b>All zones</b>	<p>Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:</p> <ol style="list-style-type: none"> <li>The line of MHWS;</li> <li>The bank of a river whose bed has an average width of 3m or more; or</li> <li>A lake that is larger than 8 ha in size.</li> </ol> <p>An esplanade reserve must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.</p>	<p><b>Activity status when compliance is not achieved: Discretionary</b></p>



This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

Earthworks involve the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth. Earthworks are an integral part and necessary component of the use and development of rural and urban land for living, business and recreation purposes. In addition, earthworks are a key component of the development, operation, maintenance and upgrading of infrastructure.

However, earthworks can be significant and result in long term adverse effects. Earthworks have the potential to detrimentally alter and affect landforms, landscapes, natural features, historic and cultural heritage and the natural character of the coastal environment. Earthworks associated with subdivision and land use can result in adverse effects including increased land instability and accelerated erosion and alteration or loss of overland flow paths leading to increased risks from natural hazards and sedimentation entering waterbodies and the coastal marine area. Often the effects of earthworks are to such an extent that the identified amenity values and character of an area can be changed permanently and unidentified historic and cultural sites are destroyed or damaged.

Council has responsibilities under the RMA and the RPS to manage any effects from land use and subdivision, which includes the management of earthworks. The purpose of this chapter is to ensure that the adverse effects associated with earthworks are appropriately managed and minimised. The NRC also has responsibilities to manage earthworks for the purposes of soil conservation, and water quality and quantity for waterbodies and the coastal marine area.

Objectives	
<b>EW-01</b>	Earthworks are enabled where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, the coastal marine area, public safety, surrounding land and infrastructure.
<b>EW-02</b>	Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.
<b>EW-03</b>	Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.

Policies	
<b>EW-P1</b>	Enable earthworks necessary to provide for the district's social, economic and cultural well-being, and their health and safety where they provide for: <ol style="list-style-type: none"> <li>urban land uses and development within urban zones;</li> <li>rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rural zones;</li> <li>conservation and recreation activities;</li> <li>land drainage and flood control works; and</li> <li>installation, upgrade and maintenance of infrastructure.</li> </ol>
<b>EW-P2</b>	Ensure earthworks are managed, when it has the potential to: <ol style="list-style-type: none"> <li>create new or exacerbate existing natural hazards, including but not limited to flooding, instability, and coastal hazards;</li> <li>result in adverse effects on the amenity, characteristics and qualities of outstanding natural landscapes, outstanding natural features, historic heritage, cultural values, indigenous biodiversity and significant natural areas and features; and</li> <li>adversely affect waterbodies and the coastal marine area due to inadequate setbacks.</li> </ol>
<b>EW-P3</b>	Ensure earthworks are located and designed appropriately to manage the effects of the activity by: <ol style="list-style-type: none"> <li>controlling maximum depth and height and maximum area or volume of earthworks;</li> <li>requiring appropriate setbacks to be maintained from adjoining property boundaries, waterbodies and the coastal environment;</li> <li>managing the location and design of infrastructure;</li> <li>managing impacts on natural drainage patterns and overland flow paths; and</li> <li>controlling the movement of dust and sediment beyond the area of development to avoid:               <ol style="list-style-type: none"> <li>nuisance effects and/or amenity effects on surrounding sites, or</li> <li>silt and sediment entering stormwater systems or waterbodies and the coastal marine area.</li> </ol> </li> </ol>
<b>EW-P4</b>	Require earthworks to be of a type, scale and form that is appropriate for the location having regards to the effects of the activity, and: <ol style="list-style-type: none"> <li>existing site constraints, opportunities and specific engineering requirements;</li> <li>the impact on existing natural landforms, features, historic heritage and indigenous biodiversity;</li> </ol>

	<ul style="list-style-type: none"> <li>c. compatibility with the visual amenity and character values of the area;</li> <li>d. changes in the natural landform that will lead to instability, erosion and scarring;</li> <li>e. impacts on natural drainage patterns and overland flow paths;</li> <li>f. using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area;</li> <li>g. minimising adverse visual effects associated with any exposed cut faces or retaining structures, including with the use of screening, landscaping and/or planting; and</li> <li>h. loss of flood storage within flood hazard areas.</li> </ul>
<b>EW-P5</b>	<p>Manage effects on historic heritage and cultural values that may be discovered when undertaking earthworks by:</p> <ul style="list-style-type: none"> <li>a. requiring a protocol for the accidental discovery of archaeology, kōiwi and artefacts of Māori origin; and</li> <li>b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.</li> </ul>
<b>EW-P6</b>	<p>Require that all earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings or structures.</p>
<b>EW-P7</b>	<p>Ensure all earthworks associated with land development are designed and assessed in a coordinated and integrated manner at the time of subdivision, by:</p> <ul style="list-style-type: none"> <li>a. controlling earthworks associated with subdivision, including for the purpose of site preparation, creating roads or access to/within the subdivision, and for the provision of infrastructure; and</li> <li>b. considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and/or development of land, particularly for future infill or greenfield subdivision.</li> </ul>
<b>EW-P8</b>	<p>Manage earthworks to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. the risks of natural hazards, particularly flood events;</li> <li>g. stormwater controls;</li> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. the stability of land, buildings and infrastructure;</li> <li>k. visual amenity, natural character and landscape values,</li> <li>l. historic heritage values, and whether any assessment or advice from a suitably qualified and experienced heritage expert is required;</li> <li>m. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</li> <li>n. the life-supporting capacity of soils;</li> <li>o. the extent of indigenous biodiversity clearance and its effect on biodiversity values;</li> <li>p. outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>q. riparian margins;</li> <li>r. the location, operational and functional needs and use of infrastructure;</li> <li>s. temporary or permanent nature of any adverse effect; and</li> <li>t. traffic and noise effects.</li> </ul>

## Rules

### Notes:

1. More stringent earthworks rules apply in the following other district-wide matters: Natural Character, Natural Features and Landscapes, Coastal Environment, Heritage Area Overlays, Historic Heritage, Notable Trees, and Sites and Areas of Significance to Māori. Those earthworks rules apply in addition to the earthworks rules and standards in this chapter. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules in this District Plan.
2. The Ecosystems and Indigenous biodiversity chapter manages land disturbance associated with indigenous vegetation clearance.
3. EW-R11 and 12 apply in addition to the rule(s) that relates to the activity being undertaken. They must be read in conjunction with each other to determine whether a resource consent is required.
4. Earthworks associated with plantation forestry are regulated under the National Environmental Standards for Plantation Forestry 2017 (NES-PF) and are not managed through the District Plan except where district plan rules may be more stringent under Regulation 6 of the NES-PF. If the activity relates to earthworks associated with plantation forestry, refer to the NES-PF. However, if plantation forestry earthworks are located in the Coastal Environment or Natural Features and Landscapes overlays, the more

stringent earthworks rules in this District Plan prevails over the NES-PF.

5. The Northland Regional Plan currently in force and the National Environment Standards for Freshwater 2020 include rules and regulations relating to earthworks to manage effects on freshwater and soil. Consent may be required for earthworks in terms of the regional rules and regulations in those documents in addition to this District Plan.
6. Where soil sampling and land disturbance is proposed on land where a hazardous activity or industry has been, is more likely than not to have been or is currently operating, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 will apply.

<b>EW-R1 Earthworks for buildings or structures, and extensions to existing buildings or structures</b>		
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	<b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R2 Earthworks for creating fence lines, poles, piles and service connections</b>		
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	<b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R3 Earthworks for rural industry activity</b>		
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	<b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R4 Earthworks for a farming activity where sites are 8 hectares or greater</b>		
<b>Rural</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not</b>

<b>Production zone</b>  <b>Māori Purpose zone - Rural</b>  <b>Horticulture zone</b>  <b>Ngawha Innovation and Technology Park zone</b>	<b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.	<b>achieved with PER-1:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R5</b>	<b>Earthworks for farming a activity on sites less than 8ha and for sites in zones not listed in Rule EW-R4</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	<b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R6</b>	<b>Earthworks for the formation of unformed roads and the formation or upgrade of private roads and private accessways</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks for formation of an unformed road is located within the legal road corridor.  <b>PER-2</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones  <b>NOTE:</b> Approval from Council is required to undertake work on legal road, where they are the landowner irrespective of complying with rules in a district plan.	<b>Activity status where compliance not achieved with PER-2:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.  <b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>EW-R7</b>	<b>Earthworks for new infrastructure or repair and upgrades</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved with PER-1:</b>

	<p><b>Where:</b></p> <p><b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.</p> <p><b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones</p>	<p><b>Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>
<b>EW-R8</b>	<b>Earthworks for new infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authority</b>	
<b>All zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity is undertaken by the network utility operator or requiring authority.</p> <p><b>PER-2</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.</p> <p><b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones</p>	<p><b>Activity status where compliance not achieved with PER-2:</b> <b>Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p> <p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>
<b>EW-R9</b>	<b>Earthworks for sport and recreation activity</b>	
<b>All zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.</p> <p><b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones</p>	<p><b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>
<b>EW-R10</b>	<b>Earthworks for the construction, or upgrade of walkways, cycle tracks and leisure activity</b>	
<b>All zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement;</p>	<p><b>Activity status where compliance not achieved with PER-1:</b> <b>Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>



	EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	
<b>EW-R11</b>	<b>Earthworks for conservation activity</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.  <b>EW-S1 does not apply</b> to Motoura Island or Orongo Bay zones	<b>Activity status where compliance not achieved with PER-1: Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R12</b>	<b>Earthworks and the discovery of suspected sensitive material</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standard EW-S3 - Accidental Discovery Protocol.	<b>Activity status where compliance not achieved: Discretionary</b>
<b>EW-R13</b>	<b>Earthworks and erosion and sediment control</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The earthworks complies with standard EW-S5 Erosion and sediment control.	<b>Activity status where compliance not achieved with PER-1: Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard.
<b>EW-R14</b>	<b>Activities not otherwise listed in this chapter</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>EW-R15</b>	<b>110kV Transmission lines and National Grid Yard</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>  <b>Where:</b>  <b>PER-1</b> Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line poles must: <ol style="list-style-type: none"> <li>1. be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or</li> <li>2. be no deeper than 750mm within 2.2. to 5m of a transmission pole support structure or stay wire; except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from</li> </ol>	<b>Activity status where compliance not achieved: Not applicable</b>

	<p>Standards EW-REQ10(a) and EW-REQ10(b) above.</p> <p><b>PER-2</b> Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line towers must:</p> <ol style="list-style-type: none"> <li>1. be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or</li> <li>2. be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure.</li> </ol> <p><b>PER-3</b> Earthworks within 12m of a Top Energy or Transpower 110kV or greater electricity transmission line pole or tower must not:</p> <ol style="list-style-type: none"> <li>1. create an unstable batter that will affect a transmission support structure; or</li> <li>2. result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001.</li> </ol> <p><b>This rule does not apply to the network utility operator.</b></p>	
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Standards																	
EW-S1	Maximum earthworks thresholds																
<b>All zones, except Moturoa Island, Orongo Bay</b>	<p>The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year:</p> <table border="1"> <thead> <tr> <th>Zone</th><th>Volume (m<sup>3</sup>)</th><th>Area (m<sup>2</sup>)</th></tr> </thead> <tbody> <tr> <td>General Residential, Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - Urban</td><td>200</td><td>2,500</td></tr> <tr> <td>Natural Open Space, Open Space, Sport and Active Recreation, Rural Residential, Settlement, Quail Ridge, Airport</td><td>300</td><td>2,500</td></tr> <tr> <td>Rural Lifestyle</td><td>1000</td><td>2,500</td></tr> <tr> <td>Rural Production, Horticulture, Kauri Cliffs, Ngawha Innovation Park, Māori Purpose - Rural</td><td>5000</td><td>2,500</td></tr> </tbody> </table>	Zone	Volume (m <sup>3</sup> )	Area (m <sup>2</sup> )	General Residential, Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - Urban	200	2,500	Natural Open Space, Open Space, Sport and Active Recreation, Rural Residential, Settlement, Quail Ridge, Airport	300	2,500	Rural Lifestyle	1000	2,500	Rural Production, Horticulture, Kauri Cliffs, Ngawha Innovation Park, Māori Purpose - Rural	5000	2,500	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. the risks of natural hazards, particularly flood events;</li> <li>g. stormwater controls;</li> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. the stability of land, buildings and infrastructure;</li> <li>k. natural character, landscape, historic heritage, spiritual and cultural values;</li> <li>l. the life-supporting capacity of soils;</li> <li>m. the extent of indigenous vegetation clearance and its effect on biodiversity;</li> <li>n. impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>o. riparian margins;</li> <li>p. the location and use of infrastructure;</li> <li>q. temporary or permanent nature of any adverse effect;</li> <li>r. traffic and noise effects;</li> <li>s. time of year earthworks will be carried out and duration of the activity; and</li> <li>t. impact on visual and amenity values.</li> </ol>
Zone	Volume (m <sup>3</sup> )	Area (m <sup>2</sup> )															
General Residential, Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - Urban	200	2,500															
Natural Open Space, Open Space, Sport and Active Recreation, Rural Residential, Settlement, Quail Ridge, Airport	300	2,500															
Rural Lifestyle	1000	2,500															
Rural Production, Horticulture, Kauri Cliffs, Ngawha Innovation Park, Māori Purpose - Rural	5000	2,500															
EW-S2	Maximum depth and slope																
<b>All zones</b>	The maximum depth of any cut or height of any fill shall	<b>Where the standard is not met, matters of</b>															

	<p>not exceed:</p> <ol style="list-style-type: none"> <li>1.5m, i.e. maximum permitted cut and fill height may be 3m; or</li> <li>3m subject to it being retained by a engineered retaining wall, which has had a building consent issued.</li> </ol>	<p><b>discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, scale and volume;</li> <li>depth and height of cut and fill;</li> <li>the extent of exposed surfaces or stockpiling of fill;</li> <li>the risks of natural hazards, particularly flood events;</li> <li>stormwater controls;</li> <li>flood storage, overland flow paths and drainage patterns;</li> <li>impacts on natural coastal processes;</li> <li>the stability of land, buildings and infrastructure;</li> <li>natural character, landscape, historic heritage, spiritual and cultural values;</li> <li>the life-supporting capacity of soils;</li> <li>the extent of indigenous vegetation clearance and its effect on biodiversity;</li> <li>impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>riparian margins;</li> <li>the location and use of infrastructure;</li> <li>temporary or permanent nature of any adverse effect;</li> <li>traffic and noise effects;</li> <li>time of year earthworks will be carried out and duration of the activity; and</li> <li>impact on visual and amenity values.</li> </ol>
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**EW-S3****Accidental discovery protocol**

<b>All zones</b>	<p>On discovery of any suspected sensitive material, the person must take the following steps:</p> <ol style="list-style-type: none"> <li>Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ol style="list-style-type: none"> <li>shutting down all earth disturbing machinery and stopping all earth moving activities; and</li> <li>establish a sufficient buffer area to ensure that all material remains undisturbed.</li> </ol> </li> <li>Within 24 hours of the discovery the owner of the site, tenant or the contractor must: <ol style="list-style-type: none"> <li>inform the following parties of the discovery: <ol style="list-style-type: none"> <li>The New Zealand Police if the discovery is of human remains or kōiwi;</li> <li>The Council in all cases;</li> <li>Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and</li> <li>Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.</li> </ol> </li> </ol> </li> <li>No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> <li>If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or</li> <li>If the discovery is of archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial</li> </ol> </li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>
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	<p>assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Tangata Whenua representatives.</p> <p>4. Recommencement of work:</p> <ol style="list-style-type: none"> <li>Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;</li> <li>Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and</li> <li>Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent.</li> </ol>	
<b>EW-S4</b>	<b>Site reinstatement</b>	
<b>All zones</b>	<p>As soon as practicable, but no later than six months from the commencement of works:</p> <ol style="list-style-type: none"> <li>the earthworks area shall be established, filled and/or recontoured in a manner consistent with the surrounding land; and</li> <li>replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation from locally sourced genetic stocks or sealed, paved, metaled or built over.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, scale and volume;</li> <li>depth and height of cut and fill;</li> <li>the nature of filling material and whether it is compacted;</li> <li>the extent of exposed surfaces or stockpiling of fill;</li> <li>erosion, dust and sediment controls;</li> <li>the risks of natural hazards, particularly flood events;</li> <li>stormwater controls;</li> <li>flood storage, overland flow paths and drainage patterns;</li> <li>impacts on natural coastal processes;</li> <li>the stability of land, buildings and infrastructure;</li> <li>natural character, landscape, historic heritage, spiritual and cultural values;</li> <li>the life-supporting capacity of soils;</li> <li>the extent of indigenous vegetation clearance and its effect on biodiversity;</li> <li>outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>riparian margins;</li> <li>the location and use of infrastructure;</li> <li>temporary or permanent nature of any adverse effect;</li> <li>traffic and noise effects;</li> <li>time of year earthworks will be carried out and duration of the activity; and</li> <li>impact on visual and amenity values</li> </ol>
<b>EW-S5</b>	<b>Erosion and sediment control</b>	
<b>All zones</b>	<p>Earthworks</p> <ol style="list-style-type: none"> <li>must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and</li> <li>shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, scale and volume;</li> <li>depth and height of cut and fill;</li> <li>the nature of filling material and whether it is compacted;</li> <li>the extent of exposed surfaces or stockpiling of fill;</li> <li>erosion, dust and sediment controls;</li> <li>the risks of natural hazards, particularly flood events;</li> <li>stormwater controls;</li> </ol>

		<ul style="list-style-type: none"> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. the stability of land, buildings and infrastructure;</li> <li>k. natural character, landscape, historic heritage, spiritual and cultural values;</li> <li>l. the life-supporting capacity of soils;</li> <li>m. the extent of indigenous vegetation clearance and its effect on biodiversity;</li> <li>n. outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>o. riparian margins;</li> <li>p. the location and use of infrastructure;</li> <li>q. temporary or permanent nature of any adverse effect;</li> <li>r. traffic and noise effects;</li> <li>s. time of year earthworks will be carried out and duration of the activity; and</li> <li>t. impact on visual and amenity values.</li> </ul>
<b>EW-S6</b>	<b>Setback</b>	
<b>All zones</b>	<p>Earthworks must be setback by the following minimum distances:</p> <ol style="list-style-type: none"> <li>1. earthworks that are: <ul style="list-style-type: none"> <li>a. supported by engineered retaining walls - 1.5m from a site boundary; or</li> <li>b. not supported by engineered retaining walls - 3m from a site boundary; and</li> </ul> </li> <li>2. earthworks must be setback by a minimum distance of 10m from coastal marine area.</li> </ol> <p><b>Note:</b> setbacks from waterbodies is managed by the Natural Character chapter.</p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. stormwater controls;</li> <li>g. the stability of land, buildings and infrastructure;</li> <li>h. the life-supporting capacity of soils;</li> <li>i. temporary or permanent nature of any adverse effect;</li> <li>j. traffic and noise effects</li> <li>k. time of year earthworks will be carried out and duration of the activity;</li> <li>l. natural character, landscape, historic heritage, spiritual and cultural values; and</li> <li>m. impact on visual and amenity values.</li> </ol>
<b>EW-S7</b>	<b>Land stability</b>	
<b>All zones</b>	<p>Earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occurs.</p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. the risks of natural hazards, particularly flood events;</li> <li>g. stormwater controls;</li> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. where the land instability adversely affects any buildings, structures or infrastructure;</li> <li>k. the life-supporting capacity of soils;</li> <li>l. the extent of vegetation clearance;</li> </ol>



		<ul style="list-style-type: none"> <li>m. proximity to any waterbody or coastal marine area;</li> <li>n. the location and use of infrastructure;</li> <li>o. temporary or permanent nature of any adverse effect;</li> <li>p. traffic and noise effects; and</li> <li>q. time of year earthworks will be carried out and duration of the activity.</li> </ul>
<b>EW-S8</b>	<b>Nature of filling material</b>	
<b>All zones</b>	<p>The fill material shall not:</p> <ol style="list-style-type: none"> <li>1. contain putrescible, pollutant, inflammable or hazardous components; or</li> <li>2. consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; or</li> <li>3. comprise more than 5% vegetation (by volume) of any load.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. the risks of natural hazards, particularly flood events;</li> <li>g. stormwater controls;</li> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. the stability of land, buildings and infrastructure;</li> <li>k. natural character, landscape, historic heritage, spiritual and cultural values;</li> <li>l. the life-supporting capacity of soils;</li> <li>m. outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>n. riparian margins;</li> <li>o. the location and use of infrastructure;</li> <li>p. temporary or permanent nature of any adverse effect; and</li> <li>q. traffic and noise effects;</li> <li>r. time of year earthworks will be carried out and duration of the activity; and</li> <li>s. impact on visual and amenity values.</li> </ul>
<b>EW-S9</b>	<b>Flood and coastal hazards</b>	
<b>All zones</b>	<p>Earthworks must not:</p> <ol style="list-style-type: none"> <li>1. divert flood flow or coastal inundation onto other properties or otherwise result in any increase in flood hazard or coastal inundation beyond the boundaries of the site; or</li> <li>2. result in the loss of any flood storage volume within a flood hazard area, unless equivalent flood storage is provided.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the location, scale and volume;</li> <li>b. depth and height of cut and fill;</li> <li>c. the nature of filling material and whether it is compacted;</li> <li>d. the extent of exposed surfaces or stockpiling of fill;</li> <li>e. erosion, dust and sediment controls;</li> <li>f. the risks of natural hazards, particularly flood events;</li> <li>g. stormwater controls;</li> <li>h. flood storage, overland flow paths and drainage patterns;</li> <li>i. impacts on natural coastal processes;</li> <li>j. the stability of land, buildings and infrastructure;</li> <li>k. the life-supporting capacity of soils;</li> <li>l. temporary or permanent nature of any adverse effect; and</li> <li>m. time of year earthworks will be carried out and duration of the activity.</li> </ul>

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

There are activities within the Far North District that use hazardous substances, these may pose a potential threat to the health and safety of communities and the natural environment. Hazardous substances are defined in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and include substances with radioactive properties or high biological oxygen demand. Substances fall within the definition if they have certain hazardous properties such as explosiveness, flammability or corrosiveness (among other factors) and must be managed, stored, used, transported and disposed of in a safe and secure manner. The HSNO Act regulates the introduction and use of hazardous substances and determines what controls should be in place to mitigate risks to people and the environment. However, the controls under the HSNO Act are substance specific and do not take into account the sensitivity of the receiving environment.

The RMA enables district plans to manage the adverse effects of the storage, use, disposal and transport of hazardous substances, provided these do not duplicate controls in the HSNO Act or other legislation. Land use controls for hazardous substances in district plans may be necessary to manage the risks associated with significant hazardous facilities and their potential impacts on other sensitive activities, incompatible land uses and the natural environment.

Council has responsibilities under the RMA to manage the adverse effects of the use and development of land. This includes the adverse effects that may arise from significant hazardous facilities on sensitive activities and sensitive environments, the risks of natural hazards, cumulative effects (agglomeration of significant hazardous facilities) and reverse sensitivity issues.

Objectives	
<b>HS-O1</b>	The risks associated with the storage, use or disposal of hazardous substances to people, property and the environment are minimised to acceptable levels while recognising the benefits of activities that store, use and dispose of hazardous substances.
<b>HS-O2</b>	Significant hazardous facilities and sensitive activities are managed through separation distances and other methods to avoid to the extent practicable, or otherwise mitigate, reverse sensitivity effects.

Policies	
<b>HS-P1</b>	Manage the effects of hazardous substances by: <ol style="list-style-type: none"> <li>locating, designing, constructing and managing significant hazardous facilities to avoid or mitigate adverse effects and risks to people, property and the environment, particularly sensitive environments and sensitive activities;</li> <li>identifying, assessing and managing risks and adverse effects, including cumulative effects, of significant hazardous facilities so they do not create unacceptable residual risks to people, property and the environment; and</li> <li>locating land use activities so that the adverse effects and risks of transporting hazardous substances on roading infrastructure and other land use activities are minimised.</li> </ol>
<b>HS-P2</b>	Require appropriate separation distances between significant hazardous facilities and sensitive activities to avoid where practicable, or otherwise mitigate, reverse sensitivity effects and the risks to people and property.
<b>HS-P3</b>	Manage new or expanded significant hazardous facilities and sensitive activities to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ol style="list-style-type: none"> <li>separation distances and other methods to avoid and mitigate risks and adverse effects of significant hazardous facilities on sensitive activities and sensitive environments;</li> <li>separation distances and other methods to avoid or mitigate reverse sensitivity effects between significant hazardous facilities and sensitive activities;</li> <li>the extent to which adverse effects and risks are adequately managed through other legislation and organisations;</li> <li>the type, scale, intensity, duration and frequency of the risks and effects on people, property and the environment;</li> <li>site design and layout of the activity and the ability to internalise effects within the site;</li> <li>any historical, spiritual or cultural association held by tangata whenua, with regards to the matters set out in Policy TW-P6;</li> <li>avoidance or management of risks associated with natural hazards; and</li> <li>any potential adverse cumulative effects.</li> </ol>

## Rules

## Note:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

HS-R1 Maintenance and repair of a significant hazardous facility		
All zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The volume of hazardous substances used by the significant hazardous facility does not increase;</p> <p><b>PER-2</b> The location of hazardous substances on the site will not be located closer to any sensitive activities.</p> <p><b>PER-3</b> The type of hazardous substances on the site remains the same;</p> <p><b>PER-4</b> Alterations to the significant hazardous facility do not increase any residual risks.</p>	Activity status where compliance not achieved with PER-1, PER- 2, PER- 3, or PER-4: Discretionary
HS-R2 Establishment of a new significant hazardous facility		
Heavy Industrial zone	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The new significant hazardous facility is not located within a sensitive environment;</p> <p><b>PER-2</b> The new significant hazardous facility is setback at least 250m from a sensitive activity.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• <i>This rule only has immediate legal effect for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource.</i></li> </ul>	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
Light Industrial zone	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p>	Activity status where compliance not achieved with DIS-1, DIS-2, or DIS-3: Non-complying
Rural	DIS-1	

<b>Production zone</b>	The new significant hazardous facility is not located within a sensitive environment;	
<b>Ngawha Innovation and Enterprise Park zone</b>	<p><b>DIS-2</b> The new significant hazardous facility is setback at least 250m from a sensitive activity;</p> <p><b>DIS-3</b> A new significant hazardous facility does not create any residual risk.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li><i>This rule only has immediate legal effect for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource.</i></li> </ul>	
<b>All other zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R3</b>	<b>Significant hazardous facility within the coastal environment</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R4</b>	<b>Significant hazardous facility within an outstanding natural feature or landscape</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R5</b>	<b>Significant hazardous facility within a scheduled site and area of significance to Māori</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R6</b>	<b>Significant hazardous facility within a significant natural area</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R7</b>	<b>Significant hazardous facility within a flood hazard area</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R8</b>	<b>Significant hazardous facility within a coastal hazard area</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R9</b>	<b>Significant hazardous facility within a scheduled heritage resource</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R10</b>	<b>Significant hazardous facility within 100 metres of the edge of a surface water body</b>	
<b>All zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HS-R11</b>	<b>New sensitive activity</b>	
<b>All zones</b>	<p><b>Activity status: Non-complying</b></p> <p><b>Where:</b></p> <p><b>NC-1</b> The new sensitive activity is located within 250m of a Significant Hazardous Facility.</p>	<b>Activity status where compliance not achieved: Not applicable</b>

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

The district is home to a wide range of indigenous species, habitats and ecosystems and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. The protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation.

A large portion of the district is covered in indigenous vegetation and habitat. Based on the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (RPS), approximately 42% of the district has indigenous vegetation and habitat with potentially significant ecological values. Around 58% of this indigenous vegetation and habitat is on private land, including Māori land, which can create tensions between the aspirations of landowners to develop their land while protecting those areas and habitats. Vegetation clearance, fragmentation, and the introduction of pest plants and species can all diminish the quality and extent of indigenous ecosystems.

Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. Where Significant Natural Areas are identified in the District Plan or through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS or any more recent National Policy Statement on indigenous biodiversity there will be greater control over land use and subdivision to ensure that the ecological significance of these areas are protected. There may be tension between the public and ecological benefits in protecting, maintaining or enhancing indigenous biodiversity and the associated costs or restrictions to private and public (including Māori) landowners

Objectives	
<b>IB-O1</b>	Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.
<b>IB-O2</b>	Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.
<b>IB-O3</b>	The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.
<b>IB-O4</b>	The role of tangata whenua as kaitiaki and landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.
<b>IB-O5</b>	Restoration and enhancement of indigenous biodiversity is promoted and enabled.

Policies	
<b>IB-P1</b>	Identify Significant Natural Areas by: <ul style="list-style-type: none"> <li>a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity;</li> <li>b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable;</li> <li>c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;</li> <li>d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and</li> <li>e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.</li> </ul>
<b>IB-P2</b>	Within the coastal environment: <ul style="list-style-type: none"> <li>a. avoid adverse effects of land use and subdivision on Significant Natural Areas; and</li> <li>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.</li> </ul>
<b>IB-P3</b>	Outside the coastal environment: <ul style="list-style-type: none"> <li>a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas to ensure adverse effects are no more than minor; and</li> <li>b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.</li> </ul>



<b>IB-P4</b>	<p>If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:</p> <ol style="list-style-type: none"> <li>biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and</li> <li>environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.</li> </ol>
<b>IB-P5</b>	<p>Ensure that the management of land use and subdivision to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that:</p> <ol style="list-style-type: none"> <li>does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;</li> <li>recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas in some circumstances;</li> <li>allows for maintenance, use and operation of existing structures, including infrastructure; and</li> <li>enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.</li> </ol>
<b>IB-P6</b>	<p>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of:</p> <ol style="list-style-type: none"> <li>assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</li> <li>reducing or waiving resource consent application fees;</li> <li>providing, or assisting in obtaining funding from other agencies and trusts;</li> <li>sharing and helping to improve information on indigenous biodiversity; and</li> <li>working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</li> </ol>
<b>IB-P7</b>	Encourage and support active management of pest plants and pest animals.
<b>IB-P8</b>	Promote the protection of species that are endemic to Northland by eco-sourcing plants from within the ecological district.
<b>IB-P9</b>	Require landowners to manage pets and pest species, including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.
<b>IB-P10</b>	<p>Manage land use and subdivision to address the effects of the activity requiring resource consent for indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ol style="list-style-type: none"> <li>the temporary or permanent nature of any adverse effects;</li> <li>cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems;</li> <li>the extent of any vegetation removal and associated land disturbance;</li> <li>the effects of fragmentation;</li> <li>linkages between indigenous ecosystems and habitats of indigenous species;</li> <li>the potential for increased threats from pest plants and animals;</li> <li>any downstream adverse effects on waterbodies and the coastal marine area;</li> <li>where the area has been mapped or assessed as a Significant Natural Areas: <ol style="list-style-type: none"> <li>the extent to which the proposal will adversely affect the ecological significance, values and function of that area;</li> <li>whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects;</li> </ol> </li> <li>the location, scale and design of any proposed development;</li> <li>the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance;</li> <li>the functional or operational needs of regionally significant infrastructure;</li> <li>any positive contribution any proposed biodiversity offsets or environmental biodiversity compensation will have on indigenous biodiversity; and</li> <li>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ol>

## Rules

### Notes:

- Rules IB-R2 to IB-R4 apply to indigenous vegetation clearance not permitted under Rule IB-R1.
- There are rules for indigenous vegetation clearance in the following District-Wide Matters chapters: Natural Character, Natural Features and Landscapes, and Coastal Environment. These other rules for

vegetation clearance may be more stringent and apply in addition to the indigenous vegetation clearance rules in this chapter. Refer to the How the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

3. This chapter manages land disturbance associated with indigenous vegetation clearance. Earthworks that permanently alter the profile of the land are managed through the earthworks chapter. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapter's earthworks rules, the most stringent rule will apply.
4. This chapter does not apply to indigenous vegetation clearance in urban environment allotments. Refer to the Notable Trees chapter for rules relating to scheduled notable trees and groups of trees.
5. Plantation forestry is regulated under the National Environmental Standards for Plantation Forestry 2017 (NES-PF). The NES-PF allows district plan rules to be more stringent than the NES-PF when the rule relates to the protection of Significant Natural Areas and IB-R5 in this chapter is a more stringent rule for plantation forestry activities in Significant Natural Areas. This chapter does not apply to indigenous vegetation clearance associated with plantation forestry activities outside Significant Natural Areas which is regulated under Regulation 93 and 94 of the NES-PF.

IB-R1	Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area	
All zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> It is for any of the following:</p> <ol style="list-style-type: none"> <li>1. To address an immediate risk to the health and safety of the public or damage to property;</li> <li>2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal;</li> <li>3. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;</li> <li>4. Clearance for biosecurity reasons;</li> <li>5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine);</li> <li>6. To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;</li> <li>7. To allow for the construction of a single residential unit on a title and essential associated on-site infrastructure and access and it does not exceed 1,000m<sup>2</sup>;</li> <li>8. It is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987, or a Heritage covenant under the Heritage New Zealand Pouhere Taonga Act 2014 and the vegetation clearance is provided for in that covenant or order;</li> <li>9. The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width either side of the fence line;</li> <li>10. The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old;</li> <li>11. Creation and maintenance of firebreaks to manage fire risk;</li> <li>12. The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a</li> </ol>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>

	<p>personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries; or</p> <p>13. It is for the operation, repair and maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none"> <li>i. fences;</li> <li>ii. infrastructure;</li> <li>iii. buildings;</li> <li>iv. driveways and access;</li> <li>v. walking tracks;</li> <li>vi. cycling tracks; or</li> <li>vii. farming tracks.</li> </ul>	
<b>IB-R2</b>	<b>Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga</b>	
<b>Māori Purpose zone, Treaty Settlement Land overlay, Rural Production zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> It does not exceed: <ul style="list-style-type: none"> <li>1. 1,500m<sup>2</sup> for a marae complex, including associated infrastructure and access; and</li> <li>2. 500m<sup>2</sup> per residential unit.</li> </ul> <i>Note: Rules MPZ-R5 and RPROZ-R20 include specific land use rules that also apply to papakainga in the Māori Purpose zone, Treaty Settlement Land overlay and Rural Production zones.</i>	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>IB-R3</b>	<b>Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> It does not exceed 100m <sup>2</sup> per site in any calendar year.	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>IB-R4</b>	<b>Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area</b>	
<b>All zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> <ul style="list-style-type: none"> <li>1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and</li> <li>2. It does not exceed the following amounts per site over a 5-year period:               <ul style="list-style-type: none"> <li>i. Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m<sup>2</sup> if not in a remnant forest, otherwise 500m<sup>2</sup> in a remnant forest; or</li> <li>ii. All other zones — 500m<sup>2</sup>.</li> </ul> </li> </ul> <b>PER-2</b> <ul style="list-style-type: none"> <li>1. A report has not been obtained from a suitably qualified and experienced ecologist confirming that</li> </ul>	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b> <i>Note: This rule only has immediate legal effect for indigenous vegetation clearance where compliance is not achieved with PER-2 (i.e. in circumstances where a report confirming that the indigenous vegetation is not a Significant Natural Area has not been obtained).</i>

	the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and 2. It does not exceed 100m <sup>2</sup> per site in any calendar year.	
<b>IB-R5</b>	<b>Plantation forestry and plantation forestry activities within a Significant Natural Area</b>	
<b>All zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

The district has many rivers and lakes which are valued for their important ecological, recreation, natural character, amenity and cultural values. A wide range of activities occur on the surface of rivers and lakes. This includes activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities such as fishing and boating, and customary activities undertaken by tangata whenua.

The Council has an obligation to manage any actual or potential effects of activities in relation to the surface of water in rivers and lakes. This does not include the mouth of rivers where they are within the CMA. The activities managed by this chapter include the use of motorised and non-motorised craft on rivers and lakes for various purposes, and the construction of structures.

Activities occurring on the surface of water can have potential adverse effects on the ecological values of the freshwater waterbody particularly during fish spawning and bird breeding seasons, recreation values and natural character, and on the associated cultural values.

The Council has responsibilities under the RMA, NZCPS and the RPS to manage activities occurring on and adjacent to waterbodies. Given their overlapping functions, Council needs to work collaboratively with NRC that is responsible for managing water quality and quantity, ecosystems within the Region's freshwater bodies, and activities on the beds of rivers and lakes.

Objective	
<b>ASW-O1</b>	Activities on the surface of water are managed in a way that protects and enhances the ecological, recreation, natural character, amenity and cultural values of the district's rivers and lakes for current and future generations.

Policies	
<b>ASW-P1</b>	Enable the non-commercial recreational use of rivers and lakes where it will not result in adverse effect on ecological, recreation, natural character, amenity or cultural values.
<b>ASW-P2</b>	Provide for activities on the surface of water where: <ol style="list-style-type: none"> <li>there is a functional need to locate on the surface of the waterbody;</li> <li>the land use is consistent with the characteristics and qualities of the waterbody and adjacent zone or overlay;</li> <li>it will not result in adverse effects on the habitat of breeding birds or fish spawning areas;</li> <li>it will not result in adverse effects on any other indigenous flora and fauna within the riparian margins of the waterbody;</li> <li>it will not result in adverse effects on cultural and spiritual values associated with the waterbody;</li> <li>public access is not adversely affected or it is provided or enhanced;</li> <li>it will not result in adverse effects on other recreational activities; and</li> <li>it will not result in cumulative adverse effects with other structures or activities on the surface of the waterbody.</li> </ol>
<b>ASW-P3</b>	Recognise tangata whenua's relationship with and cultural practices associated with freshwater when managing activities on the surface of water in rivers and lakes, including the ability to undertake customary activities.
<b>ASW-P4</b>	Manage activities on the surface of water to address the effects of the activity, including (but not limited to) consideration of the following matters where relevant to the application: <ol style="list-style-type: none"> <li>whether there is a functional need for the activity or structure to be located on the waterbody;</li> <li>any adverse effects on indigenous biodiversity and riparian margins;</li> <li>any adverse effects on associated wetlands;</li> <li>any adverse effects on cultural and spiritual values;</li> <li>any adverse effects on recreation activity;</li> <li>any adverse effects on public access;</li> <li>any enhancement or provision of public access, including any consideration for launching, retrieval and damage to margins;</li> <li>whether the activity is within a water catchment that serves a public water supply;</li> <li>any cumulative adverse effects;</li> <li>the scale and location of any structure on the waterbody and adjacent land;</li> <li>whether the activity may exacerbate or be adversely affected by a natural hazard, including bank/channel erosion due to activity;</li> </ol>



- l. servicing requirements, i.e. sewerage, refuse, access to the waterbody and parking;
- m. any adverse effect on the characteristics and qualities of the waterbody; and
- n. any public benefit.

## Rules

### Notes:

- There may be rules in other Part 2 - District-Wide Matters and the underlying zones in Part 3 - Area-Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. This includes Part 2 rules relating to natural hazards, public access, light, noise and temporary activities. Activities are also required to comply with Part 3 zone rules applying to the waterbody. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- The Proposed Regional Plan for Northland, the Operative Regional Water and Soil Plan for Northland, and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 also guide resource consent decision-making in relation to freshwater resources. Plan users are advised to refer to these documents when considering activities on or in proximity to freshwater resources.

ASW-R1	The use of non-motorised craft	
Surface of all rivers and lakes in all zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The use is a non-commercial recreation activity or a customary activity.</p> <p><b>PER-2</b> The craft is not used for residential activity.</p> <p><b>PER-3</b> The craft is used for search and rescue, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p>	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary
ASW-R2	The use of motorised craft	
Surface of all rivers and lakes in all zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The use is a non-commercial recreation activity.</p> <p><b>PER-2</b> The craft is not used for residential activity.</p> <p><b>PER-3</b> The craft is used for search and rescue, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p> <p><b>PER-4</b> With the exception of activities provided for in PER-3, the activity does not occur on any of the following water bodies:</p> <ul style="list-style-type: none"> <li>a. Lake Ngatu;</li> <li>b. Lake Owhariti;</li> <li>c. Lake Heather;</li> </ul>	Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary

	d. Lake Rotorua; e. Far North Dune Lakes; f. Waitangi River (above Haruru Falls); g. Waingaro Reservoir; or h. Manuwai Reservoir.	
<b>ASW-R3</b>	<b>Structures</b>	
<b>Surface of all rivers and lakes in all zones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The structure is associated with a river crossing, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>ASW-R4</b>	<b>Activities not otherwise listed in this chapter</b>	
<b>Surface of all rivers and lakes in all zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>

# **Far North**

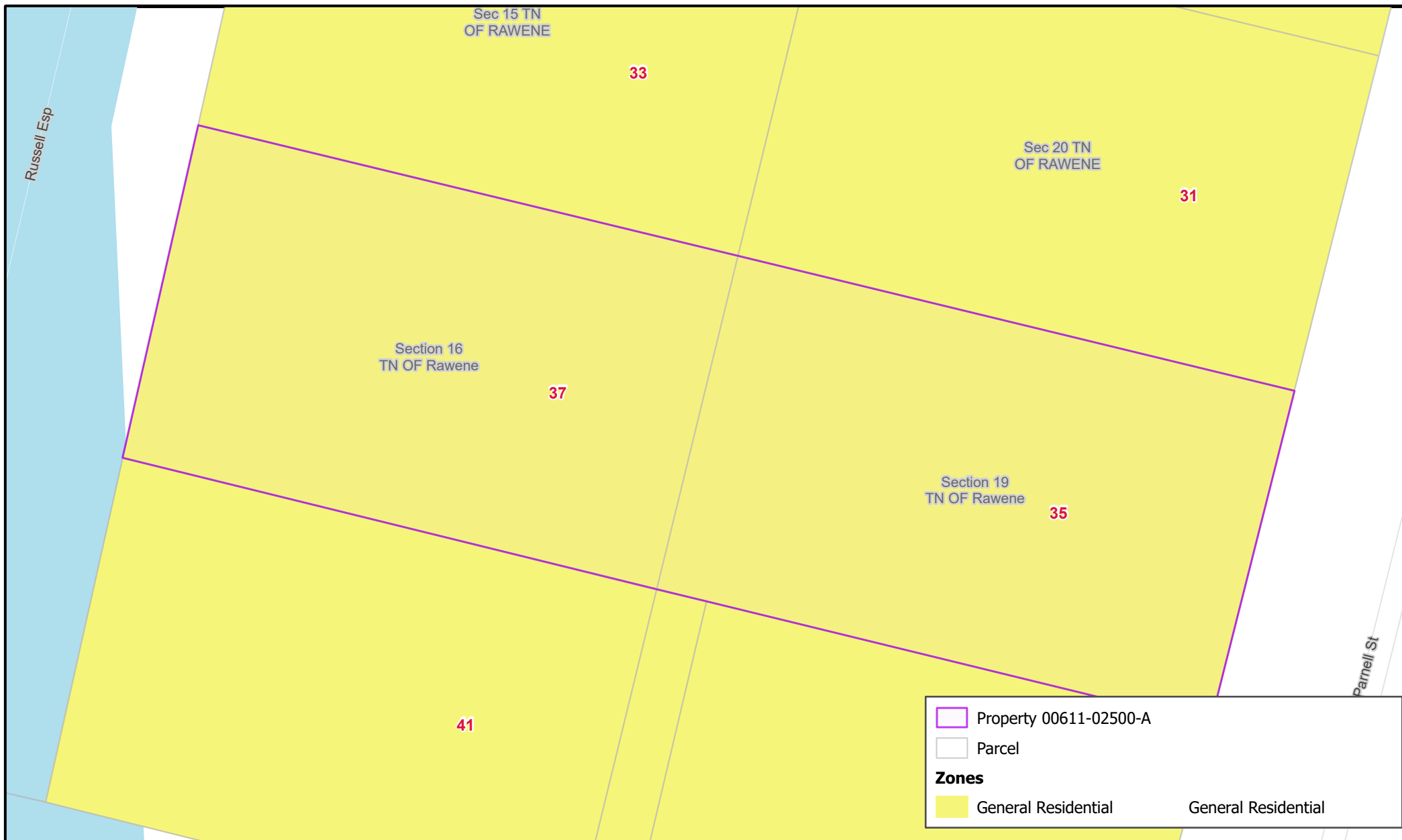
# **Proposed District Plan**

# **2022**

# **Property Specific**

# **Information**





## Overview

The Far North District contains a mix of diverse communities and urban centres, a number of which are located within the coastal environment and/or have identified cultural and historic heritage values. The General Residential zone represents those areas where there is an expectation of higher density residential development, compared to the rural environments, and that generally provides adequacy and capacity of available or programmed development infrastructure.

To support urban sustainability and affordable infrastructure the General Residential zone seeks to consolidate growth where it can around urban centres. The aim is to provide for a variety of housing typologies and sizes that contribute to the vibrancy and viability of those centres, as well as ensuring efficient use of the investment Council makes in infrastructure and services.

In providing for growth over the medium term, and looking out to the longer term, the District Plan provides for a combination of increased density within the existing General Residential zone as well as re-zoning for more intensive residential use in areas where there is adequacy and capacity of available development infrastructure or where it is programmed in the Long Term Plan or 30 Year Infrastructure Strategy.

Council has a responsibility under the RMA, and takes direction from the RPS, to ensure that there is sufficient land available for housing to meet the future demands of the district, that development is in the right location and there is adequacy and capacity of available or programmed development infrastructure.

Objectives	
<b>GRZ-O1</b>	The General Residential zone provides a variety of densities, housing types and lot sizes that respond to: <ol style="list-style-type: none"> <li>housing needs and demand;</li> <li>the adequacy and capacity of available or programmed development infrastructure;</li> <li>the amenity and character of the receiving residential environment; and</li> <li>historic heritage.</li> </ol>
<b>GRZ-O2</b>	The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.
<b>GRZ-O3</b>	Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.
<b>GRZ-O4</b>	Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.
<b>GRZ-O5</b>	Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.
<b>GRZ-O6</b>	Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.

Policies	
<b>GRZ-P1</b>	Enable land use and subdivision in the General Residential zone where: <ol style="list-style-type: none"> <li>there is adequacy and capacity of available or programmed development infrastructure to support it; and</li> <li>it is consistent with the scale, character and amenity anticipated in the residential environment.</li> </ol>
<b>GRZ-P2</b>	Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: <ol style="list-style-type: none"> <li>telecommunications:               <ol style="list-style-type: none"> <li>fibre where it is available; or</li> <li>copper where fibre is not available;</li> </ol> </li> <li>local electricity distribution network; and</li> <li>wastewater, potable water and stormwater where they are available.</li> </ol>
<b>GRZ-P3</b>	Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.
<b>GRZ-P4</b>	Enable non-residential activities that: <ol style="list-style-type: none"> <li>do not detract from the vitality and viability of the Mixed Use zone;</li> <li>support the social and economic well-being of the community;</li> <li>are of a residential scale; and</li> <li>are consistent with the scale, character and amenity of the General Residential zone.</li> </ol>



<b>GRZ-P5</b>	Provide for retirement villages where they: <ul style="list-style-type: none"> <li>a. compliment the character and amenity values of the surrounding area;</li> <li>b. contribute to the diverse needs of the community;</li> <li>c. do not adversely affect road safety or the efficiency of the transport network; and</li> <li>d. can be serviced by adequate development infrastructure.</li> </ul>
<b>GRZ-P6</b>	Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.
<b>GRZ-P7</b>	Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.
<b>GRZ-P8</b>	Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ul style="list-style-type: none"> <li>a. consistency with the scale, design, amenity and character of the residential environment;</li> <li>b. the location, scale and design of buildings or structures, potential for shadowing and visual dominance;</li> <li>c. for residential activities: <ul style="list-style-type: none"> <li>i. provision for outdoor living space;</li> <li>ii. privacy for adjoining sites;</li> <li>iii. access to sunlight;</li> </ul> </li> <li>d. for non-residential activities: <ul style="list-style-type: none"> <li>i. scale and compatibility with residential activities</li> <li>ii. hours of operation</li> </ul> </li> <li>e. at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>f. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including: <ul style="list-style-type: none"> <li>i. opportunities for low impact design principles</li> <li>ii. ability of the site to address stormwater and soakage;</li> </ul> </li> <li>g. managing natural hazards; and</li> <li>h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>

## Rules

### Notes:

- There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.

<b>GRZ-R1</b>	<b>New buildings or structures, or extensions or alterations to an existing buildings or structures</b>	
<b>General Residential zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted or controlled activity.	<b>Activity status where compliance not achieved with PER-2:</b> <b>Restricted discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the matters of discretion of any infringed standard
	<b>PER-2</b> The new building or structure, or extension or alteration to an existing building or structure complies with standards: GRZ-S1 Maximum height; GRZ-S2 Height in relation to boundary; GRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); GRZ-S4 Setback from MHWS; GRZ-S5 Façade length;	<b>Activity status where compliance not achieved with PER-1:</b> <b>Discretionary</b>

	GRZ-S6 Outdoor living space; and GRZ-S7 Outdoor storage.	
<b>GRZ-R2</b>	<b>Impermeable surface coverage</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The impermeable surface coverage of any site is no more than 50%.</p> <p><b>Note:</b> Where a development is utilising more than one site, including for multi-unit development or retirement villages, the percentage coverage must be calculated over the gross site area of all affected sites.</p>	<p><b>Activity status where compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the extent to which landscaping or vegetation may reduce adverse effects of run-off;</li> <li>the effectiveness of the proposed method for controlling stormwater on site;</li> <li>the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites; and</li> <li>whether low impact design methods and use of green spaces can be used;</li> <li>any cumulative effects on total catchment impermeability;</li> <li>natural hazard mitigation and site constraints; and</li> <li>extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.</li> </ol>
<b>GRZ-R3</b>	<b>Residential activity (standalone residential units)</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> 1. The number of standalone residential units on a site does not exceed one; and 2. The site does not contain a multi-unit development.</p>	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>GRZ-R4</b>	<b>Visitor accommodation</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The visitor accommodation is within a residential unit or accessory building.</p> <p><b>PER-2</b> The occupancy does not exceed six guests per night.</p> <p><b>PER-3</b> The site does not share access with another site.</p>	<b>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary</b>
<b>GRZ-R5</b>	<b>Home business</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The home business is undertaken within: 1. a residential unit; or 2. an accessory building that does not exceed GFA of 40m<sup>2</sup>.</p>	<p><b>Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>scale, intensity and character of the business;</li> <li>traffic generation, safety and access;</li> <li>provision of parking;</li> </ol>

	<p><b>PER-2</b> There is no more than one full-time equivalent person engaged in the home business who resides off-site.</p> <p><b>PER-3</b> All manufacturing, altering, repairing, dismantling or processing of any materials or articles associated with an activity is carried out within a building.</p> <p><b>PER-4</b> Hours of operation are between: 1. 7am - 8pm Monday to Friday. 2. 8am - 8pm Weekends and public holidays.</p>	<p>d. noise, odour and dust; e. disturbance and loss of privacy for surrounding sites; and f. hours of operation.</p> <p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>
<b>GRZ-R6</b>	<b>Educational facility</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The educational facility is within a residential unit or accessory building.</p> <p><b>PER-2</b> The number of students attending at one time does not exceed four, excluding those who reside onsite.</p>	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b>
<b>GRZ-R7</b>	<b>Supported residential care</b>	
<b>General Residential zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The supported residential care is within a residential unit or accessory building.</p> <p><b>PER-2</b> The number of occupants does not exceed six.</p>	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b>
<b>GRZ-R8</b>	<b>Conservation activity</b>	
<b>General Residential zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>GRZ-R9</b>	<b>Residential activity (multi-unit development)</b>	
<b>General Residential zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> 1. The site area per multi-unit development is at least 600m<sup>2</sup>; 2. The number of residential units in a multi-unit development on a site does not exceed three; and 3. There is no standalone residential unit on the site.</p> <p><b>CON-2</b> The minimum net internal floor area, excluding outdoor living space, of a residential unit within a multi-unit development shall be: 1. 1 bedroom = 45m<sup>2</sup> 2. 2 bedroom = 62m<sup>2</sup> 3. 3 bedroom = 82m<sup>2</sup></p> <p><b>Matters of discretion are restricted to:</b></p>	<b>Activity status where compliance not achieved: Discretionary</b>

	<p>a. the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following.</p> <ul style="list-style-type: none"> <li>i. building intensity, scale, location, form and appearance;</li> <li>ii. location and design of parking and access; and</li> <li>iii. location of outdoor living space in relation to neighbouring sites.</li> </ul>	
<b>GRZ-R10</b>	<b>Retirement village</b>	
<b>General Residential zone</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where</b></p> <p><b>RDIS-1</b> The activity will be accommodated within a new building or structure, or extensions to an existing building or structure which comply with standards: GRZ-S1 Maximum height; GRZ-S2 Height in relation to boundary; GRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); GRZ-S4 Setback from MHWS; GRZ-S5 Façade length; GRZ-S6 Outdoor living space; and GRZ-S7 Outdoor storage.</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. safe integration of vehicle and pedestrian access with the adjoining road network.</li> <li>b. provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems.</li> <li>c. design and layout of pedestrian circulation.</li> <li>d. residential amenity for surrounding sites in respect of outlook and privacy.</li> <li>e. visual quality and interest in the form and layout of the retirement village, including buildings, fencing, location and scale of utility areas and external storage areas.</li> <li>f. the benefits associated with provision of accommodation to meet the needs of the elderly.</li> </ul>	<b>Activity status where compliance not achieved with RDIS-1: Discretionary</b>
<b>GRZ-R11</b>	<b>Minor residential unit</b>	
<b>General Residential zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>GRZ-R12</b>	<b>Community facility</b>	
<b>General Residential zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>GRZ-R13</b>	<b>Place of assembly</b>	
<b>General Residential zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>GRZ-R14</b>	<b>Emergency services facility</b>	
<b>General Residential zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>GRZ-R15</b>	<b>Activities not otherwise listed in this chapter</b>	
<b>General</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not</b>

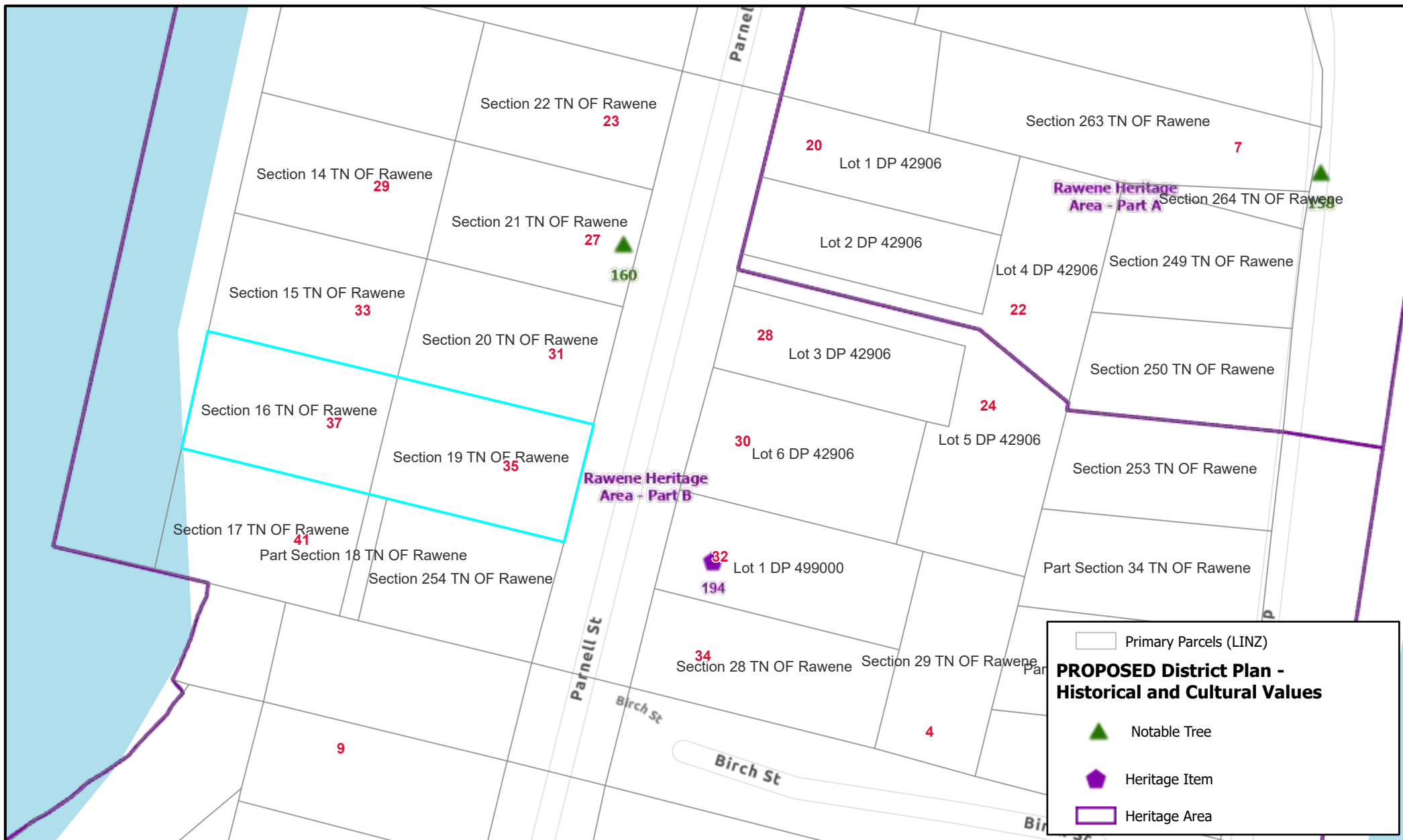
Residential zone		achieved: Not applicable
GRZ-R16	Industrial activity	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R17	Commercial activity not provided for as a permitted or restricted discretionary activity	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R18	Primary Production	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R19	Rural industry	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R20	Hospital	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R21	Offensive trade	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R22	Commercial composting	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R23	Community corrections activity	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
GRZ-R24	Cleanfill area or landfill, including managed fill	
General Residential zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards		
GRZ-S1	Maximum height	
General Residential zone	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure is 8m above ground level.</p> <p><b>This standard does not apply to:</b></p> <ul style="list-style-type: none"> <li>i. Solar and water heating components not exceeding 0.5m in height on any elevation; or</li> <li>ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or</li> <li>iii. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or</li> <li>iv. Architectural features (e.g. finials, spires) not</li> </ul>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the character and amenity of the surrounding built environment;</li> <li>b. dominance in relation to the road and adjoining sites;</li> <li>c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>d. shading and loss of access to sunlight to adjoining sites;</li> <li>e. landscaping; and</li> </ul>

	exceeding 1m in height on any elevation.	f. natural hazard mitigation and site constraints.
<b>GRZ-S2</b>	<b>Height in relation to boundary</b>	
<b>General Residential zone</b>	<p>The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:</p> <ol style="list-style-type: none"> <li>1. 55 degrees at 2m above ground level at the northern boundary of the site;</li> <li>2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and</li> <li>3. 35 degrees at 2m above ground level at the southern boundary of the site.</li> </ol> <p>Except where the site boundary adjoins a lawfully established accessway or access lot serving a rear site, the measurement shall be taken from the furthest boundary of the accessway or access lot.</p> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. Solar and water heating components not exceeding 0.5m in height on any elevation; or</li> <li>ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or</li> <li>iii. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or</li> <li>iv. Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or</li> <li>v. A building or structure exceeding this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building or structure where it exceeds the standard is 2.7m.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and</li> <li>c. natural hazard mitigation and site constraints.</li> </ol>
<b>GRZ-S3</b>	<b>Setback (excluding from MHWS or wetland, lake and river margins)</b>	
<b>General Residential zone</b>	<p>The building or structure, or extension or alteration to an existing building or structure must be set back at least 1.2m from all site boundaries, except that the setback must be at least 3m measured from a road boundary.</p> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. Fences or walls no more than 2m in height above ground level; or</li> <li>ii. uncovered decks no more than 0.5m above ground level.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the character and amenity of the surrounding area;</li> <li>b. screening, planting and landscaping on the site;</li> <li>c. the design and siting of the building or structure with respect to privacy and shading;</li> <li>d. natural hazard mitigation and site constraints;</li> <li>e. the effectiveness of the proposed method for controlling stormwater;</li> <li>f. the safety and efficiency of the current or future roading network; and</li> <li>g. the impacts on existing and planned public walkways, reserves and esplanades.</li> </ol>
<b>GRZ-S4</b>	<b>Setback from MHWS</b>	
<b>General Residential zone</b>	<p>The new building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS.</p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the natural character of the coastal environment;</li> <li>b. screening, planting and landscaping on the site;</li> <li>c. the design and siting of the building or structure with respect to dominance on adjoining public space;</li> <li>d. natural hazard mitigation and site</li> </ol>



		constraints; e. the effectiveness of the proposed method for controlling stormwater; and f. the impacts on existing and planned roads, public walkways, reserves and esplanades.
<b>GRZ-S5</b>	<b>Façade length</b>	
<b>General Residential zone</b>	<p>The new building or structure, or extension or alteration to an existing building or structure must include a recess where the façade exceeds 20m along any road or public land.</p> <p>The recess must:</p> <ol style="list-style-type: none"> <li>1. be at least 1m in depth for a length of at least 2m;</li> <li>2. be for the full height of the wall; and</li> <li>3. include a break in the eave line and roofline of the façade.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. Fences or walls no more than 2m in height; or</li> <li>ii. Uncovered decks</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the character and amenity of the surrounding area;</li> <li>b. screening, planting and landscaping on the site; and</li> <li>c. the design and siting of the building or structure;</li> </ol>
<b>GRZ-S6</b>	<b>Outdoor living space</b>	
<b>General Residential zone</b>	<ol style="list-style-type: none"> <li>1. Each residential unit must have an exclusive outdoor living space:               <ol style="list-style-type: none"> <li>i. of at least 50m<sup>2</sup> at ground level with a minimum dimension of 5m; or</li> <li>ii. at least 8m<sup>2</sup> (with a minimum dimension of 2m) where the residential unit is not on the ground floor.</li> </ol> </li> <li>2. The outdoor living space must:               <ol style="list-style-type: none"> <li>i. be directly accessibly from a habitable room in the residential unit;</li> <li>ii. be free of buildings, storage, parking spaces and manoeuvring areas; and</li> <li>iii. be oriented to the north, east or west side (or a combination) of the residential unit.</li> </ol> </li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the provision of sufficient outdoor living space;</li> <li>b. the residential amenity for the occupants of the residential unit;</li> <li>c. accessibility and convenience for residents;</li> <li>d. alternative provision of outdoor living space, such as proximity to accessible public open space;</li> <li>e. the provision of adequate access to sunlight on the outdoor living space throughout the year; and</li> <li>f. topographical or other site constraints making compliance with the standard impractical.</li> </ol>
<b>GRZ-S7</b>	<b>Outdoor storage</b>	
<b>General Residential zone</b>	<p>Any outdoor area used for storage or stockpiling must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and public land.</p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the streetscape and amenity of the surrounding area;</li> <li>b. the amenity of adjoining properties;</li> <li>c. screening, planting and landscaping; and</li> <li>d. topographical or other site constraints making compliance with the standard impractical.</li> </ol>



**DISCLAIMER:**

While the Far North District Council strives to keep the data in this service current, it may not be the most recent or most accurate data available. No reliance on the information contained on this map by any person is permitted. FNDC will not be liable for any omissions or errors of information contained on this map. FNDC recommends that persons seek specific advice on individual properties from FNDC and other specialist organisations which may hold more up to date or accurate information.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Overview

Heritage Area Overlays apply in geographical locations where there are significant clusters of historic heritage. Council has responsibilities under the RMA, the NZCPS and the NRPS to protect historic heritage. This requires land use and subdivision within Heritage Area Overlays to be managed to ensure the district's rich historic heritage is saved for current and future generations to enjoy and learn the stories they have to tell. Historic Heritage is also protected under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZP).

Each Heritage Area Overlay has unique heritage values, context and landscapes which require protection. As such objectives, policies and rules within this chapter are specific to each Heritage Area Overlay. The Historical Heritage chapter includes objectives and policies relevant to the protection of Heritage Resources which must be considered when assessing proposals within Heritage Area Overlays in addition to the specific Heritage Area Overlay framework.

Heritage Area Overlays also contain cultural landscapes, and clusters of Sites and Areas of Significance to Māori. The Sites and Areas of Significance to Māori chapter includes objectives, policies and rules which must be considered when assessing proposals within Heritage Area Overlays that also contain scheduled Sites and Areas of Significance to Māori.

There are nine scheduled Heritage Area Overlays in the Plan:

### Kerikeri Heritage Area Overlay

The Kerikeri Heritage Area Overlay contains Heritage Resources of regional and national significance. The Kerikeri Basin forms the heart of the overlay and is a registered historic area under the HNZP. The historic character of the Kerikeri Basin derives from its outstanding historic significance as one of the first areas in New Zealand characterised by contact between Māori and European colonial settlement. The Heritage Area Overlay contains several Category 1 historic buildings and features, Sites and Areas of Significance to Māori, a historic pa site, and archaeological and historic sites of critical importance to the nation's heritage.

The Kerikeri Heritage Area Overlay has been separated into two parts:

#### Part A:

Covers the Kerikeri Basin Historic Area, which retains a high proportion of its original characteristics and its integrity of place, which have been enhanced through the discontinuation of the road that previously went past the Stone Store and Kemp House, and over the river. Individual sites within the historic area have been actively managed as historic places of significance and much of the area along and adjacent to the river banks contains regenerated bush.

#### Part B:

Covers the archaeologically sensitive slopes surrounding Kororipo Pā and the Church Missionary Settlement (CMS). The north and east ridge line also provide the sight lines from Kororipo Pā. There still remains a legacy of early horticultural subdivision pattern which supports the identity of Kerikeri, predominantly located along the Kerikeri Inlet Road ridgeline.

### Kohukohu Heritage Area Overlay

The Kohukohu Heritage Area Overlay has high significance both locally and regionally due to early European settlement on the Hokianga Harbour associated with the Kauri timber trade. The Kohukohu township has high context value and integrity as a physical link with the early days of the district's development when shipping was the main form of transport.

Kohukohu is an unaltered and compact example of a nineteenth century European coastal township at the heart of the New Zealand timber trade. Kohukohu has outstanding local and regional heritage significance for its architectural and technological qualities as an intact and compact Victorian colonial settlement largely constructed between 1880 and 1910. The Kohukohu Stone Bridge is a nationally significant heritage structure, being the earliest surviving bridge in the country. There are only two formally recorded archaeological sites within the heritage area, both of European Origin (the school and the Hokianga Sawmill). However, the Old Stone Bridge, reclamation between it and the current foreshore, and the majority of scheduled/listed buildings are dated prior to 1900.

### Kororāreka Russell Heritage Area Overlay

The Kororāreka Russell Heritage Area Overlay contains the nationally significant Kororāreka Russell, which is a historically significant location of Māori and Early European settlement in the Bay of Islands. It is representative of the rich tapestry of early Māori, European, Colonial, and Modern settlement within the district. Pre-European Pā sites are recorded on the headlands to the north and south of the historical town centre, middens are recorded at Matauwhi Bay, with a high concentration of historic heritage buildings within the town centre. In 1830, Kororāreka is recorded as the site of a battle between rival Māori (The 'girls war'), involving Hōne Heke amongst others.

Kororāreka Russell has architectural significance as a very good example of nineteenth and early twentieth century settlement and includes several important historical buildings. Several of these are scheduled in the New Zealand

Heritage List as places of national significance. Development in the second half of the 20th century has been limited, so that Kororāreka Russell retains a high degree of historic heritage integrity and context, which is significant at the regional and national level.

The Kororāreka Russell Heritage Area Overlay includes four heritage parts: 'The Strand', 'Wellington Street', 'Christ Church' and the remainder of the area. All of these parts have historical significance to the township of Kōrorāreka Russell and contribute to its unique heritage values:

**Part A - The Strand:**

Covers 'The Strand' and 'Cass Street'. The historic character of this part of Kororāreka Russell derives principally from its exceptional buildings of great quality and known historic interest, for example, the Bungalow and Pompallier House. This location has a strong association with the waterfront and is characterised by the mass of larger, older buildings and the strong identity at intersections that gives a distinct "corner quality". The residential component at the north end of the Strand Precinct is characterised by closely aligned buildings of generally older single storey style of modest scale, with a few two storey buildings evident. While the buildings differ in style, scale, form and proportion, there is considerable use of veranda, roof forms and materials that reflect an earlier architectural style. Part A - The Strand is essential to the protection of the heritage values of Kororāreka Russell as a whole. In addition, the entire area is an archaeological site in terms of the HNZN, and therefore it is important to ensure that valuable information on New Zealand's earliest historic period of European settlement is not lost.

**Part B - Wellington Street:**

Covers the Wellington-York Street intersection, the principal feature of which is the Kororāreka Domain, giving the area an open space quality. The residential character of this location is the low key with informal siting of buildings. The style is predominantly villas or bungalows that have an historic value and contribute to the distinctive character of the area. A bush backdrop extends around to the coastal edge of the part, where the cottages located within it have a feeling of detachment from the Russell Town proper.

**Part C - Christ Church Precinct:**

Covers the Christ Church itself, being the oldest church in New Zealand. The open space of the church yard provides a valuable foreground and informal area on entry into the Kororāreka Russell Town.

**Part D - Remainder of Overlay:**

Covers the remainder of the Kororāreka Russell Heritage Area Overlay and reflects the original street layout and subdivision patterns and contains archaeological sites that indicate a relatively high sensitivity and risk of revealing archaeological deposits relating to earlier Māori and European occupation. It includes the cultural and archaeological landscape provided by the two headlands north and south of the beach. It also includes Matawhi Bay which represents earlier Māori activity and some European settlement contemporary with Kororāreka Russell.

**Mangōnui and Rangitoto Peninsula Heritage Area Overlay**

The Mangōnui and Rangitoto Peninsula Heritage Area Overlay identifies the highly significant historical and contextual value of this area. The township of Mangōnui, with its historical past, is a physical link with the early days of the district's development when shipping was the main form of transport. This is expressed in a number of buildings or groups of buildings with historical significance and visual character.

Individual and interrelated Sites and Areas of Significance to Māori, outstanding natural features and landscapes and natural topography underlay the identity of the place, as a historically important harbour town. There are clusters of Sites of Significance to Māori on surrounding headlands and islands which attest to earlier Māori settlement of the area generally. Recorded archaeological sites include historical middens, the site of a former commercial building, and one shell midden located on the foreshore. An early trackway is recorded, running up the ridgeline above Mangōnui, past the Anglican Church and school and along Colonel Mould Drive.

The Mangōnui, Rangikapiti and Rangitoto Peninsula area contains a wide range of recorded archaeological sites and demonstrates coastal development from early Māori settlement to early modern. Māori occupied the area at least 500 years prior to the first European settlement, with evidence of early waka landings. It is also a colonial period township of regional importance. Rangikapiti and Rangitoto Pā are examples of headland pā sites. The Rangitoto peninsula is known for its archaeological values through heavy involvement in the timber trade, its flax industry, and whalers and sealers in the late seventeenth century, visible today in Butler House and the Whaling Museum on Butler Point. These early settlements are strongly associated with the development of the township.

The Mangōnui and Rangitoto Peninsula Heritage Area Overlay has been separated into two parts:

**Part A:**

Covers the old business area of Mangonui in which examples of the township's early commercial and public buildings remain, such as the courthouse, the Post Office, and the Store. Part A extends to include a cluster of historic residential buildings which reflect some of the earliest residential units. The special heritage character of the Mangōnui Township waterfront derives from the external appearance of the historic buildings, and their association with the harbour edge.

**Part B:**

Covers the area which falls within the early township having been generally developed by 1948. Reflecting the surviving historical boundaries, commercial, residential and public buildings, and areas of higher potential archaeological sensitivity. Rangikapiti and Mangonui Domain support the nature of historical development and include a significant pa site. The largely undeveloped coastal and conservation land of Rangitoto Point is included, where a high density of

archaeological sites has been recorded containing several pa sites and terraces, as well as the mid-19th century trading post at Butlers Trading Post (former) Butlers Point. The pa sites at Rangikapiti and Rangitoto Point share strong visual connections and context, as two sites guarding the harbour mouth.

### **Paihia Heritage Area Overlay**

The Paihia Heritage Area Overlay has outstanding heritage values related to the historical events surrounding the establishment of the “mission settlement” by Henry Williams and the Church Missionary Society in 1823, and early ‘pre-treaty’ negotiations with British representative James Busby, and Māori leaders seeking the protection of Britain.

The area has high context value as an integral component of a network of heritage resources contained within the Bay of Islands, including the Waitangi Treaty Grounds and the Russell Township. These combine to contribute to the appreciation and understanding of the places and events associated with a nationally significant period of Paihia's heritage.

The Church Missionary Society mission at Paihia played a central part in the development of a range of activities in early colonial New Zealand, including the first ship building, printing (Colenso's press), schools and pre-Treaty interaction and negotiations with Māori leaders, and was also a site visited by many prominent Europeans in the 1820's and 30's.

No one heritage era is the sole focus of the Heritage Area Overlay, which is a current reflection of a number of past and remaining practices that have created the unique and special place it is today. The identified area contains development that is well spaced, residential in character with expansive lawned areas, retaining some of the character of the early mission station. These surroundings are further complemented by views to the bush clad hills of the Paihia Scenic Reserve, which forms a backdrop to the Heritage Area, and their overall place within a coastal environment setting.

The Paihia Heritage Area Overlay has been separated into two parts:

#### **Part A:**

Covers the cluster of heritage resources and is based on historical boundaries, streets, archaeological sites, and surviving landscape characteristics, and applies to land within Paihia that has retained a unique combination of spatial, built, coastal landscape and amenity characteristics throughout that evolution. It includes a range of sites and buildings which reflect the historical events and development of this coastal township over time. These range from the surviving earthworks of headland pa sites, residential buildings, church and monumental architecture, such as the Māori people's memorial dedicated to Henry Williams and St Paul's cemetery to the Williams House (now public library) and the Village Green.

#### **Part B:**

Covers the Sites of Significance to Māori along the foreshore and within scenic reserves, and the important historic sites located near the Horotutu Creek, which is itself an important historical landscape feature. The archaeological potential for sites within the former low-lying field systems, from numerous historical images and currently recorded archaeological sites. The forested high ground to the Southwest of MacMurray Road is included as an area of archaeological potential associated with the recorded location of Te Koke's Pa.

### **Pouerua Heritage Area Overlay**

The Pouerua Heritage Area Overlay identifies the distinguished historical landscape, significant wāhi tapu and diversity of heritage values of Pouerua. The overlay embodies the mana of Ngāpuhi, the historic engagements of Māori and Pakeha in war and peace, and has been preserved to date by the separate and collective effects of iwi, hapu and others. There are major Māori fortifications on the rim of the Pouerua volcanic cone, hundreds of terraces on the flanks, and intensive evidence of pre-European and 19th century gardens and settlements on the lava field. Pouerua is considered to be an archaeological site of special and outstanding historical and cultural heritage significance and value. The site and its connecting landscape include:

- The pa Pouerua;
- The stonefield areas gardened by Māori using traditional methods;
- Stonefield systems created by the missionary Williams in his training of Māori in British farming practices; and
- The lake Owhareiti, which is also of cultural importance.

The Pouerua Heritage Area Overlay also includes a number of early settler homesteads, and associated farm buildings, loosely centred on the Holy Trinity Church. As a group, these buildings have outstanding representative value as they reflect the early interactions between the Missionary Archdeacon Henry Williams, local hapu, and early settler families during the middle of the 19th century. Within this context, the Holy Trinity Church represents the important unifying factor of the Anglican mission, and the role of the Church Missionary Society.

The Overlay includes rural land and landmark topographical features of outstanding natural interest which look down upon, and strongly reflect, the actions of human settlement and rural food production in this locality for the past 700 years approximately.

### **Rangihoua Heritage Area Overlay**

Rangihoua Heritage Area Overlay identifies the outstanding archaeological significance for the long period of Māori occupation of the land prior to European arrival, extending back to at least the 14th century AD, early contact sites and early European settlement sites. Matakā on the north headland is one of five hills that are identified as pou (boundary markers) for Ngāpuhi and Rangihoua has very strong spiritual significance for its many wāhi tapu, and is traditionally

important.

Rangihoua has historic heritage value of national importance. As a site of prolonged early contact between Māori and Pakeha, prior to British colonisation, Rangihoua is considered to have outstanding identity value as one of the foundation places of modern bicultural New Zealand. It is recognised as one of the key historic meeting places of two cultures. It is the location of Rangihoua Pa, and the earliest major Māori trading post in New Zealand, controlled by the influential chief Te Pahi whose name remains in the landscape. The earliest land-based church service was performed here, by the missionary Samuel Marsden, and it is the location of the first mission station, the earliest formal land transfer and the first European school in New Zealand. These sites collectively have outstanding contextual value as a group of related places on the land and across the sea to the Te Pahi Islands.

### **Rāwene Heritage Area Overlay**

The Rāwene Heritage Area Overlay identifies the highly historical and contextual value of Rāwene as one of the earliest permanent European settlements in Northland, and as a centre for the export of kauri timber on the Hokianga. Rāwene is a physical link to the early days when shipping was the main form of transport, and this context is maintained today with the car ferry across the Hokianga.

The overlay features a number of scheduled buildings, archaeological sites, and surviving early boundary treatments which share spatial, landscape and historical context. The limestone cliffs on the western edge create a significant natural landmark upon which Rāwene the town was founded. In the wider context Rāwene is one of several early Pakeha settlements associated with the export of Kauri timber from the Hokianga. Includes foreshore around the headland. It encompasses the historical township from the north of Birch Street to the foreshore and it includes scheduled Heritage Resources and a Outstanding Natural Feature.

The pattern of subdivision is unchanged from the early days of the township, with a number of pre-1940 villas and bungalows concentrated along the higher ground either side of Parnell Street. Architecturally, the significant built heritage of the Rāwene Heritage Area Overlay derives from the survival of the historic commercial buildings on the headland, and their association with the waterfront.

The Rāwene Heritage Area Overlay has been separated into two parts:

#### **Part A:**

Covers the old business area of Rāwene, in which examples of the township's early commercial and public buildings remain, such as the Masonic Hotel and Clendon House. The special heritage character of Rāwene is derived from the external appearance of the historic buildings, and their association with the waterfront.

#### **Part B:**

Covers the area which falls within the early township, within which the properties follow a distinctly different (earlier) subdivision form. A number retain examples of villa, bungalow and state house construction. The area reflects surviving historical boundaries, commercial, residential and public buildings, and areas of higher archaeological potential for early settlement along the ridgeline either side of Parnell Street.

### **Te Waimate Heritage Area Overlay**

The Te Waimate Heritage Area Overlay is of outstanding local, regional and national importance as a landscape which shows the progression of pre-contact Māori Settlement, early interaction with settlers, and a scene of nationally important historic events including the signing of the Treaty of Waitangi. The overlay is one of the birthplaces of modern agricultural practice and farming tradition in New Zealand. It contains several important examples of early colonial architecture and landscaping practices and the second oldest surviving building in New Zealand. The St Pauls burial ground is outstandingly important as one of New Zealand's earliest churchyards. Its grave markers and other elements contribute towards an understanding of burial, commemoration and other aspects of early colonial and later life. The site has considerable spiritual and symbolic value to both Māori and Pakeha, having been at the heart of Christian worship and commemoration in the district for well over 170 years.

This area is part of a broader cultural landscape, which incorporates other important structures, buried archaeological remains and historic trees, as well as wāhi tapu. Sites and Areas of significance to Māori are prominent within the overlay, including Okuratope Pā which is highly significant to Ngapuhi, in the early 19th century, Okuratope was the strong hold of Hongi Hika and his half-brother Kaingaroa.

Council has responsibilities under the RMA, the NZCPS and the NRPS to manage Historic Heritage.

#### **Objective for all Heritage Area overlays**

<b>HA-O1</b>	The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected.
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#### **Policy for all Heritage area overlays**

<b>HA-P1</b>	To protect the unique heritage values of each Heritage Area overlay by:
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- a. identifying and protecting the heritage buildings, objects and sites, and archaeological sites within the Heritage area overlay;
- b. maintaining the architectural and historical integrity of scheduled Heritage Resources;
- c. acknowledging the surrounds or setting of the Heritage area overlay which has an important relationship with the values of the Heritage Resources;
- d. providing for construction and alteration of buildings or structures when they contribute to the cultural values, character and heritage values of the Heritage area overlay; and
- e. providing for the demolition of non-heritage buildings or structures when they do not contribute to the cultural values, character and heritage values of the Heritage area overlay.

#### Policies for Kerikeri Heritage area overlay

<b>HA-P2</b>	To maintain the integrity of the Kerikeri Heritage area overlay and protect the heritage values by retaining the visual dominance and connection of the Kerikeri Mission Station buildings and Kororipo Pa through: <ul style="list-style-type: none"> <li>a. the control of the scale, form, colour; and</li> <li>b. location of alterations and development of buildings or structures.</li> </ul>
<b>HA-P3</b>	To maintain visual connection to Kororipo Pā, the Stone Store and Kemp House by limiting built development and landscaping within Part B to protect viewshafts of Kororipo Pā.

#### Policies for Kohukohu Heritage area overlay

<b>HA-P4</b>	To maintain the integrity of the Kohukohu Heritage area overlay and protect the heritage values by: <ul style="list-style-type: none"> <li>a. retaining the compact and intact range of public, commercial and residential heritage buildings, generally dating between 1880 and 1910, which demonstrate the development of the town during the Kauri Timber industry boom; and</li> <li>b. ensuring subdivision complements the form of the early township and the surviving historical boundaries.</li> </ul>
<b>HA-P5</b>	To enable subdivision and land use that recognises and protects the historical significance of Kohukohu as a place of early settlement, trade and interaction between Māori and Pakeha on the Hokianga.

#### Policies for Kororāreka Russell Heritage area overlay

<b>HA-P6</b>	To maintain the integrity of the Kororāreka Russell Heritage area overlay and protect the heritage values by: <ul style="list-style-type: none"> <li>a. maintaining the architecture and integrity of the build form within Part A The Strand, recognising the use of veranda, roof forms and materials that reflect an earlier architectural style;</li> <li>b. maintaining Part A The Strand as predominately a pedestrian area;</li> <li>c. protecting the architecture and integrity of the build form within Part B Wellington Street, recognising the low key informal siting of buildings, bush backdrop and villa or bungalow style build form;</li> <li>d. recognising and protecting the foreground and informal area upon entry of the Village created by the open space of the Christ Church building and yard of Part C Christ Church;</li> <li>e. ensuring subdivision reflects the form of the early township and the surviving historical boundaries and street layout;</li> <li>f. protecting scheduled archaeological sites from damage or destruction, and retrieving archaeological information whenever unscheduled archaeological sites are discovered;</li> <li>g. acknowledging and protecting the landforms and setting of Russell Kororāreka which have an important relationship to the values of the heritage area; and</li> <li>h. protecting boundary treatments and landscape areas associated with Scheduled Heritage Resources.</li> </ul>
<b>HA-P7</b>	To enable subdivision which recognises and protects the heritage values of the Sites and Areas of Significance to Māori, particularly the relationship of the Pā sites located on the headlands to the north and south of the historical Russell Kororāreka town centre.

#### Policies for Mangōnui and Rangitoto Peninsula Heritage area overlay

<b>HA-P8</b>	To maintain the integrity of the Mangōnui and Rangitoto Peninsula Heritage area overlay and protect the heritage values by: <ul style="list-style-type: none"> <li>a. retaining the compact and intact range of public, commercial and residential heritage buildings in Part A, reflective of a colonial period coastal settlement township;</li> <li>b. ensuring subdivision complements the form of the early township and the surviving historical boundaries and street layout; and</li> <li>c. protecting scheduled archaeological sites from damage or destruction and retrieving archaeological information whenever unscheduled archaeological sites are discovered.</li> </ul>
<b>HA-P9</b>	To enable subdivision and land use in Part B which recognises and protects the heritage values, strong

connection and context of the Rangikapiti and Rangitoto Point pa sites guarding the Mangōnui harbour mouth.
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#### Policies for Paihia Heritage area overlay

<b>HA-P10</b>	To maintain the integrity of the Paihia Heritage area overlay and protect the heritage values by recognising and providing for: <ol style="list-style-type: none"> <li>Paihia's context value as an integral component of a network of Heritage Resources contained within the Bay of Islands, including the Waitangi Treaty Grounds and the Russell Township;</li> <li>the topography, foreshore and scenic reserves located on higher ground and on headlands at either end of Paihia Beach which contribute to the heritage landscape; and</li> <li>the contribution of the non-contiguous relationship of Heritage Resources throughout the Heritage area overlay to its overall historic value.</li> </ol>
<b>HA-P11</b>	To recognise and provide for the protection of potential archaeological sites and Sites and Areas of Significance to Māori along the foreshore, within scenic reserves and near Horotutu Creek through the use of accidental discovery protocols.

#### Policies for Puerua Heritage area overlay

<b>HA-P12</b>	To maintain the integrity of the Puerua Heritage area overlay and protect the heritage values by: <ol style="list-style-type: none"> <li>recognising that Puerua sits within a rural farming landscape with numerous Māori stone field systems, and historical drywall boundaries which reflect early rural subdivisions; and</li> <li>protecting the Sites and Areas of Significance to Māori, the pa sites and other landscape features which share a strong contextual and visual connection with the central Puerua Pa.</li> </ol>
<b>HA-P13</b>	To enable subdivision and land use which recognises and protects the cultural and heritage values of Puerua, and the strong connection and context of Puerua scoria cone, Ohaewai volcanic field and Ngahuha scoria cone.

#### Policies for Rangihoua Heritage area overlay

<b>HA-P14</b>	The archaic value of the landforms and objects of historic significance at Rangihoua, and their context is retained by limiting the location, type, scale and nature of buildings or structures, including any additions or alterations.
<b>HA-P15</b>	The significant land features Rangihoua Pā, Te Pahi's Entrepot, Oihi and Te Puna and their connections are protected by the control of scale, form, colour and location of buildings or structures, including additions or alterations.

#### Policy for Te Waimate Heritage area overlay

<b>HA-P16</b>	To maintain the integrity of the Te Waimate Heritage area overlay and protect the heritage values by: <ol style="list-style-type: none"> <li>recognising that the area is part of an early attempt to create an English-style landscape in New Zealand and spread European agricultural methods;</li> <li>avoiding adverse effects on the heritage values of the Te Waimate Mission house, which is the second oldest standing building in New Zealand, having been built in 1832; and</li> <li>recognising that the area is part of an extensive historic landscape, which includes buried archaeological deposits, Okuratope Pā, other standing structures and natural features and the oldest road in the country, identified as the Te Waimate North Road, from Kerikeri.</li> </ol>
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#### Rules

##### Notes:

- There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- Any activity that requires resource consent shall consider the Historic Heritage chapter and Sites and Areas of Significance to Māori chapter objectives and policies.
- Historic Heritage chapter and the Sites and Areas of significance to Māori chapter rules may also apply in addition to the Heritage area overlay rules.

4. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.

HA-R1 Maintenance and repair of buildings or structures		
<p><b>All zones</b></p> <p><b>Heritage Area overlays:</b></p> <p><b>Kerikeri</b></p> <p><b>Kohukohu</b></p> <p><b>Kororāreka Russell</b></p> <p><b>Mangōnui and Rangitoto Peninsula</b></p> <p><b>Paihia</b></p> <p><b>Pouerua</b></p> <p><b>Rangihoua</b></p> <p><b>Rāwene</b></p> <p><b>Te Waimate</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The building or structure is a scheduled Heritage Resource and:</p> <ol style="list-style-type: none"> <li>1. the building or structure is not added to or altered;</li> <li>2. the existing external visual appearance of the building or structure is not changed; and</li> <li>3. if the building or structure is not repainted in its existing colour scheme, it must comply with standard HA-S2 Heritage Colours.</li> </ol> <p><b>PER-2</b></p> <p>If the building or structure is located within the Kororāreka Russell Heritage Overlay and is not repainted in its existing colour scheme, it must comply with standard HA-S2 Heritage Colours.</p> <p><b>Note:</b> this rule applies to maintenance or repair works, if the works do not meet the definition of maintenance or repair then refer to the other relevant rules for additions and alterations.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the necessity of the work to maintain or repair the building or structure;</li> <li>b. whether any proposed change to the building or structure will adversely affect the heritage values of the Heritage area overlay;</li> <li>c. whether the proposed change will adversely affect the heritage values of any nearby Scheduled Heritage Resource;</li> <li>d. whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed;</li> <li>e. any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</li> <li>f. the colour of all exterior surfaces and their appropriateness within the Heritage area overlay; and</li> <li>g. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.</li> </ol>
HA-R2 Additions or alterations to existing buildings or structures		
<p><b>All zones</b></p> <p><b>Heritage Area overlays:</b></p> <p><b>Kerikeri — Part B</b></p> <p><b>Kororāreka Russell — Part D</b></p> <p><b>Mangōnui and Rangitoto Peninsula — Part B</b></p> <p><b>Paihia — Part B</b></p> <p><b>Pouerua</b></p> <p><b>Rangihoua</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The building or structure is not a scheduled Heritage Resource.</p> <p><b>PER-2</b></p> <p>If the addition or alteration is external it is not located within a site containing a scheduled Heritage Resource.</p> <p><b>PER-3</b></p> <p>The addition or alteration to the building or structure complies with standards:</p> <p>HA-S1 Setback from a scheduled Heritage Resource; and</p> <p>HA-S2 Heritage Colours</p> <p><b>Standard HA-S2 does not apply</b> if the additions or alterations is painted to match the existing colour scheme of the building or structure.</p>	<p><b>Activity status where compliance not achieved with PER-2 or PER-3: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the necessity of the addition or alteration;</li> <li>b. whether any proposed change to the building or structure will adversely affect the heritage values of the Heritage overlay;</li> <li>c. whether the proposed change will adversely affect the heritage values of any nearby scheduled Heritage Resource;</li> <li>d. whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed;</li> <li>e. any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</li> <li>f. the colour of all exterior surfaces and their appropriateness within the Heritage overlay;</li> </ol>

<b>Rāwene Part B</b>  <b>Te Waimate</b>		g. any landscaping or fencing to maintain heritage boundary treatments and curtilage; h. the location and relationship of the building or structure in relation to adjoining sites and the road; and i. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.
<b>All zones</b>  <b>Heritage Area overlays:</b>  <b>Kerikeri — Part A</b>  <b>Kohukohu</b>  <b>Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church</b>  <b>Mangōnui and Rangitoto Peninsula — Part A</b>  <b>Paihia — Part A</b>  <b>Rangihoua</b>  <b>Rāwene — Part A</b>  <b>Te Waimate</b>	<b>PER-4</b> The building or structure is not a scheduled Heritage Resource.  <b>PER-5</b> If the addition or alteration is external it is not located within a site containing a scheduled Heritage Resource.  <b>PER-6</b> The addition or alteration is not visible from any public place.  <b>PER-7</b> The addition or alteration to the building or structure complies with standards: HA-S1 Setback from a scheduled Heritage Resource; and HA-S2 Heritage Colours.  <b>Standard HA-S2 does not apply</b> if the additions or alterations is painted to match the existing colour scheme of the building or structure.	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>  <b>Activity status where compliance not achieved with PER-4, PER-5, PER-6 or PER-7: Discretionary</b>
<b>HA-R3</b>	<b>Strengthening or fire protection of scheduled Heritage Resource</b>	
<b>All zones</b>  <b>Heritage Area overlays:</b>  <b>Kerikeri</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The strengthening or fire protection elements are not externally visible.	<b>Activity status where compliance not achieved with PER-1: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. methodologies used to protect and maintain heritage values, including

<b>Kohukohu</b> <b>Kororāreka Russell</b> <b>Mangōnui and Rangitoto Peninsula</b> <b>Paihia</b> <b>Pouerua</b> <b>Rangihoua</b> <b>Rāwene</b> <b>Te Waimate</b>		integration with other scheduled Heritage Resources on the site or surrounding area; b. the necessity of the work to achieve seismic resilience, fire protection and ongoing use; c. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; and d. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.
<b>HA-R4</b>	<b>New buildings or structures</b>	
<b>All zones</b> <b>Heritage Area overlays:</b> <b>Kerikeri — Part B</b> <b>Mangōnui and Rangitoto Peninsula — Part B</b> <b>Paihia — Part B</b> <b>Pouerua</b> <b>Rāwene Part B</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> The new building or structure is not located within a site containing a scheduled Heritage Resource. <b>PER-2</b> The building or structure complies with standard HA-S1 Setback from a scheduled Heritage Resource.	<b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b> <b>Matters of discretion are restricted to:</b> a. whether the proposed building or structure will adversely affect the heritage values of the Heritage Area overlay; b. whether the proposed building, structure will adversely affect the heritage values of any nearby scheduled Heritage Resource; c. whether there is a practicable reason why the building, structure needs to be located within the Heritage Area overlay; d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; e. the colour of all exterior surfaces and their appropriateness within the Heritage Area overlay; f. any landscaping or fencing to maintain heritage boundary treatments and curtilage; g. the location and relationship of the building or structure in relation to adjoining sites and the road; and h. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.
<b>HA-R5</b>	<b>Earthworks</b>	
<b>All zones</b> <b>Heritage Area overlays:</b> <b>Kerikeri — Part B</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> The earthworks: 1. comply with the relevant permitted activity rules within the Earthworks chapter; and 2. are not within 20m of a scheduled Heritage Resource.	<b>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary</b> <b>Matters of discretion are restricted to:</b> a. whether the proposed earthworks will adversely affect the heritage values of the Heritage Area overlay;

Mangōnui and Rangitoto Peninsula — Part B  Paihia — Part B  Pouerua  Rāwene - Part B  Te Waimate  Kororāreka Russell - Part D		b. whether the proposed earthworks will adversely affect the heritage values of any nearby scheduled Heritage Resource; c. any adverse effects on any archaeological site; d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; e. any methods of site rehabilitation; f. whether or not EW-S3 Accidental Discovery Protocol has been met; and g. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.
All zones  Heritage Area overlay:  Kerikeri — Part A  Kororāreka Russell — Part A The Strand	<b>PER-2</b> The earthworks: <ol style="list-style-type: none"> <li>do not exceed 2m<sup>3</sup> in volume over an area of 5m<sup>2</sup> ;</li> <li>are not within 20m of a scheduled Heritage Resource; and</li> <li>complies with standard HA-S3 Accidental Discovery Protocol.</li> </ol>	<b>Activity status where compliance not achieved with PER-2 or PER-3: Discretionary</b>
All zones  Heritage Area overlays:  Kohukohu  Kororāreka Russell Heritage overlay — Parts B Wellington Street and C Christ Church  Mangōnui and Rangitoto Peninsula — Part A  Paihia — Part A  Rāwene - Part A	<b>PER-3</b> The earthworks: <ol style="list-style-type: none"> <li>do not exceed 200m<sup>3</sup>;</li> <li>are not within 20m of a scheduled Heritage Resource; and</li> <li>complies with HA - S 3 Accidental Discovery Protocol.</li> </ol>	



Rangihoua		
<b>HA-R6 Infrastructure and renewable electricity generation infrastructure</b>		
<b>All zones</b>  <b>Heritage Area overlays:</b>  <b>Kerikeri — Part B</b>  <b>Mangōnui and Rangitoto Peninsula — Part B</b>  <b>Paihia — Part B</b>  <b>Pouerua</b>  <b>Rāwene — Part B</b>  <b>Te Waimate</b>  <b>Kororāreka Russell — Part D</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> The activity is not located within a site containing a scheduled Heritage Resource.	<b>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area overlay;</li> <li>whether the proposed infrastructure will adversely affect the heritage values of any nearby Scheduled Heritage Resource;</li> <li>whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area overlay or on a site that contains a Scheduled Heritage Resource;</li> <li>any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</li> <li>the colour of all exterior surfaces and their appropriateness within the Heritage Area overlay;</li> <li>any landscaping or fencing to maintain heritage boundary treatments and curtilage;</li> <li>the location and relationship of the infrastructure in relation to adjoining sites and the road; and</li> <li>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.</li> </ol>
<b>HA-R7 Buildings or structures (including additions and alterations) located within the Alderton Park development</b>		
<b>All zones</b>  <b>Kerikeri — Part B</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> The building, structure, addition or alteration complies with the consent notice conditions of RC 2020231 and RC 2100390 or any subsequent extensions or variations where the conditions remain unchanged.	<b>Activity status where compliance with PER-1 not achieved: Discretionary</b>
<b>HA-R8 New buildings or structures</b>		
<b>All zones</b>  <b>Heritage Area overlay:</b>  <b>Kororāreka Russell</b>  <b>Te Waimate</b>	<b>Activity status: Restricted Discretionary</b>  <b>Where:</b>  <b>RDIS-1</b> The building or structure is not visible from a public place.  <b>RDIS-2</b> If the building or structure is located within Kororāreka Russell Part-A, it does not have frontage to the coastal marine area.	<b>Activity status where compliance not achieved with RDIS-1, RDIS-2 or RDIS-3: Discretionary</b>

	<p><b>RDIS-3</b> The building or structure complies with standards: HA-S1: Setback from a scheduled Heritage Resource; and HA-S2: Heritage Colours.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>whether the proposed building or structure will adversely affect the heritage values of the Heritage Area overlay;</li> <li>whether the proposed building or structure will adversely affect the heritage values of any nearby Scheduled Heritage Resource;</li> <li>any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</li> <li>the colour of all exterior surfaces and their appropriateness within the Heritage Area overlay;</li> <li>any landscaping or fencing;</li> <li>the location and relationship of the building or structure in relation to adjoining sites, coastal marine area, roads; and</li> <li>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.</li> </ol>	
<b>HA-R9</b>	<b>New buildings or structures</b>	
<p><b>All zones</b></p> <p><b>Heritage Area Overlays:</b></p> <p><b>Kerikeri — Part A</b></p> <p><b>Mangōnui and Rangitoto Peninsula — Part A</b></p> <p><b>Paihia — Part A</b></p> <p><b>Rāwene — Part A</b></p> <p><b>Rangihoua</b></p>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>HA-R10</b>	<b>Infrastructure and renewable electricity generation infrastructure</b>	
<p><b>All zones</b></p> <p><b>Heritage Area Overlays:</b></p> <p><b>Kerikeri — Part A</b></p> <p><b>Kohukohu</b></p>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>

Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church  Mangōnui and Rangitoto Peninsula — Part A  Paihia — Part A  Puerua  Rangihoua  Rāwene — Part A  Te Waimate		
<b>HA-R11</b>	<b>Activities not otherwise listed in this chapter</b>	
All zones All Heritage Overlays: Kerikeri Kohukohu Kororāreka Russell Mangōnui and Rangitoto Peninsula Paihia Puerua Rangihoua Rāwene Te Waimate	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
<b>HA-R12</b>	<b>Relocation of a Scheduled Heritage Resource</b>	
All zones All Heritage Overlays:	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable

Kerikeri		
Kohukohu		
Kororāreka Russell		
Mangōnui and Rangitoto Peninsula		
Paihia		
Pouerua		
Rangihoua		
Rāwene		
Te Waimate		
HA-R13	Demolition of a scheduled Heritage Resource not otherwise listed in rule HA-R13	
All zones	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable
All Heritage Overlays:		
Kerikeri		
Kohukohu		
Kororāreka Russell		
Mangōnui and Rangitoto Peninsula		
Paihia		
Pouerua		
Rangihoua		
Rāwene		
Te Waimate		
HA-R14	Demolition or relocation of a scheduled Heritage Resource	
All zones	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
Heritage Area Overlay:		
Kerikeri	PRO-1 The demolition or relocation of any of the following scheduled Heritage Resources within the Kerikeri Heritage Area Overlay: 1. Kerikeri Mission House. 2. Stone Store. 3. St James' Church (Anglican). 4. Kemp House.	
All zones		

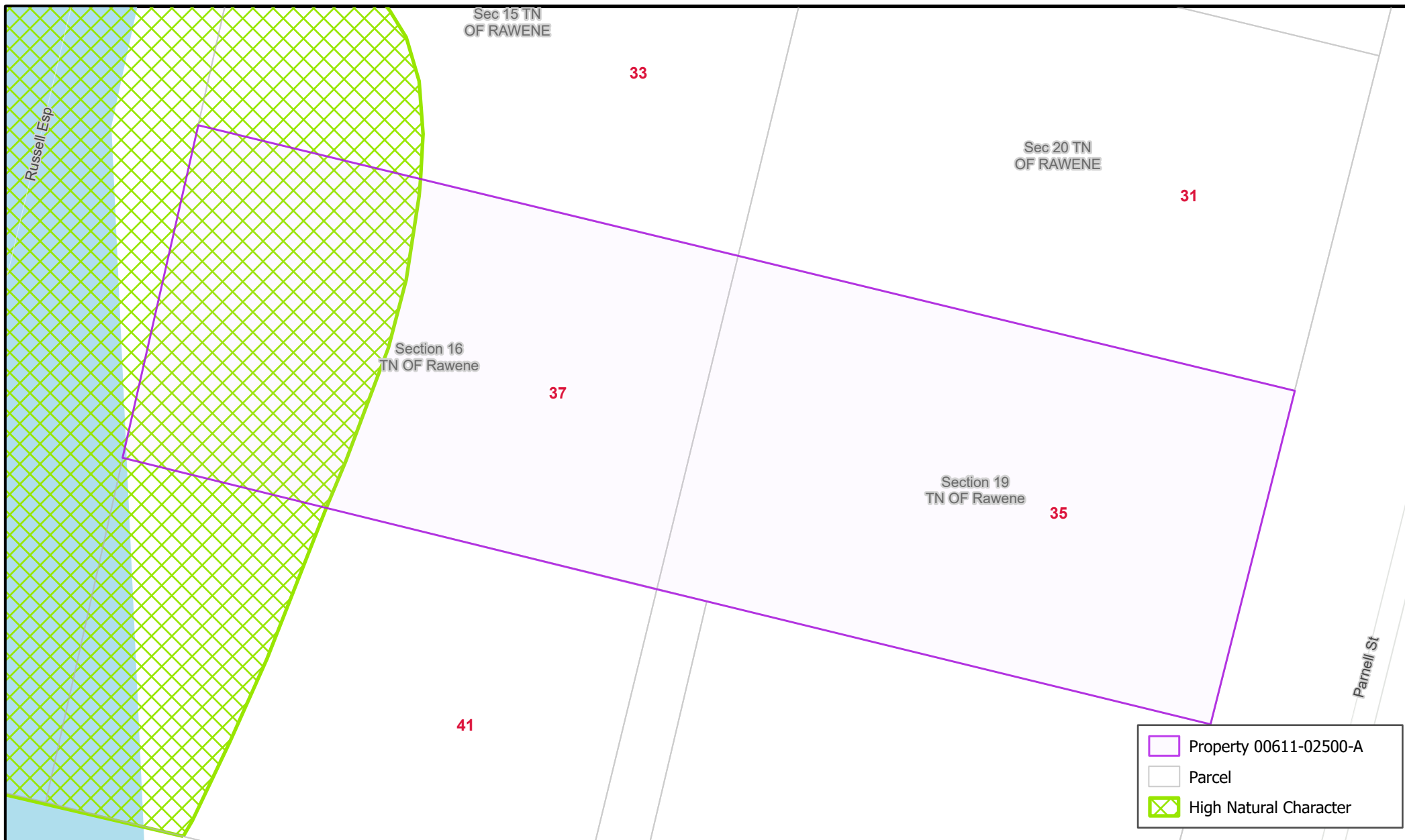
<b>Heritage Area Overlay:</b> <b>Kohukohu</b>	<b>PRO-2</b> The demolition or relocation of the following scheduled Heritage Resource within the Kohukohu Heritage Area Overlay: 1. Stone arched bridge.
<b>All zones</b> <b>Heritage Area Overlay:</b> <b>Kororāreka Russell</b>	<b>PRO-3</b> The demolition or relocation of any of the following scheduled Heritage Resources within the Kororāreka Russell Heritage Area Overlay listed below: 1. Christ Church. 2. Police Station. 3. Clendon Cottage 4. The Gables 5. Four Square Store
<b>All zones</b> <b>Heritage Area Overlay:</b> <b>Mangōnui and Rangitoto Peninsula</b>	<b>PRO-4</b> The demolition or relocation of any of the following Heritage Resources within the Mangōnui and Rangitoto Peninsula Heritage Area Overlay: 1. Butlers House and Trading Station (Former). 2. Mangōnui Hotel. 3. Mangōnui Courthouse (Former).
<b>All zones</b> <b>Heritage Area Overlay:</b> <b>Paihia</b>	<b>PRO-5</b> The demolition or relocation of the following Heritage Resource within the Paihia Heritage Area Overlay: 1. Church of St Paul & Henry Williams Memorial.
<b>All zones</b> <b>Heritage Area Overlay:</b> <b>Pourerua</b>	<b>PRO-6</b> The demolition or relocation of any of the following scheduled Heritage Resources within the Pourerua Heritage Area Overlay: 1. The Holy Trinity Church (Anglican). 2. The Retreat.
<b>All zones</b> <b>Heritage Area Overlay:</b> <b>Te Waimate</b>	<b>PRO-7</b> The demolition or relocation of any of the following scheduled Heritage Resources within the Te Waimate Heritage Area Overlay: 1. Te Waimate Mission House. 2. Church of St John the Baptist (Anglican) and Churchyard. <b>Note:</b> This rule is based on buildings or objects which are listed as Category 1 in the New Zealand Heritage List/Rārangī Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014

Standards		
HA-S1	Setback from a scheduled Heritage Resource	
<b>All zones</b> <b>All Heritage Overlays:</b> <b>Kerikeri</b>	Any construction of buildings or structures and additions and alterations to all buildings or structures shall be setback a minimum of 20m from a scheduled Heritage Resource.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

Kohukohu		
Kororāreka Russell		
Mangōnui and Rangitoto Peninsula		
Paihia		
Pouerua		
Rangihoua		
Rāwene		
Te Waimate		
<b>All zones</b>	Any construction of buildings or structures and additions and alterations to all buildings or structures shall be setback a minimum of 75m from:	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>Te Waimate Heritage Overlay</b>	<ul style="list-style-type: none"> <li>i. a scheduled Heritage Resource; and</li> <li>ii. the road boundaries of State Highway 1, Te Ahu Ahu, Showgrounds and/or Waikaramu Roads.</li> </ul>	
<b>HA-S2</b>	<b>Heritage Colours</b>	
<b>All zones</b>	The exterior facades of all buildings or structures are finished in accordance with the colour scheme from the following paint ranges or equivalent:	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>All Heritage Overlays:</b>	<ul style="list-style-type: none"> <li>i. resene heritage colours;</li> <li>ii. resene whites and neutrals; and</li> <li>iii. resene colour range BS5252 (A01-C40 range).</li> </ul>	
<b>Kerikeri</b>		
<b>Kohukohu</b>		
<b>Kororāreka Russell</b>		
<b>Mangōnui and Rangitoto Peninsula</b>		
<b>Paihia</b>		
<b>Pouerua</b>		
<b>Rangihoua</b>		
<b>Rāwene</b>		
<b>Te Waimate</b>		
<b>HA-S3</b>	<b>Accidental discovery protocol</b>	
<b>All zones</b>	On discovery of any suspected sensitive material, the	<b>Where the standard is not met, matters of</b>



<b>All Heritage Overlays:</b>  <b>Kerikeri</b>  <b>Kohukohu</b>  <b>Kororāreka Russell</b>  <b>Mangōnui and Rangitoto Peninsula</b>  <b>Paihia</b>  <b>Pouerua</b>  <b>Rangihoua</b>  <b>Rāwene</b>  <b>Te Waimate</b>	<p>person must take the following steps:</p> <ol style="list-style-type: none"> <li>1. Cease all works within 20m of any part of the discovery immediately and secure the area, including:             <ol style="list-style-type: none"> <li>a. shutting down all earth disturbing machinery and stopping all earth moving activities; and</li> <li>b. establish a sufficient buffer area to ensure that all material remains undisturbed.</li> </ol> </li> <li>2. Within 24 hours of the discovery the owner of the site, tenant or the contractor must:             <ol style="list-style-type: none"> <li>a. inform the following parties of the discovery:                 <ol style="list-style-type: none"> <li>i. The New Zealand Police if the discovery is of human remains or kōiwi;</li> <li>ii. The Council in all cases;</li> <li>iii. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and</li> <li>iv. Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.</li> </ol> </li> </ol> </li> <li>3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include:             <ol style="list-style-type: none"> <li>a. If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or</li> <li>b. If the discovery is of archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Tangata Whenua representatives.</li> </ol> </li> <li>4. Recommencement of work:             <ol style="list-style-type: none"> <li>a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;</li> <li>b. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and</li> <li>c. Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent.</li> </ol> </li> </ol>	<p><b>discretion are restricted to: Not applicable</b></p>
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## Overview

The Far North District has a number of wetlands, lakes and rivers, many of which are located within and on the periphery of urban centres. While the NRC is responsible for the waterbodies themselves, the District Plan manages their margins and the activities that can occur in these areas. The margins of these waterbodies are areas of important and valued natural character and support public and customary access, recreation and hazard management. When managed well the margins also promote ecological benefits including on receiving water bodies. A range of land use activities can have adverse effects on the natural character of wetlands, lakes and rivers, including the construction and alteration of buildings or structures, earthworks, vegetation clearance and farming within their margins. This chapter seeks to manage these activities to ensure that the characteristics and qualities that contribute to the natural character values are preserved. Further, these provisions encourage land use activities that look to enhance natural character, such as the restoration planting.

The regional mapping project undertaken by the Regional Council for the RPS identified the natural character of the coastal environment, which is a requirement of the NZCPS. While the NZCPS is not concerned with natural character outside of the coastal environment it does list matters (in policy 13.2) which may be part of or contribute to natural character. These matters can be found in APP1- Mapping methods and criteria of the District Plan.

Provisions relating to the natural character of the coastal environment are located in the Coastal Environment chapter.

Objectives	
<b>NATC-O1</b>	The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.
<b>NATC-O2</b>	Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.

Policies	
<b>NATC-P1</b>	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the natural character of wetland, lake and river margins.
<b>NATC-P2</b>	Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character assessment criteria in APP1- Mapping methods and criteria.
<b>NATC-P3</b>	Enable indigenous vegetation removal and/or earthworks within wetland, lake and river margins where: <ol style="list-style-type: none"> <li>it is for the repair or maintenance of lawfully established activities;</li> <li>it is for safe and reasonable clearance for existing overhead powerlines;</li> <li>it is for health and safety of the public;</li> <li>it is for biosecurity reasons; and</li> <li>it is for the sustainable non-commercial harvest for rongoā Māori.</li> </ol>
<b>NATC-P4</b>	Provide for buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where: <ol style="list-style-type: none"> <li>there is a functional or operational need for a building or structures location;</li> <li>public access, customary access and recreational use can be protected or enhanced;</li> <li>the protection of natural character is preserved; and</li> <li>natural hazard risk will not be increased, taking into account the likely long term effects of climate change.</li> </ol>
<b>NATC-P5</b>	Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values.
<b>NATC-P6</b>	Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, and address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ol style="list-style-type: none"> <li>the presence or absence of buildings, structures or infrastructure;</li> <li>the temporary or permanent nature of any adverse effects;</li> <li>the location, scale and design of any proposed development;</li> <li>any means of integrating the building, structure or activity;</li> <li>the ability of the environment to absorb change;</li> <li>the need for and location of earthworks or vegetation clearance;</li> <li>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</li> <li>any viable alternative locations for the activity or development;</li> <li>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</li> </ol>

- j. the likelihood of the activity exacerbating natural hazards;
- k. the opportunity to enhance public access and recreation;
- l. the ability to improve the overall water quality; and
- m. any positive contribution the development has on the characteristics and qualities.

## Rules

### Notes:

- There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- The Earthworks chapter rules apply 'in addition' to the earthworks rules in this chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.

NATC-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Natural character	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.  <b>PER-2</b> The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for: <ol style="list-style-type: none"> <li>1. restoration and enhancement purposes; or</li> <li>2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or</li> <li>3. park management activity in the Open Space or Sport and Active Recreation zones; or</li> <li>4. a post and wire fence for the purpose of protection from farm stock; or</li> <li>5. river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or</li> <li>6. activities related to the construction of river crossings; or</li> <li>7. pumphouses utilised for the drawing of water provided they cover less than 25m<sup>2</sup> in area.</li> </ol> <b>PER-3</b> The building or structure on wetland, lake and river margins is no greater than 300m <sup>2</sup> .  <b>PER-4</b> The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height	<b>Activity status where compliance not achieved with PER-1:</b> <b>Non-complying</b>  <b>Activity status where compliance not achieved with PER-2, PER-3 and PER-4:</b> <b>Discretionary</b>
NATC-R2	Repair or maintenance	
Natural character	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and	<b>Activity status when compliance not achieved with PER-1:</b> <b>Discretionary</b>

	materials used are like for like: 1. roads; 2. fences; 3. network utilities; 4. driveways and access; 5. walking tracks; 6. cycling tracks; or 7. farming tracks.	
<b>NATC-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Natural character</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved with PER-1: Discretionary</b>
	<b>Where:</b>  <b>PER-1</b> The earthworks or indigenous vegetation clearance within wetland, lake and river margins is: 1. required for the repair or maintenance permitted under NATC-R2; or 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. necessary to address a risk to public health and safety; or 4. for biosecurity reasons; or 5. for the sustainable non-commercial harvest of plant material for rongoā Māori. <b>PER-2</b> Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.	<b>Activity status when compliance not achieved with PER-2: Non-complying</b>

<b>Standards</b>		
<b>NATC-S1</b>	<b>Maximum height</b>	
<b>Natural character</b>	1. The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m above ground level; or 2. where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NATC-S2</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Natural character</b>	Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must: 1. not exceed a total area of 400m <sup>2</sup> for 10 years from the notification of the District Plan, unless a control in 4. below applies; 2. not exceed a cut height or fill depth of 1m; 3. screen exposed faces; and 4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance. <b>Note:</b> The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>





## Overview

The district is affected by natural hazards. These are natural processes that become a hazard when they affect people, property, infrastructure or the wider environment.

Natural hazards include those that occur frequently such as flooding, coastal erosion and inundation, and land instability; and those natural hazards that occur less frequently including wildfires, tsunamis, high winds and droughts. Flooding is the most common natural hazard faced by the district, while many of the district's settlements are also adjacent to the coast which exposes them to coastal hazard risks. Natural hazards are often driven by climatic conditions, for example extreme rainfall events (flooding/land instability) or severe drought (wildfire). Coastal erosion and inundation are also most likely to occur during storm events.

The risk of natural hazards is likely to increase in the future as a result of climate change. Rainfall in Northland is predicted to reduce overall and droughts are likely to increase in intensity and duration. However, tropical cyclones will likely be stronger and cause more damage as a result of heavy rain and strong winds. Sea level rise will increase the risk and extent of coastal erosion and inundation affecting properties, roads and other infrastructure.

The effects of natural hazard events range from general nuisance to creating significant damage to, or loss of, property and infrastructure such as roads, bridges and pipelines. In extreme cases, natural hazards can result in loss of life. The risk that natural hazards pose is made up of a number of factors including:

- the nature, magnitude and extent of the hazard;
- the anticipated frequency or probability of the hazard event occurring; and
- the exposure and vulnerability of people, property and the environment to the hazard.

There is a tension between managing the risk to people and property from natural hazards and enabling reasonable use and development of private land. Plan controls on land use and subdivision are focused on managing the risk of flooding, coastal erosion and inundation (located in the Coastal Environment Chapter), land instability and wildfire as follows:

### River Flooding Hazards

Within areas of flooding, coastal erosion and coastal inundation mapped by the Northland Regional Council and included in the District Plan maps as follows:

#### *Flood Hazard Areas*

- 1 in 10 Year River Flood Hazard Area — the area potentially susceptible to river flooding in a 10% Annual Exceedance Probability (AEP) / 10Yr Average Return Interval (ARI) storm event.
- 1 in 100 Year River Flood Hazard Area — the area potentially susceptible to river flooding in a 1% AEP / 100Yr ARI storm event plus climate change.

#### *Coastal Hazard Areas (including High Risk Coastal Hazard Area comprising of CFZ1 and CEZ1)*

- Coastal Flood Zone 1 (CFHZ1) — extent of the 50-year ARI static water level at 2080 including 0.6 m sea level rise (RCP8.5M).
- Coastal Flood Zone 2 (CFHZ2) — extent of the 100-year ARI static water level at 2080 including 1.2 m sea level rise (RCP8.5M).
- Coastal Flood Zone 3 (CFHZ3) — extent of the 100-year ARI static water level at 2080 including 1.5 m sea level rise (RCP8.5H+).
- Coastal Erosion Zone 1 (CEHZ1) — an area potentially susceptible to coastal erosion (66% probability) by 2080 with 0.33 m sea level rise from 2019 — (RCP 8.5M).
- Coastal Erosion Zone 2 (CEHZ2) — an area potentially susceptible to coastal erosion (5% probability) by 2130 with 0.85 m sea level rise from 2019 — (RCP 8.5M).
- Coastal Erosion Zone 3 (CEHZ3) — an area potentially susceptible to coastal erosion (5% probability) by 2130 with 1.17 m sea level rise from 2019 — (RCP 8.5H+).

### Land Instability

Land that is susceptible to instability hazards. Land is identified at subdivision through the application of geological information, slope and other criteria as defined in Definitions.

### Wildfire

Ensuring adequate water supplies are available for firefighting purposes, appropriate setbacks from vegetation and suitable access for firefighting in new subdivisions.

However, due to the widespread nature of natural hazards in the Far North District, consideration of natural hazard risks may be required outside of these areas. For example, consideration of the risks from natural hazards is a component of all subdivision applications.

A precautionary approach is required to manage natural hazard risks. This reflects the direction provided by national and regional policy statements, the imperfect knowledge available on natural hazards, the potentially significant costs and consequences that result from a major hazard event and that it is often difficult and more expensive to mitigate hazard risk after subdivision and land use development has occurred. Plan controls are also generally more stringent for those activities that are more vulnerable to the effects of natural hazards — primarily residential activities, including care facilities (including day-care centres), retirement villages and marae.

Council must also provide the ability to adapt to our changing environment and knowledge and take opportunities to reduce the risks of hazards on existing buildings, structures and infrastructure where these arise.

Council has responsibilities under the RMA, the NZCPS and the NRPS to manage natural hazard risk to provide for the health and safety of our communities and the infrastructure that serves them. This is achieved through a range of approaches including:

- avoiding or controlling land use and subdivision in areas of identified natural hazard risk;
- incorporating ways to mitigate risks in the design and layout of subdivision and development;
- progressively responding and adapting to long term changes in climate and sea level; and
- building the community's understanding of natural hazards and its preparedness to respond to natural hazard events (often called resilience).

There are also a range of non-statutory methods for managing the effects of natural hazards, including measures put in place by emergency management groups such as Civil Defence. These include education, warning systems and emergency preparedness.

Objectives	
<b>NH-O1</b>	The risks from natural hazards to people, infrastructure and property are managed, including taking into account the likely long-term effects of climate change, to ensure the health, safety and resilience of communities.
<b>NH-O2</b>	Land use and subdivision does not increase the risk from natural hazards or risks are mitigated, and existing risks are reduced where there are practicable opportunities to do so.
<b>NH-O3</b>	New infrastructure is located outside of identified natural hazard areas unless: <ol style="list-style-type: none"> <li>it has a functional or operational need to be located in that area;</li> <li>it is designed to maintain its integrity and function, as far as practicable during a natural hazard event; and</li> <li>adverse effects resulting from that location on other people, property and the environment are mitigated.</li> </ol>
<b>NH-O4</b>	Natural defences, such as natural systems and features, and existing structural mitigation assets are protected to maintain their functionality and integrity and used in preference to new structural mitigation assets to manage natural hazard risk.

Policies	
General	
<b>NH-P1</b>	Map or define areas that are known to be subject to the following natural hazards, taking into account accepted estimates of climate change and sea level rise: <ol style="list-style-type: none"> <li>flooding;</li> <li>coastal erosion;</li> <li>coastal inundation; and</li> <li>land instability.</li> </ol>
<b>NH-P2</b>	Manage land use and subdivision so that natural hazard risk is not increased or is mitigated, giving consideration to the following: <ol style="list-style-type: none"> <li>the nature, frequency and scale of the natural hazard;</li> <li>not increasing natural hazard risk to other people, property, infrastructure and the environment beyond the site;</li> <li>the location of building platforms and vehicle access;</li> <li>the use of the site, including by vulnerable activities;</li> <li>the location and types of buildings or structures, their design to mitigate the effects and risks of natural hazards, and the ability to adapt to long term changes in natural hazards;</li> <li>earthworks, including excavation and fill;</li> <li>location and design of infrastructure;</li> <li>activities that involve the use and storage of hazardous substances;</li> <li>aligning with emergency management approaches and requirements;</li> <li>whether mitigation results in transference of natural hazard risk to other locations or exacerbates the natural hazard; and</li> <li>reduction of risk relating to existing activities.</li> </ol>
<b>NH-P3</b>	Take a precautionary approach to the management of natural hazard risk associated with land use and subdivision.
<b>NH-P4</b>	Manage land use and subdivision so that the functionality and long-term integrity of existing structural mitigation assets are not compromised or degraded.

<b>NH-P5</b>	<p>Require an assessment of risk prior to land use and subdivision in areas that are subject to identified natural hazards, including consideration of the following:</p> <ol style="list-style-type: none"> <li>the nature, frequency and scale of the natural hazard;</li> <li>the temporary or permanent nature of any adverse effect;</li> <li>the type of activity being undertaken and its vulnerability to an event, including the effects of climate change;</li> <li>the consequences of a natural hazard event in relation to the activity;</li> <li>any potential to increase existing risk or creation of a new risk to people, property, infrastructure and the environment within and beyond the site and how this will be mitigated;</li> <li>the design, location and construction of buildings, structures and infrastructure to manage and mitigate the effects and risk of natural hazards including the ability to respond and adapt to changing hazards;</li> <li>the subdivision/site layout and management, including ability to access and exit the site during a natural hazard event; and</li> <li>the use of natural features and natural buffers to manage adverse effects.</li> </ol>
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#### River flood hazard

<b>NH-P6</b>	<p>Manage land use and subdivision in river flood hazard areas to protect the subject site and its development, and other property, by requiring:</p> <ol style="list-style-type: none"> <li>subdivision applications to identify building platforms that will not be subject to inundation and material damage (including erosion) in a 1 in 100 year flood event;</li> <li>a minimum freeboard for all buildings designed to accommodate vulnerable activities of at least 500mm above the 1 in 100 year flood event and at least 300mm above the 1 in 100 year flood event for other new buildings;</li> <li>commercial and industrial buildings to be constructed so they will not be subject to material damage in a 1 in 100 year flood event;</li> <li>buildings within a 1 in 10 Year River Flood Hazard Area to be designed to avoid material damage in a 1 in 100 year flood event;</li> <li>storage and containment of hazardous substances so that the integrity of the storage method will not be compromised in a 1 in 100 year flood event;</li> <li>earthworks (other than earthworks associated with flood control works) do not divert flood flow onto surrounding properties and do not reduce flood plain storage capacity within a 1 in 10 Year River Flood Hazard area;</li> <li>the capacity and function of overland flow paths to convey stormwater flows safely and without causing damage to property or the environment is retained, unless sufficient capacity is provided by an alternative method; and</li> <li>the provision of safe vehicle access within the site.</li> </ol>
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#### Coastal hazard

<b>NH-P7</b>	<p>Manage new land use and subdivision in coastal hazard areas so that:</p> <ol style="list-style-type: none"> <li>new subdivision avoids locating building platforms within High Risk Coastal Hazard areas and building platforms should be located outside other coastal hazard areas where alternative locations are available and it is practicable to do so;</li> <li>new buildings containing vulnerable activities are not located within High Risk Coastal Hazard areas unless: <ol style="list-style-type: none"> <li>there is no other suitable location available on the existing site;</li> <li>hazard risks can be mitigated without the need for hard protection structures.</li> </ol> </li> <li>where a building or building platform is located with a coastal hazard area, it should be designed and constructed such that: <ol style="list-style-type: none"> <li>the building platform will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe; and either</li> <li>the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or</li> <li>the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.</li> </ol> </li> <li>hazard risk is not transferred to, or increased on, other properties;</li> <li>buildings, building platforms, access and services are located and designed to minimise the need for hard protection structures;</li> <li>safe vehicle access within the site is provided; and</li> <li>services are located and designed to minimise the risk of natural hazards.</li> </ol>
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#### Land instability

<b>NH-P8</b>	Locate and design subdivision and land use to avoid land susceptible to land instability, or if this is not practicable, mitigate risks and effects to people, buildings, structures, property and the environment.
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#### Wildfire

<b>NH-P9</b>	<p>Manage land use and subdivision that may be susceptible to wildfire risk by requiring:</p> <ol style="list-style-type: none"> <li>setbacks from any contiguous scrub or shrubland, woodlot or forestry;</li> </ol>
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	<ul style="list-style-type: none"> <li>b. access for emergency vehicles; and</li> <li>c. sufficient accessible water supply for firefighting purposes.</li> </ul>
<b>Infrastructure</b>	
<b>NH-P10</b>	Provide for the operation, maintenance, and minor upgrading of existing infrastructure in identified natural hazard areas.
<b>NH-P11</b>	<p>Allow the establishment of new infrastructure in identified natural hazard areas where:</p> <ul style="list-style-type: none"> <li>a. there is a functional or operational need to locate in the hazard area and there is no practicable alternative;</li> <li>b. it has been designed to maintain its resilience, integrity and function during a natural hazard event recognising that some hazard events may be of a scale that results in temporary disruption to the function of that infrastructure;</li> <li>c. risks to other people, property, infrastructure and the environment are mitigated; and</li> <li>d. consideration has been given to the ability to respond and adapt to long term effects such as sea level rise and climate change.</li> </ul>
<b>Defences against hazards</b>	
<b>NH-P12</b>	<p>Protect existing natural systems and features that buffer or protect development from the adverse effects of natural hazards by:</p> <ul style="list-style-type: none"> <li>a. avoiding the modification, alteration or loss of natural systems and features that compromises their function, including as a defence against long term effects such as sea level rise and climate change; and</li> <li>b. promoting restoration and enhancement of such natural systems and features.</li> </ul>
<b>NH-P13</b>	<p>Consider new hard protection structures to protect existing development and existing and new infrastructure only where:</p> <ul style="list-style-type: none"> <li>a. natural systems and features will not provide adequate protection from the natural hazard;</li> <li>b. the design is suitable for the location and does not transfer the risk and effects of natural hazards to other locations;</li> <li>c. any hard protection structures considered necessary to protect private assets are not located on public land unless there is significant public or environmental benefit in doing so;</li> <li>d. alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have significantly greater adverse effects on the environment; and</li> <li>e. they are the only practical means to protect: <ul style="list-style-type: none"> <li>i. existing infrastructure or new infrastructure that has a functional or operational need to be in the location; or</li> <li>ii. existing settlements of vulnerable activities.</li> </ul> </li> </ul>
<b>NH-P14</b>	Enable the upgrading and maintenance of existing regional and district council flood management schemes and manage the development of new schemes where they are required to minimise the risks to people, property, infrastructure and the environment from natural hazard events.

## Rules

### Notes:

- There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- Any application for a land use resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion. Any application for a subdivision consent must additionally include an assessment of whether the site includes an area of land susceptible to instability.
- Coastal hazard rules are located in the Coastal Environment Chapter.

<b>NH-R1</b>	<b>Maintenance, repair or upgrading of infrastructure, including structural mitigation assets</b>	
<b>1 in 100 Year River Flood</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<b>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary (refer Rule NH-R9)</b>

<b>hazard areas</b>	<p><b>PER-1</b> There is no increase to the footprint of any above ground infrastructure.</p> <p><b>PER-2</b> Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path.</p> <p><b>PER-3</b> Ground is reinstated to the equivalent state that existed prior to the works.</p>	<p><b>Activity status where compliance with PER-2 or PER-3 is not achieved: Restricted Discretionary.</b></p> <p><b>Matters of discretion are limited to:</b></p> <p>a. the effects of the activity on overland flow paths and flooding on surrounding sites</p>
<b>NH-R2</b>	<b>Extensions and alterations to existing buildings or structures</b>	
<b>1 in 100 Year River Flood hazard areas</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> There is no increase to the GFA of the building or footprint of the structure that results in the building or structure exceeding the limits for new buildings or structures in NH-R3- PER 1 and new buildings or structures ancillary to farming activities in NH-R4 PER 1.</p> <p><b>PER-2</b> No part of the building or structure is enclosed in a manner that alters or diverts an overland flow path or reduces flood plain storage.</p>	<p><b>Activity status where compliance with PER-1 or PER-2 not achieved: Restricted Discretionary (refer Rule NH-R7 for buildings and Rule NH-R9 for structures other than buildings)</b></p>
<b>NH-R3</b>	<b>New buildings or structures</b>	
<b>1 in 100 Year River Flood hazard areas</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is one of the following:  1. above ground buildings or structures with a footprint of 10m<sup>2</sup> or less; or  2. deck less than 30m<sup>2</sup> and less than 1m in height; or  3. boardwalks or stairs that are less than 500mm above ground level and located within a public reserve or legal road.</p> <p><b>PER-2</b> The building or structure is not located within or does not alter or divert an overland flow path.</p>	<p><b>Activity status where compliance with PER-1 or PER-2 is not achieved: Restricted Discretionary (refer Rule NH-R7 for new buildings and Rule NH-R9 for new structures other than buildings)</b></p>
<b>NH-R4</b>	<b>New buildings or structures (excluding buildings used for a residential activity) ancillary to farming activity</b>	
<b>1 in 100 Year River Flood hazard areas</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure has a footprint that is less than 100m<sup>2</sup>.</p> <p><b>PER-2</b> The building or structure is not located within the 1 in 10 Year River Flood Hazard Area.</p> <p><b>PER-3</b> The building or structure does not alter or divert an overland flow path.</p>	<p><b>Activity status where compliance with PER1 or PER-2 or PER-3 is not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the effects of flood hazards on the integrity of the building or structure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;  b. the effects of the building or structure on overland flow paths and flooding on surrounding sites; and  c. the extent to which the risk to people and property from the flood hazard is avoided</p>

		or managed.
<b>NH-R5</b>	<b>Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings)</b>	
<b>All zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Any building used for a vulnerable activity (excluding accessory buildings) either:</p> <ol style="list-style-type: none"> <li>1. is located on a site that has access to a fire hydrant; or</li> <li>2. provides for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</li> </ol> <p><b>PER-2</b> Any building used for a vulnerable activity (excluding accessory buildings) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b></p>
<b>NH-R6</b>	<b>Wild fire - extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA</b>	
<b>All zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Extensions or alterations that increase the GFA of a building used for a vulnerable activity (excluding accessory buildings) either:</p> <ol style="list-style-type: none"> <li>1. are located on a site that has access to a fire hydrant; or</li> <li>2. provide for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</li> </ol> <p><b>PER-2</b> Extensions or alterations that increase the GFA of a building used for a vulnerable activity (excluding accessory buildings) are set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER 2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. The availability of water for fire-fighting;</li> <li>b. The scale of the extension or alteration;</li> <li>c. Alternative options for the location of the extension or alteration;</li> <li>d. The use of building materials to reduce fire risk; and</li> <li>e. The extent and type of vegetation present.</li> </ol>
<b>NH-R7</b>	<b>New buildings, and extensions or alterations that increase the GFA of existing buildings</b>	
<b>1 in 100 Year River Flood hazard areas</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The new building, extension or alteration is not located in the 1 in 10 Year River Flood Hazard Area and is or will be used for a vulnerable activity.</p> <p><b>RDIS-2</b> The finished floor level of:</p> <ol style="list-style-type: none"> <li>1. any new building or extension or alteration to an existing building that will accommodate vulnerable activities must be at least 500mm above the maximum water level in a 1 in 100 year flood event;</li> <li>2. any extension or alteration that increases the GFA of a building that accommodates vulnerable activities</li> </ol>	<p><b>Activity status where compliance with RDIS-2, RDIS-3 or RDIS-4 is not achieved: Discretionary</b></p> <p><b>Activity status where compliance with RDIS-1 is not achieved: Non-complying (refer Rule NH-R12)</b></p>

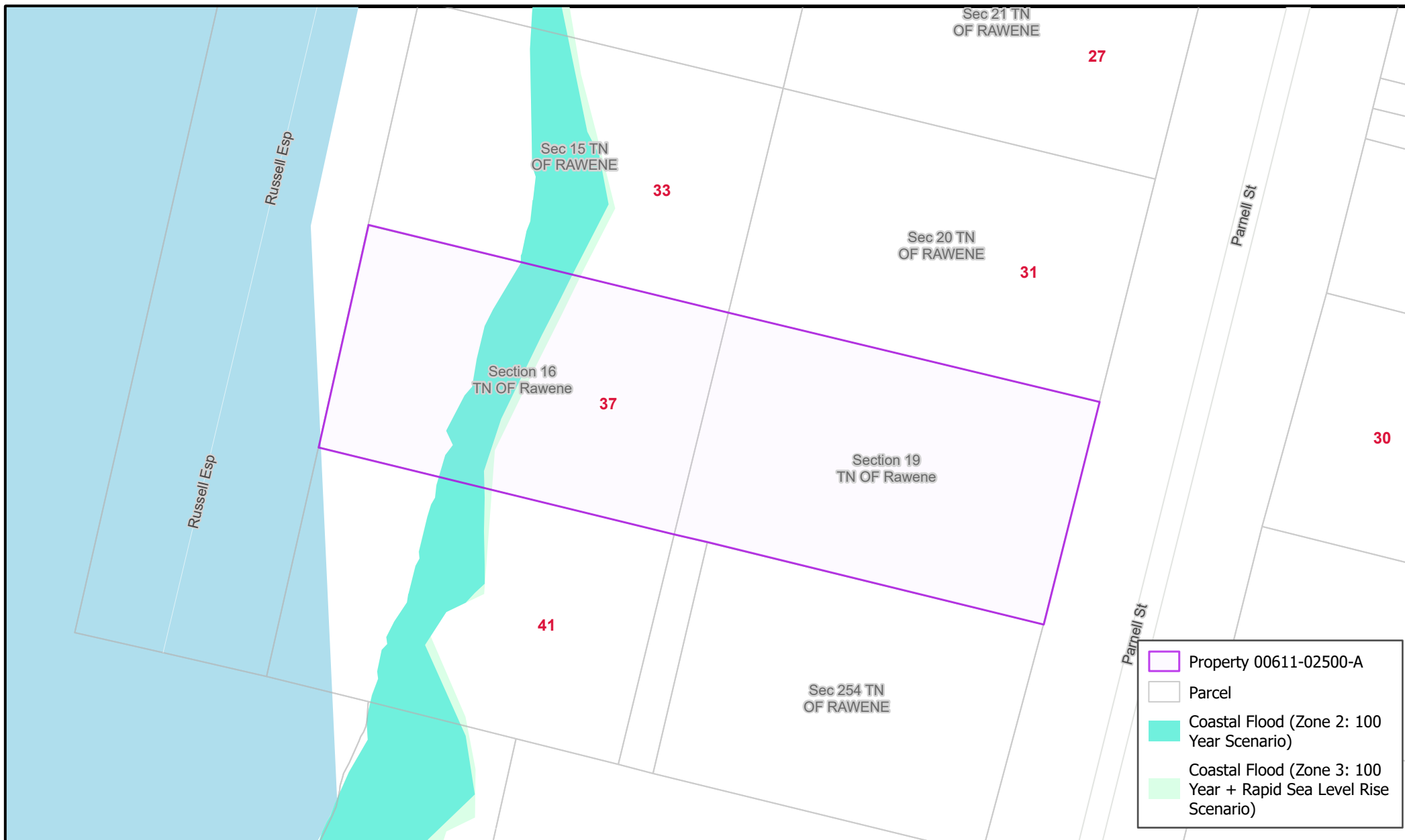


	<p>must be at least 500mm above the maximum water level in a 1 in 100 year flood event; and</p> <p>3. all other new buildings, or extensions or alterations to existing buildings, must be at least 300mm above the maximum water level in a 1 in 100 year flood event.</p> <p><b>RDIS-3</b> The new, extended or altered building does not divert divert an overland flow path onto other properties.</p> <p><b>RIDS-4</b> The building complies with standard: NH-S1 Information requirements</p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>the effects of flood hazards on the integrity of the building to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>whether the works are likely to accelerate, worsen or result in material damage to that land, other land or any building or structure through inundation;</li> <li>the effects of the development, including earthworks, on overland flow paths and flood depths, velocity or frequency within the site or on surrounding sites;</li> <li>the ability to relocate the building or structure or adapt to the flood hazard over time or in response to direct effects of the hazard;</li> <li>the extent to which the risk to people and property from the flood hazard is avoided or managed;</li> <li>the nature of the activity being undertaken and its vulnerability to the potential effects of flooding;</li> <li>provision of safe access and egress to the building or structure during a flood event;</li> <li>whether there is a functional or operational need for the building, structure or activity to be located within the flood hazard area;</li> <li>the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard;</li> <li>the resilience of the buildings or structures to the effects of the hazard; and</li> <li>the methods provided to manage activities and uses within the site, including safe egress from buildings or structures or the site and the management of people and property during a flood event.</li> </ol>	
<b>NH-R8</b>	<b>Changes in use to accommodate vulnerable activity within existing buildings</b>	
<b>1 in 100 Year River flood hazard areas</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The finished floor level of existing building that will accommodate vulnerable activities is at least 500mm above the maximum water level in a 1 in 100 year flood event.</p> <p><b>RDIS-2</b> The change of use complies with standard: NH-S1 Information requirements.</p> <p><b>Matters of discretion are restricted to:</b></p>	<b>Activity status where compliance not achieved: Discretionary</b>

	<ol style="list-style-type: none"> <li>1. the nature and severity of the flood risk;</li> <li>2. the potential effects on the vulnerable activity, including on people and property, and mitigation of these effects;</li> <li>3. the resilience of the buildings to the effects of the hazard; and</li> <li>4. the methods provided to manage activities and uses within the site, including safe egress from buildings and the site and the management of people and property during a flood event.</li> </ol>	
<b>NH-R9</b>	<b>New structures (excluding buildings) or infrastructure, and extensions or alterations that increase the footprint of an existing structure (excluding buildings) or infrastructure (excluding structural mitigation assets)</b>	
<b>1 in 100 River flood hazard areas</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The new structure, infrastructure, extension or alteration and associated works does not divert flood flow onto other properties or result in any increase in flood hazard beyond the site.</p> <p><b>PER-2</b> The structure or infrastructure complies with standard: {Link,8652,NH-S1 Information requirements.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the effects of flood hazards on the integrity of the structure or infrastructure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>b. whether the works are likely to accelerate, worsen or result in material damage to that land, other land or any building or structure through inundation;</li> <li>c. the effects of the development, including earthworks, on overland flow paths and flood depths, velocity or frequency within the site or on surrounding sites;</li> <li>d. the ability to relocate the structure or infrastructure or adapt to the flood hazard over time or in response to direct effects of the hazard;</li> <li>e. the extent to which the risk to people and property from the flood hazard is avoided or managed;</li> <li>f. the nature of the activity being undertaken and its vulnerability to the potential effects of flooding;</li> <li>g. provision of safe access and egress to the structure or infrastructure during a flood event;</li> <li>h. whether there is a functional or operational need for the structure or infrastructure to be located within the flood hazard area;</li> <li>i. the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard;</li> <li>j. the resilience of the structure or infrastructure to the effects of the hazard; and</li> <li>k. the methods provided to manage activities and uses within the site, including safe egress from structures or infrastructure, or the site and the management of people and property during a flood event.</li> </ol>	<b>Activity status where compliance not achieved: Discretionary</b>
<b>NH-R10</b>	<b>New structural mitigation assets or increasing the footprint of existing structural mitigation assets</b>	

<b>1 in 100 River flood hazard areas</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>NH-R11</b>	<b>Activities not otherwise a permitted, restricted discretionary or discretionary activity in a 1 in 100 year river flood hazard area</b>	
<b>1 in 100 River flood hazard areas</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>NH-R12</b>	<b>New buildings, extensions or alterations that increase the GFA of existing buildings where the building is used for a vulnerable activity</b>	
<b>1 in 10 year River flood hazard areas</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>

<b>Standards</b>		
<b>NH-S1</b>	<b>Information requirements</b>	
<b>All natural hazards</b>	Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.	<b>Activity status where compliance not achieved: Not applicable</b>





## Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character. These areas were originally identified through the regional mapping project undertaken by the Regional Council for the RPS. The methodology for identifying them can be found in APP1- Mapping methods and criteria and the schedules of high and outstanding natural character can be found in SCHED7 and SCHED8 of the District Plan. The mapped coastal environment accounts for approximately 12% of the district's total land area.

Much of the district's coastline is relatively undeveloped in the sense that there is limited built development and supporting infrastructure. The past few of decades have seen an increasing pressure for development in coastal areas, particularly along the east coast where there is a continued pattern of settlement which has placed additional pressure on coastal resources and character. Consideration needs to be given to both the preservation of the natural character of the coastal environment and the level of intervention to manage land use and subdivision, while ensuring the community's health, safety and wellbeing.

The coastal hazard rules are located in this chapter in accordance with the Planning Standards, while other natural hazards such as flooding are controlled in the Natural Hazards chapter. The Natural Hazards chapter consolidates all of the objectives and policies related to natural hazards including rules that must be considered when assessing proposals within a Coastal Hazard Area.

Council has a responsibility under the RMA, the NZCPS and the RPS to preserve and protect the natural character of the coastal environment from inappropriate land use and subdivision.

Objectives	
<b>CE-O1</b>	The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.
<b>CE-O2</b>	Land use and subdivision in the coastal environment: <ol style="list-style-type: none"> <li>preserves the characteristics and qualities of the natural character of the coastal environment;</li> <li>is consistent with the surrounding land use;</li> <li>does not result in urban sprawl occurring outside of urban zones;</li> <li>promotes restoration and enhancement of the natural character of the coastal environment; and</li> <li>recognises tangata whenua needs for ancestral use of whenua Māori.</li> </ol>
<b>CE-O3</b>	Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.

Policies	
<b>CE-P1</b>	Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.
<b>CE-P2</b>	Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as: <ol style="list-style-type: none"> <li>outstanding natural character;</li> <li>ONL;</li> <li>ONF.</li> </ol>
<b>CE-P3</b>	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as: <ol style="list-style-type: none"> <li>outstanding natural character;</li> <li>ONL;</li> <li>ONF.</li> </ol>
<b>CE-P4</b>	Preserve the visual qualities, character and integrity of the coastal environment by: <ol style="list-style-type: none"> <li>consolidating land use and subdivision around existing urban centres and rural settlements; and</li> <li>avoiding sprawl or sporadic patterns of development.</li> </ol>
<b>CE-P5</b>	Enable land use and subdivision in urban zones within the coastal environment where: <ol style="list-style-type: none"> <li>there is adequacy and capacity of available or programmed development infrastructure; and</li> <li>the use is consistent with, and does not compromise the characteristics and qualities.</li> </ol>
<b>CE-P6</b>	Enable farming activities within the coastal environment where: <ol style="list-style-type: none"> <li>the use forms part of the values that established the natural character of the coastal environment; or</li> <li>the use is consistent with, and does not compromise the characteristics and qualities.</li> </ol>



<b>CE-P7</b>	Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where: <ol style="list-style-type: none"> <li>the use is consistent with the ancestral use of that land; and</li> <li>the use does not compromise any identified characteristics and qualities.</li> </ol>
<b>CE-P8</b>	Encourage the restoration and enhancement of the natural character of the coastal environment.
<b>CE-P9</b>	Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.
<b>CE-P10</b>	Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ol style="list-style-type: none"> <li>the presence or absence of buildings, structures or infrastructure;</li> <li>the temporary or permanent nature of any adverse effects;</li> <li>the location, scale and design of any proposed development;</li> <li>any means of integrating the building, structure or activity;</li> <li>the ability of the environment to absorb change;</li> <li>the need for and location of earthworks or vegetation clearance;</li> <li>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</li> <li>any viable alternative locations for the activity or development;</li> <li>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</li> <li>the likelihood of the activity exacerbating natural hazards;</li> <li>the opportunity to enhance public access and recreation;</li> <li>the ability to improve the overall quality of coastal waters; and</li> <li>any positive contribution the development has on the characteristics and qualities.</li> </ol>

## Rules

### Notes:

- There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- The National Environmental Standards for Plantation Forestry 2017 (NES-PF) regulates plantation forestry and Regulation 6 of the NES-PF allows plan rules to be more stringent to give effect to Policy 13 of the NZCPS. Rule CE-R6 Plantation forestry and plantation forestry activities in this chapter contains more stringent rules for plantation forestry activities to protect natural character of coastal environment and prevails over the NES-PF regulations.
- The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.

<b>CE-R1</b>	<b>New buildings or structures, and extensions or alterations to existing buildings or structures</b>	
<b>Coastal environment</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> If a new building or structure is located in an urban zone it is: 1. no greater than 300m <sup>2</sup> ; and 2. located outside high or outstanding natural character areas. <b>PER-2</b> If a new building or structure is not located within an urban zone it is: 1. ancillary to farming activities (excluding a residential unit); 2. no greater than 25m <sup>2</sup> ; and 3. located outside outstanding natural character areas. <b>PER-3</b>	<b>Activity status where compliance not achieved with PER-1:</b> Discretionary (inside a high natural character area) Non-complying (inside an outstanding natural character area)
		<b>Activity status where compliance not achieved with PER-2:</b> Discretionary (outside an outstanding natural character area) Non-complying (inside an outstanding natural character area)
		<b>Activity status where compliance not achieved with PER-3 or PER-4:</b> Discretionary

	<p>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</p> <p><b>PER-4</b> The building or structure, or extension or addition to an existing building or structure, complies with standards: CE-S1 Maximum height. CE-S2 Colours and materials.</p>	
<b>CE-R2</b>	<b>Repair or maintenance</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like: 1. roads; 2. fences; 3. network utilities; 4. driveways and access; 5. walking tracks; 6. cycling tracks; or 7. farming tracks.</p>	<p><b>Activity status where compliance is not achieved with PER-1:</b> <b>Discretionary</b></p>
<b>CE-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks or indigenous vegetation clearance is: 1. required for repair or maintenance permitted under CE-R2 Repair or Maintenance; or 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. necessary to ensure the health and safety of the public; or 4. for biosecurity reasons; or 5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</p> <p><b>PER-2</b> The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance.</p>	<p><b>Activity status where compliance not achieved with PER-1:</b> <b>Discretionary</b></p> <p><b>Activity status where compliance not achieved with PER-2:</b> <b>Non-complying</b></p>
<b>CE-R4</b>	<b>Farming</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The farming activity is located outside high or outstanding natural character areas.</p>	<p><b>Activity status where compliance is not achieved with PER-1:</b> <b>Discretionary (outside an outstanding natural character area)</b> <b>Non-complying (inside an outstanding natural character area)</b></p>
<b>CE-R5</b>	<b>Demolition of buildings or structures</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>CE-R6</b>	<b>Plantation forestry and plantation forestry activity</b>	
<b>Coastal environment</b>	<p><b>Activity status: Discretionary</b></p>	<p><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></p>

	<b>Where:</b>  <b>DIS-1</b> The plantation forestry or plantation forestry activity is located outside outstanding natural character areas.	
<b>CE-R7</b>	<b>Extension to existing mineral extraction activity</b>	
<b>Coastal environment</b>	<b>Activity status: Discretionary</b>  <b>Where:</b>  <b>DIS-1</b> The extension is to an existing lawfully established mineral extraction activity and is located outside outstanding natural character areas.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>CE-R8</b>	<b>New mineral extraction activity</b>	
<b>Coastal environment</b>	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CE-R9</b>	<b>Land fill, managed fill or clean fill</b>	
<b>Coastal environment</b>	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>

<b>Standards</b>		
<b>CE-S1</b>	<b>Maximum height</b>	
<b>Coastal environment</b>	<ol style="list-style-type: none"> <li>1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula; and</li> <li>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.</li> </ol> <b>This standard does not apply to:</b> <ol style="list-style-type: none"> <li>i. The Orongo Bay zone.</li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>CE-S2</b>	<b>Colours and materials</b>	
<b>Coastal environment</b>	The exterior surfaces of buildings or structures shall: <ol style="list-style-type: none"> <li>1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%; and</li> <li>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>CE-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Coastal environment</b>	Any earthworks or indigenous vegetation clearance must (where relevant): <ol style="list-style-type: none"> <li>1. not occur in outstanding natural character areas; and</li> <li>2. not exceed a total area of:             <ol style="list-style-type: none"> <li>a. 50m<sup>2</sup> for 10 years from the notification of the District Plan in an area of high natural character; or</li> <li>b. 400m<sup>2</sup> for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas; and</li> </ol> </li> <li>3. not exceed a cut height or fill depth of 1m; and</li> <li>4. screen any exposed faces.</li> </ol> <b>Note:</b> The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

## Rules in coastal hazard areas

### Notes:

- i. A land use activity or subdivision may be subject to more than one hazard. Where this occurs, the most stringent activity status applies. Rules relating to other natural hazards, are located in the Natural Hazards chapter.
- ii. Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer or technical expert that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.
- iii. A land use activity or subdivision undertaken within a coastal hazard area may also be subject to other rules in the Coastal Environment chapter. When this occurs, the most stringent activity status applies and a site specific assessment of matters relating to the coastal environment and coastal hazard areas are required.

CE-R10		
External alterations to existing buildings		
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> There is no increase in the GFA of the building.</p> <p><b>PER-2</b> The external alteration, including any associated earthworks, does not direct coastal inundation onto other properties.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary refer to Rule CE-R14</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R14.</p>
CE-R11		
Maintenance, repair or upgrading of infrastructure, including structural mitigation assets		
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> There is no increase to the footprint of any above ground infrastructure.</p> <p><b>PER-2</b> Any works to maintain, repair or upgrade infrastructure does not direct coastal inundation onto other properties</p> <p><b>PER-3</b> The ground is reinstated to the equivalent state that existed prior to the works.</p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary where it meets Rule CE-R16.</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R16.</p>
CE-R12		
New buildings or structures		
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is one of the following: i. above ground buildings and structures with a footprint of 10m<sup>2</sup> or less and are not used for a vulnerable activity. ii. decks less than 30m<sup>2</sup> and less than 1m in height.</p> <p><b>PER 2</b> The building or structure including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>PER 3</b> All standards of the relevant zone applying to the activity are met.</p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary refer to Rule CE-R14 (buildings) or CE-R16 (structures)</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R14 or CE-R16</p>

CE-R13	Building or structures ancillary to farming activities	
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The accessory building or structure has a footprint that is less than 100m<sup>2</sup>.</p> <p><b>PER-2</b> The accessory building or structure is not located within a High Risk Coastal Hazard area.</p> <p><b>PER-3</b> The accessory building or structure does not contain a vulnerable activity.</p> <p><b>PER 4</b> The accessory building or structure, including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>PER 5</b> All standards of the relevant rural zone applying to the activity are met.</p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4 or PER-5: Restricted Discretionary refer to Rule CE-R14 (buildings) or CE-R16 (structures)</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R14 or CE-R16</p>
CE-R14	New buildings, and extension or alterations that increase the GFA of existing buildings	
Coastal hazard area	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> New buildings or extension or alterations of existing buildings, including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>RDIS-2</b> The new building (other than for a vulnerable activity) or extension or alteration to an existing building is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-3</b> A new building for a vulnerable activity is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-4</b> The activity complies with standards: CE-S4 Minimum floor levels CE-S5 Information requirements</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the nature and likelihood of the natural hazard event and effects on integrity of the building and associated structures or infrastructure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>the vulnerability and resilience of the building and associated structures or infrastructure to natural hazard events;</li> <li>provision of safe access and egress during a hazard event;</li> <li>the ability to relocate or adapt to the coastal hazard over time or in response to direct effects of the hazard;</li> </ol>	<p><b>Activity status where compliance with RDIS-1, RDIS-2 or RDIS-4 not achieved: Discretionary</b></p> <p><b>Activity status where compliance with RDIS-3 not achieved: non-complying</b></p>

	<ul style="list-style-type: none"> <li>v. whether the building and associated structures or infrastructure is likely to accelerate, worsen or result in material damage or increased inundation to that land, other land or any other building, structure or infrastructure;</li> <li>vi. the proposed duration of the activity within a hazard area;</li> <li>vii. any proposed hazard mitigation works and associated effects including on public access, landscape and other values; and</li> <li>viii. the effects of any vegetation planting or removal.</li> </ul>	
<b>CE-R15</b>	<b>Change in use to accommodate vulnerable activities within existing buildings</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The activity is accommodated within a building that complies with standards: CE-S4 Minimum floor levels CE-S5 Information requirements</p> <p><b>RDIS-2</b> The activity is not in a High Risk Coastal Hazard Area.</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>i. the nature and likelihood of the natural hazard event and effects on integrity of the building to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>ii. the vulnerability and resilience of the activity, including people and property, to natural hazard events;</li> <li>iii. provision of safe access and egress to the building during a hazard event;</li> <li>iv. the ability to relocate or adapt to the coastal hazard over time or in response to direct effects of the hazard;</li> <li>v. the proposed duration of the activity within a hazard area;</li> <li>vi. any proposed hazard mitigation works and associated effects including on public access, landscape and other values.</li> </ul>	<b>Activity status where compliance not achieved: Discretionary</b>
<b>CE-R16</b>	<b>New structures (excluding buildings) and infrastructure, and extensions or alterations to existing structures (excluding buildings and infrastructure)</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The structure or infrastructure is not a structural mitigation asset.</p> <p><b>RDIS-2</b> The new structure, infrastructure, extension or alteration, including any associated earthworks, does not increase coastal inundation on other properties.</p> <p><b>RDIS-3</b> The new structure, infrastructure, extension or alteration is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-4</b></p>	<b>Activity status where compliance not achieved: Discretionary</b>



	<p>The activity complies with standard: CE-S5 Information requirements</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>i. the nature and likelihood of the natural hazard event and effects on integrity of the structure or infrastructure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>ii. the vulnerability and resilience of the structure or infrastructure to natural hazard events;</li> <li>iii. provision of safe access and egress where necessary during a hazard event;</li> <li>iv. the ability to relocate or adapt to the coastal hazard over time or in response to direct effects of the hazard;</li> <li>v. whether the structure of infrastructure is likely to accelerate, worsen or result in material damage or increased inundation to that land, other land or any building, structure or infrastructure;</li> <li>vi. the proposed duration of the activity within a hazard area;</li> <li>vii. any proposed hazard mitigation works and associated effects including on public access, landscape and other values;</li> <li>viii. the effects of any vegetation planting or removal; and</li> <li>ix. for infrastructure, whether there is a functional or operational need to be located within the hazard area.</li> </ul>	
<b>CE-R17</b>	<b>Hazardous facility</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b> The facility is not located in a High Risk Coastal Hazard Area.</p>	<b>Activity status where compliance not achieved: Non complying</b>
<b>CE-R18</b>	<b>Hazardous facility</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b> The facility is not located in a High Risk Coastal Hazard area.</p>	<b>Activity status where compliance not achieved: Non-complying activity</b>
<b>CE-R19</b>	<b>Activities not otherwise listed in the coastal hazard area provisions</b>	
<b>Coastal hazard area</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>

#### Standards in coastal hazard areas

<b>CE-S4</b>	<b>Minimum floor levels</b>	
<b>Coastal hazard area</b>	<p>All activities occurring within buildings are designed so they will not be subject to inundation and/or material damage (including erosion) over a 100-year timeframe, and either:</p> <ul style="list-style-type: none"> <li>i. the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level</li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

	<p>in a 1 percent AEP flood event plus 1m sea level rise; or</p> <p>ii. the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.</p>	
<b>CE-S5</b>	<b>Information requirements</b>	
<b>Coastal hazard area</b>	Any application for a resource consent in relation to a site that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>